

ORDINANCE NO. 49 - A
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 the township of Whiteford Township, Monroe County, Michigan; to provide penalties for the violation of said ordinance; to amend Ordinance No. 49 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. An adult burial space shall consist of a land area four feet wide by twelve (12) feet in length.
- C. A grave space for cremated remains may contain the remains of two (2) individuals.

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 or his or her heirs at law, or next of kin. For purposes of this Ordinance, a "resident" is an individual who pays taxes and resides within Whiteford Township or a resident's spouse, sister, brother, aunt, uncle, lineal or legal descendant of a resident purchasing a right of burial.
- 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. The Township Clerk will execute such forms, including a Cemetery Lot Certificate in the form as is attached hereto and marked Appendix "A".
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots, or burial spaces within the township, and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. The person purchasing the right of burial must, at the time of purchase, identify who will be interred in accordance with the format shown on Appendix "A". The Township Clerk shall be responsible for maintaining the official records that indicate the name and

location of the decedent within the cemetery. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assigned, and shall cancel and terminate upon such records, the original permit thus assigned.

SECTION 4: PURCHASE PRICE AND TRANSFER FEES:

- A. The 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 Clerk or an agent of that office, and shall be deposited in the general fund.
- C. A transfer fee may 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 Township Board.
- D. No burial shall take place unless the lot purchase price, the cost of any services required to open or close the lot, and all other fees have been paid in full.
- E. A Right of Burial may not be resold.

SECTION 5: GRAVE OPENING AND CLOSING CHARGES:

- A. The opening and closing of any burial space, prior to and following a burial therein, including interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board upon recommendation of the Cemetery Sexton. These fees will be Made payable to Whiteford Township.

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 located 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 buried in a single grave;
 - a parent (whole body) and infant (whole body)*;
 - two children (whole bodies) buried at the same time*;
 - one whole body burial and one cremation burial;
 - two cremation burials in a single grave;
 - one cremation burial

*The Cemetery Sexton will make the final determination if a grave may be shared by a parent and child, or two children. His or her decision is final.

- B. Not less than thirty-six (36) hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.
- C. The right of burial permit of the person to be buried therein, where necessary, shall be presented to either the Sexton or the Township Clerk 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 an authorized and appropriate one, before any interment is commenced or completed.
- D. Sites determined to be for cremation burial only will be limited to two burials per grave.
- E. An infant or stillborn burial space can be placed at the foot of a whole body grave, or where one cremation burial exists.
- F. All graves 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. The Township reserves the right to remove, or trim any tree, plant, or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.
- 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 otherwise become 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 or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.
- 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. Christmas decorations/items must be removed by April 15th. November 15th of each year will be the deadline to remove spring and/or summer decorations. Also on this date, all urns must be turned over on the ground. If not, the Cemetery Sexton or maintenance staff may remove and dispose of the urn. Any other item(s) not removed by these dates will be removed and disposed of by the maintenance staff.

- K. Urns will be placed directly behind the headstone or marker and not at the foot or any other part of the gravesite.
- L. Cut and artificial flowers are permitted throughout the year.
- M. Arrangements not in a permanent vase will be removed after one (1) week.
- N. Flowers and/or decorations are permitted in containers that are made of a permanent, durable substance in the twelve inches in front of the monument, marker or memorial. No glass or plastic containers shall be permitted..
- O. One (1) shepherd's hook per gravesite is allowed. This decoration must be placed close to the headstone.
- P. Religious symbols, flags, potted plants, wreaths, baskets and other like items are permitted for the week before and after the following holidays: Easter Sunday, Mother's Day, Memorial Day and Father's Day.

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 desire to retain said rights.
- B. 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 owner of record of said lots or space, or his or her heirs or legal representatives within sixty (60) days from the date of mailing of said notice, will be construed as having no interest in retaining the "Right of Burial".

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 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 permits, separate and apart from any other records of the township, and the same shall be open to the 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 Township Board.

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

By: Angela Christensen
Angela Christensen,
Whiteford Township Clerk

AUTHENTICATED:

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 Township Board of the township of Whiteford, County of Monroe, State of 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 DECEMBER, 2011.

The vote on said Ordinance, 5 members being present and 0 members being absent, was as follows:

Member's Last Name

Voting in Favor:

<u>SAHLOFF</u>	_____
<u>HILL</u>	_____
<u>DRESSELL</u>	_____
<u>CHRISTENSEN</u>	_____
<u>RUHL</u>	_____

Voting Against:

_____	_____
_____	_____
_____	_____
_____	_____

Abstained:

_____	_____
_____	_____

Absent:

_____	_____
_____	_____

I, Angela Christensen, the Township Clerk of the Township of Whiteford, do hereby certify that this Ordinance, or a summary of it, was published on the 4th day of JANUARY, 2012 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: 1-5-2012

Angela Christensen
Angela Christensen,
Whiteford Township Clerk

ATTEST:

Walter Ruhl
Walter Ruhl,
Whiteford Township Supervisor

ADOPTED: 12-20-2011

PUBLISHED: 1-4-2012

EFFECTIVE: 2-4-2012