

ORDINANCE NO. 71-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 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. 71 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. **Adult Burial Space** shall consist of an area four (4) feet wide by fourteen (14) feet in length.
- B. **Cremation Burial Half-Grave Space** shall consist of an area four (4) feet wide by seven (7) feet in length.
- C. **Infant Burial Half-Grave Space** shall consist of an area four (4) feet wide by seven (7) feet in length.
- D. **Cemetery Lot** shall consist of four (4) adult burial spaces.
- E. **Resident** is an individual who pays real estate taxes and/or resides within Whiteford Township.
- F. **Non-Resident** is an individual who does not satisfy the definition of a "resident".
- G. **Immediate Family** shall consist of spouse, parent, stepparent, grandparent, child, stepchild, grandchild, and spouse of the aforementioned, of the owner(s) of the Right of Burial, and shall include "great-" to the above, where applicable.
- H. **Sexton** shall be the Township Clerk or the Township Clerk's designee.
- I. **Right of Burial** shall grant the right of burial only, and does not convey any other title to the lot or burial space sold.

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. The Township Clerk will execute such forms, including a "Burial Rights Certificate" or "Right of Burial" in the form as is attached hereto and marked Appendix "A".
- C. At the time of purchasing a Right of 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 of Burial shall be sold without designation of each burial space.
 - F. The owner of every cemetery lot or burial space shall be responsible for notifying the Township Clerk whenever their mailing address changes.
 - G. Rights of Burial 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 of Burial upon the original Right of 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.
 - H. The Township Clerk shall be responsible for maintaining the official records that indicate the name and location of the decedent within the cemetery.
 - I. No sales or transfers of Rights of Burial 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 purchase price of a burial space and any transfer fees shall be established by the Township Board, by resolution, and may be periodically altered 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:

- A. The opening and closing of any burial space, including interment of cremated remains, shall be at a cost to be determined by resolution of the Township Board. Costs may be periodically altered. These fees may be collected by the Cemetery Sexton or by the 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.
- B. No burial spaces shall be opened and closed except under the direction and control of the Sexton.

SECTION 6: MARKERS, MONUMENTS, OR MEMORIALS:

- A. Prior to placement of a marker, monument, or memorial on a burial space, all fees shall be paid in full for that burial space.
- B. All markers, monuments, or memorials must be of stone or other equally durable composition.
- C. 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.
- D. Markers, monuments, and memorials shall not exceed 42" in width per burial space.
- E. Half-Grave burial spaces shall only have flat, ground level markers, monuments, or memorials.
- F. 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.
- G. The footing or foundation upon which any marker, monument, or memorial must be placed shall be paid by the owner of the Right of Burial before construction of the foundation by the Cemetery Sexton at a cost determined by the base size of the marker, monument or memorial.
- H. Monuments ordered online or with an outside company shall notify the Whiteford Township Clerk's office in advance of delivery, as additional delivery charges will apply. Any online purchases must be preapproved by the Township Clerk and Sexton. Delivery must be coordinated in advance of shipment with a third-party monument company. The Township shall not be liable for any damage caused due to improper delivery. The Township reserves the right to refuse delivery if these procedures are not followed.
- I. The alignment and placement of all monuments, markers and memorials shall be at the discretion of the Cemetery Sexton, keeping with the planned arrangement of the cemetery by the Township.

SECTION 7: INTERMENT REGULATIONS:

- A. Burials allowed in Whiteford Township Cemeteries:
 - 1. One adult whole body burial in a single Adult Burial Space
 - 2. One adult whole body and infant whole body in a single Adult Burial Space
 - 3. Two infant whole bodies, burial at the same time, in a single Adult Burial Space
 - 4. One adult whole body burial and one cremation burial in a single Adult Burial Space
 - 5. One cremation burial in a single Adult Burial Space or in a Half-Grave Burial Space.
 - 6. Two cremation burials in a single Adult Burial Space or in a Half-Grave Burial Space.
 - 7. One infant or child whole body in a Half-Grave Burial Space.
 - 8. The location of half-grave burial spaces shall be determined at the discretion of the Sexton and the master plan as established by the Township Board.
 - 9. No private mausoleums shall be permitted.

The Sexton shall make the final determination if a burial space may be shared by an adult and infant, child, or two children, depending on size of caskets and vaults. The 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 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 for a full body, or a Certification of Cremation for a cremated body shall be given to the Cemetery Sexton at the time of burial for all types of burials.
- E. Winter charges may apply at the discretion of the Township and Sexton, due to frost level and snow.
- F. All burial spaces shall be located in a neat and orderly 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 existing tree, plant, or shrub located within the cemeteries in the interest of maintaining proper appearance and use of the cemeteries.
- C. Planting of any type of tree or shrub is prohibited and will be removed without notice.
- D. Items such as fencing, mounds, containers and rocks which hinder the free use of a lawn mower, or other gardening apparatus, are prohibited.
- E. The Sexton, or maintenance staff shall have the right and authority to remove and dispose of any and all growth, temporary emblems, displays, wreaths, dried flowers or containers that through decay, deterioration, damage, or in any way became unsightly, a source of litter, or a maintenance problem.
- F. Surfaces other than dirt such as stones, rocks, or wood chips are prohibited.
- G. Winter decorations must be removed by March 15th. Spring/Summer decorations must be removed by November 15th. Any item(s) not removed by these dates will be removed and disposed of by the maintenance staff.
- H. Items permitted per each burial space within twelve (12) inches of the marker, monument or memorial: cut, artificial and planted flowers, containers made of a durable material, one (1) shepherd hook, and decorations. No glass containers.
- I. The only flag poles allowed are those placed by Whiteford Township.

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

Cemetery lots or burial spaces shall be declared abandoned and forfeited pursuant to the procedure set forth in Act 46 of 1931 (M.C.L. 128.11 et seq.), as amended.

SECTION 10: REPURCHASE OF LOTS OR BURIAL SPACES:

- A. The Township will repurchase any cemetery lot or burial space from the owner of the Right of Burial 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 Burial Rights Certificate.

SECTION 11: RECORDS:

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

SECTION 12: VAULT:

All full body 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 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,
Whiteford Township Clerk

By: _____
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 19th day of April, 2022.

AYES: Sahloff, Hill, Heidelberg, Christensen, Ruhl

NAYS: None

ABSENT: None

I, Angela Christensen, Whiteford Township Clerk, do hereby certify that this Ordinance, or a summary of it, was published on April 27, 2022 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.

Angela Christensen,
Whiteford Township Clerk

ATTEST:

Walter Ruhl,
Whiteford Township Supervisor

ADOPTED: April 19, 2022

PUBLISHED: April 27, 2022

EFFECTIVE: May 27, 2022