

TOWNSHIP OF ROLLIN, LENAWEЕ COUNTY, MICHIGAN

ORDINANCE NO. 33

**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 Rollin Lenawee 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 ROLLIN, LENAWEЕ COUNTY, MICHIGAN, ORDAINS:

**Section 1: Title**

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

**Section 2: Definitions of Cemetery Lots and Burial Spaces**

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.

**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.

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. 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. A fee for the transfer shall be as set by the Township Board from time to time.

Grave sites shall not be reserved or saved without full payment.

#### **Section 4: Purchase Price and Transfer Fees**

Each adult burial space for a resident or taxpayer in the Township shall cost the sum of \$100 or as set by the Township Board from time to time.

Each adult burial space for a non-resident in the Township shall cost the sum of \$150 or as set by the Township Board from time to time. A non-resident is a person who formerly had ties to Rollin Township through property ownership, residency for over ten years or who has immediate family members interred in a Township cemetery.

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**

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, payable to the Township.

No burial spaces shall be opened and closed except under the direction and control of the Township Clerk. 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 or memorials must be of stone or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one monument, marker or memorial no wider than 48 inches shall be permitted per burial space. In cases where cremains are buried in an occupied burial space, a flat marker no larger than 24 inches by 18 inches may be placed flush with the ground surface over the cremains.

#### **Section 7: Internment 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 except for religious or health reasons requiring burial within 24 hours of death.

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 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.

Up to four (4) cremains can be interred on a single burial space where no burial has taken place. Up to two cremains may be interred at the foot of an occupied burial space

### **Section 8: Ground Maintenance**

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

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

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.

The Township will remove all flowers, wreaths, grave blanket and other decorations on or after the first day of April and October each year.

### **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 100 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 or her of the expiration of the 100-year period and that all rights with respect to said lots or spaces will be forfeited if they do not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice their 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 shall result in the reversion of the said lots to the Township for resale.

#### **Section 10: Repurchase of Lots or Burial Spaces**

The Township will not repurchase any cemetery lots or burial space.

#### **Section 11: Records**

The Township Clerk 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 shall be within a standard approved vault installed in each burial space before interment except in the case of green burials.

#### **Section 13: Cemetery Hours and Activities**

The cemetery shall be open to the general public from the hours of dawn dusk each day.

No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Cemetery Sexton.

Walking of unleashed dogs or other pets is prohibited in the cemetery at all times

Desecration of grave sites, grave stones, monuments, markers and the like is strictly prohibited.

Children should be taught to respect the Cemetery and its residents, therefore, horse play or other disrespectful activities are prohibited.

#### **Section 14: Penalties**

A violation of any other provision of this Ordinance is a municipal civil infraction for which the fine shall be fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense within a year, two hundred dollars (\$200) and four hundred dollars (\$400) for all subsequent violations within a year's time. Any such fines shall be in addition to all other costs, attorney fees, damages, expenses and other remedies as provided by law.

In addition to pursuing a municipal civil infraction preceding the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce this Ordinance or any part of this Ordinance.

All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

**Section 15: 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 16: Effective Date**

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

**Amendment to Cemetery Ordinance, Ordinance No. 31A**

**Section 6 of Ordinance 31 is amended as follows:**

**Section 6: Markers or Memorials**

All markers or memorials must be of stone or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one monument, marker or memorial no wider than 48 inches shall be permitted per burial space. In cases where cremains are buried in an occupied burial space, a flat marker no larger than 24 inches by 18 inches may be placed flush with the ground surface over the cremains.

The amendment was passed by a unanimous vote of the Rollin Township Board on July 10, 2013 at their regular meeting upon a motion by \_\_\_\_\_ and support by

\_\_\_\_\_.

Attest: I, Denice Combs, Rollin Township Clerk, certify that the above action was taken at the July 10<sup>th</sup>, 2013 Rollin Township Board meeting.

Signed: \_\_\_\_\_, July 15, 2013