

**CHARTER TOWNSHIP OF BEDFORD  
CEMETERY ORDINANCE 11/14/19/66  
AS AMENDED 8/09/07/39 OF 2007**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATED TO THE OPERATION, CONTROL AND MANAGEMENT OF CEMETERIES OWNED BY THE CHARTER TOWNSHIP OF BEDFORD, CALHOUN COUNTY, MICHIGAN. TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

**THE CHARTER TOWNSHIP OF BEDFORD ORDAINS:**

Section 1: Title

This ordinance shall be known and cited as the Charter Township of Bedford Cemetery Ordinance.

Section 2: Definitions of cemetery lots and burial spaces

- A. A cemetery lot shall consist of four (4) adult burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

Section 3: Sale of cemetery lots or burial spaces

- A. All sales of cemetery lots or burial spaces shall be on a form, approved by the Township Board, which grants a right of burial only and does not convey any other title to the cemetery lot or burial space sold. Each form shall be executed by the Township Clerk. The granting of the right of burial shall not be made unless the purchase price has been paid in full. The purchase of a cemetery lot or burial space may be reserved for a period of up to seven (7) years by the payment of ten percent (10%) of the purchase price to the Township Clerk, provided, however, that the right of burial is waived and terminated and no conveyance shall be made as to any cemetery lot or burial space which has not been paid within seven (7) years from the initial reservation of the cemetery lot or burial space.
- B. Burial rights may only be transferred 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. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

Section 4: Purchase price and transfer fee

- A. The price of each burial space shall be established by the Township Board.
- B. Any transfer, of one or more burial spaces, from an original purchaser, his legal heirs or representative, to an assignee shall be at no cost.
- C. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the general fund.

- D. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs.

Section 5: Grave opening charges

- A. 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, and payable to the Township Treasurer.
- B. No burial space shall be opened and closed except under the direction and control of the cemetery personnel. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: Markers and memorials

- A. All markers and memorials must be of stone or other durable material.
- B. Only one monument, marker or memorial shall be permitted per burial space.
- C. All monuments, markers and memorials must be located upon a suitable foundation to maintain the same in an erect, stable position.
- D. The foundation upon which any monument, marker or memorial must be placed, shall be constructed by the Township at cost to the owner of the burial right.

Section 7: Interment regulations

- A. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried there, where necessary, shall be presented to either the cemetery personnel or the Township Clerk, prior to interment. Where such permit 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.
- B. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space.
- C. Three (3) cremation burials may be placed in one (1) adult burial space.
- D. No animals shall be buried in any Charter Township of Bedford cemetery.

Section 8: Vaults

All burials shall be within a vault, made of concrete, metal or other durable material, installed or constructed in each burial space before interment. A container of cremated remains of an individual person may be placed in a burial space, with or without a vault, upon the request of the next of kin, and with proper site preparation under the supervision of cemetery personnel.

Section 9: Forfeiture of vacant cemetery lots or burial spaces

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant sixty (60) 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/her of the expiration of the sixty (60) year period and that all rights with respect to said cemetery lots or burial spaces will be forfeited if he/she does not affirmatively indicate, in writing, to the Township Clerk within sixty (60) days from the date of mailing of the written notice, his/her desire to retain said burial 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 cemetery lots or burial spaces or his/her heirs or legal representative within the sixty (60) days from the date of said mailing.
- C. It shall be the duty of the owner of a cemetery lot or burial space to notify the Township Clerk of any change in his/her address. Any notice sent to a lot or burial space owner at the last address on file with the Township Clerk shall be considered sufficient and proper legal notice.

Section 10: Repurchase of lots or burial spaces

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

Section 12: Grounds Maintenance

- A. All cemeteries shall be considered closed between the hours of 8:00 PM and 6:00 AM.
- B. No bicycles, motor bikes, motorcycles, snowmobiles, or recreational vehicles of any kind shall enter any cemetery at any time. All such vehicles shall be left outside of the cemetery while visiting.
- C. No Frisbees, skateboards, skis, sleds or similar playthings shall be used within the boundary of any cemetery.
- D. Willfully damaging, defacing, destroying or removing any memorial, structure of living vegetation, without property authority, is prohibited.
- E. No grading, leveling or excavating upon a cemetery lot or burial space shall be allowed without the permission of the cemetery personnel or the Township Clerk. The cemetery lot or burial space owner shall have the right to top dress, fertilize and seed their cemetery lot or burial space but shall not excavate any soil without permission.
- F. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. Surfaces other than earth or sod are prohibited.
- H. No flowers, shrubs, trees or vegetation of any type shall be planted, trimmed and/or removed without the approval of the cemetery personnel of the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township.
- I. The Township Board reserves the right to remove or trim any tree, plant or shrub located within any cemetery in the interest of maintaining proper appearance and the use of the cemetery.

- J. No person shall convert any part of their cemetery lot or burial space to a flower bed.
- K. Only one (1) large urn per cemetery lot and/or two (2) flower pots (not to exceed 12 inches) per burial space shall be allowed.
- L. All large urns not filled for two (2) consecutive years will be removed by cemetery personnel.
- M. The cemetery personnel shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that, through decay, deterioration, damage or has otherwise become unsightly, a source of litter or a maintenance problem.
- N. No metal rod or pipe, other than an approved flag staff, or flower with wire supports, shall be driven into the ground. Use flower urns only.
- O. All glass containers or others considered hazardous to mowers will be removed.
- P. All summer flowers and decorations must be removed before September 15<sup>th</sup>. Winter decorations must be removed by April 1<sup>st</sup>.
- Q. All refuse, of any kind or nature, including, among others, dried flowers, wreaths, papers, and flower containers, must be removed from the cemetery.

#### Section 13: Penalties

A person who violates any provision of this ordinance is responsible for a municipal civil infraction subject to payment of a civil fine of not less than \$50 or more than \$500 plus costs and other sanctions for each infraction. Each day on which any violation of this ordinance continues constitutes a separate offense and shall be subject to increased fines as provided by Section 11 of the Bedford Township Civil Infraction Ordinance.

#### Section 14: Severability

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

#### Section 15: Repeal

All code sections or part of code sections in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

#### Section 16: Savings clause

A prosecution which is pending on the effective date of this ordinance which arose from a violation of a code section repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance, arising from a violation of a code section repealed by this ordinance, and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the code section had not been repealed.

#### Section 17: Effective date

This ordinance shall take effect immediately upon its publication, or publication of a summary, which publication shall occur in a newspaper of general circulation in the Township within thirty (30) days after adoption.