

EFFECTIVE
4/29/18

**ORDINANCE NO. 71
TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN**

CEMETERY ORDINANCE

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 Whiteford Township, Monroe County, Michigan, which include Whiteford Union, Lakeview and Van Auken Cemeteries; to provide penalties for the violation of said ordinance; to amend Ordinance No. 49-A in its entirety; and to repeal all ordinances in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF WHITEFORD, COUNTY OF
MONROE, STATE OF MICHIGAN, ORDAINS:**

SECTION 1: TITLE

This ordinance shall be known and cited as the Whiteford Township Cemetery Ordinance.

SECTION 2: DEFINITIONS:

- A. A cemetery lot shall consist of four (4) burial spaces.
- B. One adult burial space shall consist of a land area four (4) feet wide by fourteen (14) feet in length.
- C. A burial space for cremated remains shall contain the remains of no more than two (2) individuals.
- D. A "resident" is an individual who pays real estate taxes and/or resides within Whiteford Township.
- E. A "non-resident" is an individual who does not satisfy the definition of a "resident".

SECTION 3: PURCHASING THE "RIGHT OF BURIAL":

- A. Hereafter, burial spaces shall be purchased for the Right of Burial to residents, taxpayers of the Township, or non-residents for the purpose of the burial of such purchaser.
- B. All sales shall be made on a form approved by the Township Clerk, which grants a Right of Burial only, and does not convey any other title to the lot or burial space sold. The Township Clerk will execute such forms, including a "Burial Rights Certificate" in the form as is attached hereto and marked Appendix "A".
- C. At the time of purchasing a Right to Burial, the buyer shall designate who will be interred in each burial space and shall disclose whether the burial space is for a resident or non-resident. The purchaser shall pay the appropriate required fee at the time of purchase.

- D. The Township Clerk shall document each designated burial space as part of the Burial Rights Certificate. It is the responsibility of the purchaser to inform those whom are designated.
- E. No Right to Burial shall be sold without designation of each burial space.
- F. Burial Rights may only be transferred by those persons eligible to be original purchasers of burial spaces within Whiteford Township and be effectuated only by endorsement of an assignment of such Right to Burial upon the original Right to Burial form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Transfers made from a resident purchaser to a non-resident shall include a fee of the difference between original resident purchase price to the current non-resident price for each burial space.
- G. The Township Clerk shall be responsible for maintaining the official records that indicate the name and location of the decedent within the cemetery.
- H. No sales or transfers of Burial Rights shall be allowed to individuals for resale, including funeral directors, religious societies, organizations, brokers or other entities. This shall not prohibit an individual from buying a right of burial for his or her own interment.

SECTION 4: PURCHASE PRICE AND TRANSFER FEES:

- A. The Whiteford Township Board, by resolution, may periodically alter the fees to accommodate increased costs and any needed reserve fund for cemetery maintenance and acquisition.
- B. The applicable charges shall be paid to the Township Treasurer or an agent of that office and shall be deposited in the general government account.
- C. A transfer fee shall be charged for transfer of one or more burial spaces from an original purchaser to a qualified assignee. Said fee will be established by a resolution adopted by the Whiteford Township Board.
- D. The burial space price, the cost of any services required to open and close the burial space, and all other associated fees shall be paid in full at the time of burial.
- E. A Right of Burial may not be resold.

SECTION 5: GRAVE OPENING AND CLOSING CHARGES:

The opening and closing of any burial space, including interment of ashes, shall be at a cost to be determined by resolution of the Whiteford Township Board. Costs may be periodically altered. These fees may be collected by the Cemetery Sexton or by the Whiteford Township Treasurer's office. Checks shall be made payable to Whiteford Township. All cash payments shall be paid directly to the Whiteford Township Treasurer's office.

SECTION 6: MARKERS OR MEMORIALS:

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Only one monument, marker or memorial shall be permitted per burial space, with the exception of a military marker, or family marker for adjacent graves.

- C. All monuments, markers and memorials must be placed upon a suitable foundation to maintain the same in an erect position and constructed to withstand weather changes, including frost heaving.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Cemetery Sexton at a cost to the owner of the Burial Right.

SECTION 7: INTERMENT REGULATIONS:

- A. Types of burials allowed in Whiteford Township Cemeteries:
 - one whole body burial in a single burial space;
 - one adult (whole body) and infant (whole body) in a single burial space*;
 - two children (whole bodies), burial at the same time, in a single burial space*;
 - one whole body burial and one cremation burial in a single burial space;
 - two cremation burials in a single burial space;
 - one cremation burial in a single burial space.

*The Cemetery Sexton shall make the final determination if a burial space may be shared by an adult and child, or two children. The Cemetery Sexton's decision is final.

- B. Not less than a thirty-six (36) hour notice shall be given in advance of any time of any funeral to allow for the opening of a burial space.
- C. The appropriate Right to Burial information shall be given to the Cemetery Sexton or Township Clerk to satisfy identification and purchase of burial space prior to interment. Where such record has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is a qualified designate.
- D. A Burial Transit Permit shall be given to the Cemetery Sexton at the time of burial.
- E. All burial spaces shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION 8: GROUND MAINTENANCE:

- A. No grading, leveling or excavating upon a burial space shall be allowed without permission of the Township Clerk.
- B. Whiteford Township reserves the right to remove, or trim any tree, plant, or shrub located within the cemeteries in the interest of maintaining proper appearance and use of the cemeteries.
- C. Mounds which hinder the free use of a lawn mower, or other gardening apparatus, are prohibited.
- D. The Cemetery Sexton, or maintenance staff shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage, or in any way became unsightly, a source of litter, or a maintenance problem.
- E. Surfaces other than dirt such as stones, rocks, or wood chips are prohibited.
- F. All refuse of any kind, including, among others, dried flowers, wreaths, papers, and flower containers must be removed.

- G. Fencing, decorations, flowers, shrubs, trees, or vegetation of any kind other than grass shall not be placed in front of any headstone marker which extends into an aisle or walkway.
- H. The planting or any type of tree or shrub is prohibited and will be removed without notice.
- I. No flowers or vegetation of any type shall be planted without the approval of the Cemetery Sexton or Township Clerk. The Cemetery Sexton or maintenance staff may remove any of the foregoing items planted without such approval.
- J. Winter decorations/items must be removed by March 1st. Spring/Summer decorations must be removed by November 1st. Any item(s) not removed by these dates will be removed and disposed of by the maintenance staff.
- K. Flower urns shall be placed directly behind the headstone or marker and not at the foot or any other part of the burial space.
- L. Cut and artificial flowers are permitted throughout the year.
- M. Flowers and/or decorations are permitted in containers that are made of a permanent, durable substance within the twelve (12) inches in front of the monument, marker or memorial. No glass or plastic containers shall be permitted.
- N. One (1) shepherd's hook per burial space is allowed and must be placed within twelve (12) inches of the headstone or marker.

SECTION 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES:

Cemetery lots or burial spaces sold after the effective date of this or the predecessor 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:

- A. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record, informing him or her of the expiration of the forty (40) year period, and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the notice his or her desire to retain said rights. The owner of every cemetery lot or burial space shall be responsible for notifying the Township Clerk whenever their mailing address changes.
- B. If the Township Clerk is not notified by the last owner of record or burial space or by his or her heirs or legal representative within sixty (60) days of mailing the notice, then the Township Clerk shall publish the notice within a newspaper of general circulation within Whiteford Township.
- C. If the Township Clerk does not receive a written response to the public notice within thirty (30) days from the date of mailing it, then the Right to Burial shall be deemed forfeited.

SECTION 10: REPURCHASE OF LOTS OR BURIAL SPACES:

- A. The Township will repurchase any cemetery lot or burial space from the owner for the original price paid to the Township upon written request of said owner or his legal heirs or representatives.

- B. The Township will honor all past Deeds or Burial Rights Certificates issued by the Township. A Deed from this day forward that is transferred may only be transferred into a "Right of Burial" certificate.

SECTION 11: RECORDS:

The Township Clerk shall maintain records concerning all burials, issuance of Burial Rights Certificates and Burial Transit Permits separate and apart from any other records of the Township, and the same shall be open to public inspection.

SECTION 12: VAULT:

All burials shall be within a standard premanufactured concrete vault installed in each burial space before interment. A vault for cremated remains is optional.

SECTION 13: CEMETERY HOURS:

- A. The cemeteries in Whiteford Township shall be open to the general public from the hours of dawn to dusk each day.
- B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Cemetery Sexton.

SECTION 14: 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 ninety (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 of the activity or violation.

SECTION 15: 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 and effect.

SECTION 16: CONFLICTING ORDINANCE:

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

SECTION 17: EFFECTIVE DATE:

This Ordinance shall take effect thirty (30) days after publication.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF WHITEFORD, COUNTY
OF MONROE, STATE OF MICHIGAN

AUTHENTICATED:

By: Angela Christensen
Angela Christensen,
Whiteford Township Clerk

By: Walter Ruhl
Walter Ruhl,
Whiteford Township Supervisor

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Whiteford Township Board of Trustees, Monroe County, Michigan, at a regular meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 20th day of March, 2018.

The vote on said Ordinance, four (4) members being present and one (1) member being absent, was as follows:

AYES: Donald Sahloff, Bernice Heidelberg, Angela Christensen, Walter Ruhl

NAYS: None

ABSENT: Tim Hill

I, Angela Christensen, Whiteford Township Clerk, do hereby certify that this Ordinance, or a summary of it, was published on the 29th day of March, 2018 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: March 29, 2018

Angela Christensen
Angela Christensen,
Whiteford Township Clerk

ATTEST:

Walter Ruhl
Walter Ruhl,
Whiteford Township Supervisor

ADOPTED: March 20, 2018

PUBLISHED: March 29, 2018

EFFECTIVE: April 29, 2018

WHITEFORD TOWNSHIP
CEMETERY LOT CERTIFICATE
RIGHT OF BURIAL

Certificate No.

Date:

Lot Holder Name(s):

Street Address:

City, State, Zip:

THIS IS TO CERTIFY that

paid the sum of _____, which payment entitles him/her/them and his/her/their heirs to the exclusive right and privilege of interment and burial, and assigns forever the following with perpetual care in

Of Whiteford Union Cemetery in the Township of Whiteford, County of Monroe and State of Michigan, according and subject to the rules, regulations, and ordinances, either now in force or hereafter enacted on the record in the office of the Whiteford Township Clerk.

This Cemetery Lot Certificate is a receipt acknowledging payment in full for the right of burial in the aforementioned space(s) only. It does not constitute ownership, title or deed of real property. This Certificate is not assignable and is void if held by anyone other than the person(s) herein named, or his/her/their heirs at law without the prior consent of the Whiteford Township Clerk.

The full payment acknowledged herein does not include the interment fee for burial service or the cost for memorialization at any burial space.

Angela Christensen, Clerk

STATE OF MICHIGAN, COUNTY OF MONROE)SS:

On this _____ day of _____ before me, a Notary Public in and for said County, personally came Angela Christensen, Clerk of the Township of Whiteford, known to me to be the person who executed the foregoing instrument and acknowledged that she executed the same on behalf of the Township of Whiteford, for the purposes therein expressed.

Notary

THIS CEMETERY LOT CERTIFICATE IS SUBJECT TO ALL RULES, REGULATIONS, AND ORDINANCES NOW IN EFFECT OR HEREAFTER ENACTED.