

**TOWNSHIP OF SPRING ARBOR
COUNTY OF JACKSON, MICHIGAN**

**CEMETERY ORDINANCE
ORDINANCE NO. 39-D**

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of cemeteries owned by the Township of Spring Arbor, Jackson County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

**TOWNSHIP OF SPRING ARBOR
COUNTY OF JACKSON, MICHIGAN ORDAINS:**

**SECTION I
Title**

This Ordinance shall be known and cited as the Spring Arbor Township Cemetery Ordinance.

**SECTION II
Definitions of Cemetery Lots and Burial Spaces**

- A. A cemetery lot shall consist of a land area sufficient to accommodate from one to eight burial spaces.
- B. An adult burial space shall consist of a land area at least forty inches wide and ten feet in length.
- C. All burial spaces shall be used only for human remains.

**SECTION III
Sale of Burial Rights**

- A. The purchase of cemetery lots or burial rights shall be reserved primarily for residents of the Township for the purpose of the burial of the purchaser or the purchaser's heirs at law or next of kin, but the Township Clerk may permit the burial of a person because of previous residence in the Township or for other sufficient personal reasons.
- B. All such sales 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 or burial space sold. Such form shall be executed by the Township Clerk.
- C. The Township Board reserves the right to sell only one lot to a family unless the family burials exceed the number of burials on permitted on one lot.
- E. Burial rights may be transferred only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by the Clerk, and entered upon the official records of the Clerk. Upon such assignment, approval and entry, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate the original permit.

SECTION IV
Purchase Price and Grave Opening Charges

- A. The Township Board may by resolution establish the purchase price for burial spaces for township residents, former residents, and non-residents permitted to purchase space in the cemetery.
- B. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by Resolution of the Township Board, payable to the Township.
- C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost no fee.
- D. The Township Board may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- E. No burial space shall be opened and closed except under the supervision of the Sexton under the direction of the Township Clerk. This provision shall not apply to proceedings for removal and reinterment of bodies and remains, which matters are under the supervision of the county health department.

SECTION V
Markers or Memorials

- A. All markers or memorials must be of stone, bronze or other equally durable composition.
- B. All monuments must be located upon a suitable solid foundation to maintain the same in an erect position.**
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at the expense of the owner of the burial right. All foundations shall extend three inches beyond the base of the monument, marker or memorial. Urns for flowers must be placed on the foundation, which can be extended beyond the three inch requirement,
- E. The Township has the right to bury broken or irreparable markers on existing grave sites if the owner or family fails to repair or remove such markers. The Township Clerk will make a reasonable attempt to notify the owner or family before the marker is buried.
- F. All burials shall be made so as to allow sufficient room at the end for footings and/or markers.
- G. No marker or headstone shall be placed on any lot not fully paid for or against which any fees remain unpaid.**

SECTION VI
Interment Regulations

A. A single burial space may contain up to five burials, defined as one full burial and four cremains. The full burial must occur before the cremains, otherwise only four cremains will be allowed. More than one name is allowed on a marker. Only one person may be buried in a burial space except for a mother and infant(s.) Two children can be buried in a burial space provided that the vaults do not exceed the length of the grave site.

B. Not less than 36 hour notice shall be given to Township Clerk in advance of a funeral to allow sufficient time for the opening of the burial space.

C. The permit for the burial space, together with identification of the person to be buried, shall be presented to the cemetery Sexton or the Township Clerk prior to interment. Where the permit has been lost or destroyed, the Township Clerk must be satisfied from the records that the person to be buried in the burial space is an authorized and appropriate person before any interment is commenced or completed.

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

E. Where arrangements for indigent burials are made through an authorized welfare agency, the Clerk shall select a suitable grave site in the cemetery. No markers or monuments may be erected on indigent lots until full remuneration has been made for a regular lot.

F. The Township shall not be held responsible for errors in the location of graves or lots arising from improper instructions from lot owners. Orders from funeral directors shall be construed as orders from owners and must be in writing.

G. The Clerk shall keep a register and record of all interments in the cemetery. The record shall disclose the name of the deceased, name of the nearest relative, last known address, and name and address of the funeral home. The record shall be part of the public records of the Township.

H. All workers in the cemetery must suspend all labor until the conclusion of a service, if working on the cemetery grounds.

SECTION VII
Ground Maintenance

A. All plants and urns shall be within 18" of the grave marker and kept in line, and shall not exceed the boundaries of lots owned by one person.

B. There shall be no artificial decorations on wire frames which may cause damage to mowing equipment. There shall be no planting of plants, shrubberies, or trees. There shall be a limit of two potted plants on each lot, with each plant setting on the concrete foundation for the marker. Cut flowers shall be limited to two metal vases on each lot. Glass containers shall be prohibited. The use of plastic or breakable containers is strongly discouraged.

- C. Shepherd hooks are allowed and must be placed next to the foundation.
- D. All summer decorations shall be removed by November 1st. All winter decorations shall be removed by April 1st.
- E. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery, even if previously approved for planting by the owner.
- F. The Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and/or urns which through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers, must be removed.
- H. The cemetery shall take reasonable precautions to protect plot assignees, within the cemetery, but it disclaims responsibility for loss or damage from causes beyond its reasonable control, including without limitation, damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosives, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral
- I. Cement or metal urns may be removed, if in the judgment of the Township Supervisor and Township Clerk, they have become unsightly. The Sexton shall have the right to remove and destroy all unsightly or forbidden objects.

SECTION VIII
Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery lots or burial spaces remaining vacant for sixty (60) years from the date of their sale shall revert to the Township if notice sent by the Township clerk by registered mail to the last known address of the owner of record informing the owner of the expiration of the sixty-year period and that all rights with respect to the lot or space will be forfeited if the owner does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of the mailing of the said notice of a desire to retain the burial rights.

Section IX
Repurchase of Lots or Burial Spaces

The Township may repurchase any cemetery lot or burial space from the owner for the original price paid for the cemetery lot or burial space, or if the original price cannot be determined, 25% of the prevailing price paid by Township residents, upon the written request of said owner or his legal heirs or representatives.

SECTION X
Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, 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 XI
Vault

All adult burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

SECTION XII
Cemetery Hours

- A. The cemetery shall be open to the general public from the hours of daylight to dark.
- B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Sexton of the cemetery.

SECTION XIII
Cemetery Conduct

- A. The following are prohibited in the cemetery:
 - 1. Food, alcohol beverages and other refreshments.
 - 2. Firearms
 - 3. Pets and other animals.
 - 4. Motorcycles, snowmobiles, dirt bikes and ATV's.
- B. Flowers may not be picked and damage to shrubs and trees is prohibited.
- C. The speed limit on all cemetery roads shall be ten (10) miles per hour and no one may drive a vehicle in areas other than the established cemetery roads without permission of the Township Clerk or cemetery Sexton.
- D. Minor children must be accompanied by and be supervised by an adult.

SECTION XIV
Errors May Be Corrected

The Township Clerk shall have the right to correct any errors that may be made, either in making interments, disinterments, or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible, or as may be selected by the Township Clerk, or by refunding the amount of money paid.

In the event the error shall involve the interment of remains of any person in such property, the Township Clerk shall have the right to remove and re-inter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

SECTION XV
Penalties

Any person, firm or corporation who violates any of the provisions of this Ordinance 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 as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecution hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION XVI
Severability

The provisions of this 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 or effect.

SECTION XVII
Effective Date

This Ordinance shall take effect on July 8, 2013. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Marston J. Fortress, Township Supervisor

Julia K. Stonestreet, Township Clerk