

CEMETERY ORDINANCE 2022-1

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 Winterfield, Clare County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF WINTERFIELD, CLARE COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces sufficient to accommodate from two to eight burial spaces.

An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

Section 3: Sale of Lots or Burial Spaces

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

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 or Sexton.

Section 4: Purchase Price and Transfer Fees

The burial space fee shall be set by the Township Board by Resolution.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5: Grave Opening Charges

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 Treasurer who will notify the Clerk to dispense a check to the Sexton for this service.

No burial spaces shall be opened and closed except under the direction and control of the

Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: Markers or Memorials

All markers, memorials, or monuments must be of stone or other equally durable composition and must be located on a suitable foundation.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township Sexton at cost to the owner of the burial right.

Section 7: Interment Regulations

Not less than 36 hours' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

The appropriate permit for the burial space involved, together with appropriate identification 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 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.

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

Section 8: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

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.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

Surfaces other than earth or sod are prohibited.

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 annually.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

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 of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

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 spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

Section 10: Repurchase of Lots or Burial Spaces

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

Section 11: Records

The Township Clerk and Sexton shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, 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 12: Vault

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

Section 13: Penalties

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 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 prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section 14: Severability

The provisions of the within 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 15: Effective Date

This ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The following is an excerpt from the minutes of the meeting of January 11, 2022 when this ordinance was adopted.

Cemetery Ordinance and Resolution: The Board reviewed the draft Cemetery Ordinance. Peterson asked whether they had planned to add cemetery hours to the ordinance as the previous draft included that stipulation. Hammar said that they decided not to include hours since a violation would be difficult to enforce. **Blackledge moved to adopt the proposed cemetery ordinance with an effective date 30 days after publication. Prielipp seconded. Roll call vote: Shelly Laughlin – yes, Fred Prielipp – yes, Linda Peterson – yes, Bonnie Blackledge – yes, and Mark Hammar – yes. Motion carried.** Blackledge will send the ordinance to the Marion Press for publication.

Instead of listing the fees in the ordinance, it refers to a resolution that will be approved periodically when fees need to be adjusted. **Hammar moved to approve Resolution 2022-1, To Set Cemetery Fees. Second by Laughlin. Ayes-5, Nays-0. Motion carried.**

This ordinance was published on January 21, 2022 in the Marion Press. The ordinance was filed with the County Clerk on January 28, 2022. The Cemetery Ordinance 2022-1 is effective on February 21, 2022.


Bonnie S. Blackledge, Winterfield Township Clerk

1-28-2022
Date