

# MARION TOWNSHIP CEMETERY ORDINANCE

## MARION TOWNSHIP Livingston County, Michigan Ordinance No. 06-01

An Ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945 as amended and Act 191 of the Public Acts of 1939.

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

**The Township of Marion, County of Livingston, State of Michigan ordains:**

### **Section 1.0 Title**

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

### **Section 2.0 Definitions of a Burial Space**

- A. A cemetery grave shall consist of one burial space.
- B. An individual burial space shall consist of a land area four feet wide and nine feet in length.

### **Section 3.0 Purchase Price and Transfer Fees Sale of Burial Spaces**

- A. The cost of a burial space shall be \$500.00 for a Marion Township resident and \$1000.00 for a non-resident, payable to the township treasurer.
- B. All such sales shall be made on a form approved by the Township Board and executed by the township clerk, which grants a right of burial only and does not convey any other title to the burial space sold.
- C. A cemetery burial space(s) shall be sold for the purpose of the burial of the purchaser, next of kin, or heirs at law. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk is granted the authority to vary the restrictions on sales where the purchaser has disclosed sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.
- D. The original purchaser(s) of a cemetery burial space may transfer burial rights to any resident within the township through the endorsement of the original burial permit issued by the Township Clerk. There will be a \$100.00 transfer fee per burial space payable to the township. If transferred to a non-resident there will be a \$500.00 non-resident per burial space fee plus in addition to the \$100.00 transfer fee.

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E. Fees collected will go to the Township's Cemetery Fund to cover maintenance expenses of the Township's cemeteries. The Township Board by resolution may periodically alter fees to accommodate increased costs.

### Section 4.0 Grave Opening Procedures

A. The opening and closing of any burial space, prior to and following a burial therein, including the interment of ashes, shall be at the current cost to be determined by the Township Sexton and Funeral Director. No burial space shall be opened or closed except under the direction and control of the Township Sexton.

### Section 5.0 Markers and 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 and must be contained within the four foot by nine-foot plot. Requests for permanent statues, benches, fences and second markers are the owner's responsibility and must be brought before the Marion Township Cemetery Preservation Committee and Township Clerk. Each request will be considered fairly.
- C. The footing or foundation upon which any monument, marker or memorial for any grave must be placed on a footing or foundation which shall be constructed under the supervision of the Township Sexton at cost to the owner of the burial right.

### Section 6.0 Interment Regulations

- A. Only one person may be buried in a burial space except for a parent and one infant (12 months or younger) or two (infant) siblings or four cremains.
- B. Not less than 36-hour notice shall be given in advance to either the Township Clerk or Township Sexton of any funeral to allow for the opening of the burial space.
- C. The appropriate permit for the burial space involved together with appropriate identification of the remains/cremains to be buried therein, where necessary, shall be presented to either the Township Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his/her records, that the remains/cremains to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.
- D. All burial spaces shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

### Section 7.0 Disinterment or Reinterment

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- A. A permit for disinterment and reinterment is required before disinterment of a dead body. The local health department shall issue the permit upon proper application by a licensed funeral director.
- B. A person shall not disinter or permit the disinterment of a dead body in a cemetery and the body's reinterment in a cemetery or removal from the cemetery unless a disinterment and reinterment permit is issued by the local health department in the jurisdiction in which the cemetery is located.
- C. The expense of a disinterment and reinterment shall be the responsibility of the requesting party of the disinterment and reinterment. The fee will be set by the Township Sexton.

### **Section 8.0 Ground Maintenance**

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the Township Sexton or the Township Clerk.
- B. No shrubs or trees of any type shall be planted without the approval of the cemetery sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township Sexton.
- C. 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.
- D. Any landscaping which hinders the free use of lawn mower or other gardening apparatus are prohibited.
- E. 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. All winter flowers, etc. must be removed by April 1. Artificial flowers must not be placed before May 1<sup>st</sup> and shall be removed by October 31.
- F. The Township Sexton or Marion Township Cemetery Preservation Committee 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.
- G. No alcohol beverages, off road vehicles, dogs or horses are permitted within the cemetery.
- H. Surfaces other than earth or sod are prohibited.

### **Section 9.0 Forfeitures of Vacant Cemetery Burial Spaces**

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Cemetery burial spaces sold after the effective date of this ordinance and remaining vacant 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 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 notice his 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 lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

### **Section 10.0 Repurchase of Lots or Burial Spaces**

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

### **Section 11.0 Records**

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, separate and apart from the other records of the Township and the same shall be open to public inspection at all reasonable business hours.

### **Section 12.0 Vault**

All remains shall be contained within a standard concrete vault installed or constructed in each burial space before interment. Cremains must be interred within a sealed urn or container.

### **Section 13.0 Cemetery Hours**

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

### **Section 14.0 Penalties**

Any person, firm or corporation who violates any of the provisions of the ordinance shall be guilty of a misdemeanor and shall be subject to a fine of a minimum of \$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 15.0 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 decisions and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

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### **Section 16.0 Effective Date**

This ordinance shall take effect thirty days after its publication in the Daily Press and Argus.

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