

Locke Township Cemetery Ordinance

Township of Locke
Ingham County
Williamston, Michigan 48895

ORDINANCE NO. 2018-02

An ordinance to protect the public health, safety and general welfare by establishing rules and regulations relating to the operation, control, and management of cemeteries owned by the Township Of Locke, Ingham County, State of Michigan: for the mutual protection of lot holders and the Township; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

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THE TOWNSHIP OF LOCKE, COUNTY OF INGHAM, STATE OF MICHIGAN ORDAINS:

Section 1: Title

This Ordinance shall be known and cited as the Locke Township Cemetery Ordinance #2018-02.

Section 2: Purpose

The cemetery grounds are intended to be used by the living as a place of respectful meditation. Traditional uses include the installation of flowers, flags and related items at the grave site, and quiet visitation by family members and friends of the deceased.

Section 3: Definitions

A cemetery **plot** shall consist of burial spaces sufficient to accommodate from one to fourteen burial spaces.

A cemetery **lot** is a single burial space.

A **holder** or **lot holder** is the person holding a right of burial in a particular lot.

A **burial space** shall consist of land area forty inches (40") wide and eight feet (8") in length intended for the interment of a human body.

A **cremation burial** is a burial of ashes of a cremated body.

Section 4: Sale, transfer and repurchase of burial rights

Sale of burial rights shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot. Such form shall be executed by the Township Clerk.

A lot holder shall notify the Township Clerk, in writing, of any changes of address or sale, transfer, conveyance, or assignment of burial rights to another party. No such changes shall be effective unless acknowledged in writing by the Township Clerk and recorded in the official township records.

If a lot holder is deceased, burial rights in an unused plot shall first transfer to a surviving spouse, unless stated otherwise in a will, trust or other document. If there is no surviving spouse, will, trust or other document, the transfer shall follow the basic law of succession to the next surviving descendant(s) (children, children's descendants, parents, siblings). Written documentation from the surviving descendant(s) agreeing to the transfer of burial rights to one or more descendant(s) shall be filed, recorded and executed by the Township Clerk.

The township may, but shall not be obligated to; repurchase burial rights from a holder who desires to sell at 65% of the original purchase price at the discretion of the Township Board.

Section 5: Forfeiture of vacant cemetery lots or burial spaces

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert to the township upon occurrence of the following events (pursuant to procedures set forth in 1931 PA 46, as amended MCL 128.11, et seq):

Notice shall be sent by the Township Clerk by first class mail to the last known address of the last holder of record informing them of the 40-year period and that all rights with respect to said lots or spaces shall be forfeited if they do not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the notice their desire to retain said burial rights.

If no written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last holder of record of said lots or spaces, or their heirs or legal representative, within 60 days from the date of mailing of said notice, the lot(s) revert back to the township.

Section 6: Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

Section 7: Correction of errors

The Township Board shall have the right to correct any errors which may be made, either in making interments or disinterment, or in the description, transfer or conveyance of any lots, either by canceling such conveyance and substituting and conveying in lieu thereof other lots of equal value and similar location as near as possible, or by refunding the amount of money paid on account of that purchase. In the event the error shall involve the reinterment of remains of any person, the Board shall have the right to remove and reinter in such other lots as may be substituted by the Board.

Section 8: Lot locations

Locations of all lots shall be in accordance with the Cemetery Map which shall be kept on file in the Township Clerk's office.

The Township Board reserves the right to enlarge, reduce, replot or change the boundaries or grading of the cemetery or lots therein. The Board reserves to itself and to its employees and contractors the rights of ingress and egress over lots for the purpose of maintenance or of passing to and from other lots. The Cemetery Lot Certificate or Rights of Burial (formerly the Deed) issued by the Clerk and a copy of these rules and regulations shall constitute the agreement between the Township Board and the lot holder.

Section 9: Purchase price and transfer fees

Purchase prices and transfer fees shall be set by resolution of the Township Board. The Township Board may periodically alter by resolution the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 10: Grave opening/closing charges and regulations

The opening and closing of any burial space, including the interment of cremains, shall be at a cost determined by resolution of the Township Board, payable to the township.

No burial spaces shall be opened or closed except under the direction and control of the Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which are under the supervision of the local health department.

Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the holder or holder's agents.

When extreme weather conditions prevail, interment will be delayed, at the sole discretion of the Sexton.

Section 11: Markers or monuments

All markers or monuments shall be of stone, concrete or other equally durable composition. Coping, fences, hedges, curbs, benches, steps, structures of wood or other perishable material are prohibited. The materials used, and manner of erecting monuments, headstones, and markers shall be subject to the approval of the Locke Township Clerk or the Sexton.

Any monument shall be located upon a suitable foundation to maintain the same in an erect position. The footing or foundation upon which any marker or monument shall be placed shall be constructed by the Township Sexton at the expense of the holder of the burial right or the monument company.

Should any monument or memorial become unsightly, dilapidated or dangerous, the Township shall have the right, at the expense of the holder, to correct the condition or remove the same after giving 30 days written notice to the last holder of record.

Only one marker shall be permitted per burial space, with the exception of veteran markers. Only one monument shall be permitted on a family burial lot.

The Township Board reserves the right to make all final determinations on the appropriateness and conformity of individual monuments or markers.

Section 12: Interment regulations

Not more than one body shall be buried in a burial space except for a mother and baby, if buried at the same time, or in the case of cremation burials.

In all interments, the casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete boxes; and concrete, copper or steel burial vaults. Not less than thirty-six (36) hours notice shall be given in advance of any funeral to allow for the opening of the burial spaces.

All burials shall be arranged through the Township Clerk and/or the Sexton. The appropriate permit for burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Sexton or the Township Clerk prior to interment, as provided by State law. Where such permit has been lost or destroyed, no interment shall be commenced until the Township Clerk is satisfied, from his or her records, that the person to be buried in the burial space is authorized and appropriate. Burial in any township cemetery is restricted to the lot holder, his/her parents, children, or spouse, unless written authorization is obtained from such holder. The Township reserves the right to refuse burial.

The Township assumes no responsibility for errors in opening graves when such errors are caused from improper instruction of a lot holder. Orders from funeral directors may be accepted by the Township as orders from the holders. Under no circumstance shall the Township assume responsibility for error in opening when orders are given by telephone. No graves shall be opened except by the Township. Funeral directors shall arrange the time of the funeral so that the interment is completed by 4 PM.

The Township reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

No lot shall be used for any other purpose than the burial of the human remains and the placing of appropriate memorials. The interment of animals is prohibited.

Section 13: Cremation burial

A maximum of four (4) cremation burials shall be allowed to be placed in one cemetery lot unless permission is otherwise granted by the Township Board. A maximum of two (2) cremation burials shall be allowed on a lot containing a previous burial. All cremation burials shall contain a large metal washer or metal object, so the container can be found, if needed, by metal detector. Cremains shall not be scattered over existing graves.

Section 14: Ground maintenance/grave decoration

The general care of the cemetery is assumed by the Township and includes the seeding, top– dressing, cutting of grass at reasonable intervals, the raking and/or cleaning of the grounds and the pruning of shrubs and trees. It shall also include the upkeep of drives, buildings and fences. Cemetery care shall not include the maintenance of memorial markers or monuments. Contractors and workers engaged within the cemetery on any class of work whatsoever shall be responsible for any damage done by them to any cemetery properties. The Township shall not be responsible for any kinds of individual planting damaged by the elements, vandals, thieves or by other causes beyond its control.

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Sexton or the Township Clerk. No elevated mounds shall be built over graves and no space shall be filled above the grade.

The Township reserves the right to remove or trim any tree, plant, shrub or ornamentation located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

No trees, shrubs, hedges, vines or other growing thing shall be placed upon any lot except by approval of the Township Board, Clerk or Sexton. If permission is granted, plantings may not encroach on other burial sites or exceed thirty-six (36) inches in height. Flowers, trees or shrubs shall not be picked, disturbed or mutilated. Plantings without permission may be removed without notice.

The Township Board, Sexton or caretaker shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, and damage or otherwise become unsightly, dangerous, detrimental, diseased, a source of litter or a maintenance problem, or when they do not conform to the standards maintained.

Flowers may be planted in a space not more than eighteen (18) inches square in front of a marker or at the head of the grave. Plantings shall not exceed three (3) feet in height above the ground and shall not extend past the burial site boundary while in full bloom. Items exceeding the allowable height and border standards may be removed by the Township. Surfaces other than earth or sod are prohibited. Holders are responsible for the care and maintenance of grave decorations.

Except for markers, memorials, flowers and urns expressly allowed by this Ordinance, and veteran flags as authorized by law, no other item (including but not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other structures, jars, bottles, jugs, candles, plastic, cement, fiberglass, metal and wood objects), are prohibited unless otherwise approved by the Township. Items in violation of the regulation may be removed by the Township.

Grave blankets and artificial flowers shall be allowed from November 1st until April 1st of each year. The Township may dispose of blankets and artificial flowers which remain after April 1st.

All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, and flower containers shall be removed or deposited in the appropriate area located to the back of the cemetery.

The Township assumes no responsibility for damages incurred to any marker, urn, shrub, or plant that is unintentionally chipped, marred, marked, cut or damaged in the course of normal lot care.

Section 15: Flags for Veterans

The Township shall furnish a suitable flag holder and the United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried within the limits of a cemetery belonging to the Township. The flag holder and the United States flag shall be placed on the grave of each veteran for the purpose of marking and designating the grave for memorial purposes.

Section 16: Cemetery hours and general regulations

The cemetery shall be open to the general public from sunrise to sunset each day.

No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board, Sexton or caretaker of the cemetery.

No vehicles shall be driven on other than established drives except for maintenance purposes.

No person shall possess or use any alcoholic beverage in the Township Cemeteries.

No person shall possess or use any firearm on cemetery property except in the cases of military funerals or ceremonies by official veteran's organizations.

No person shall use any form of advertising on cemetery premises.

Section 17: Intentional damage; penalties

No person shall intentionally damage or deface any marker, monument, vegetation or other ornamentation within any cemetery owned by the Township.

Any person, firm or corporation who violates any of the provisions of this section shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail and all costs of prosecution. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of. The impositions of any fees and costs shall not exempt the offense from compliance with the requirement of this ordinance.

Section 18: Civil penalties

Any person, firm or corporation who violates any of the provisions of this Ordinance other than Section 17 or who erects, causes, maintains, or having a responsibility to correct, allows to continue any monument, planting, structure or condition in violation of this Ordinance shall be guilty of a municipal civil infraction and shall be subject to a civil fine of up to \$500.00 and all costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense. The imposition of any fees and costs shall not exempt the offense from compliance with the requirement of this Ordinance.

Section 19: Severability

The provisions of the within Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

Section 20: Repealer

All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 21: Effective date

This Ordinance shall take effect on April 25, 2018 or thirty (30) days after publication, whichever is later.