

BURDELL TOWNSHIP 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 Burdell, County of Osceola, 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 BURDELL, COUNTY OF OSCEOLA, MICHIGAN ORDAINS:

SECTION 1: TITLE

This ordinance shall be known and cited as the Burdell 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 (1) to eight (8) burial spaces.

SECTION 3: SALE OF BURIAL RIGHTS

- A. Hereafter, cemetery burial rights shall be sold by the township clerk to residents or taxpayers of Burdell Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. 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 someone buried in the Burdell Township Cemetery. No sale shall be made to funeral directors or any other third party.
- B. All such sales shall be made by the township clerk with a certificate, 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.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of burial rights within the cemetery and may be done only by endorsement of an assignment of such burial rights upon the original certificate issued by the township clerk, approved by and entered upon the official records of said clerk. The clerk shall then issue a new burial rights certificate to the assignee and shall cancel and terminate, upon such records, the original certificate thus assigned
- D. 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 4: PRICES AND FEES

The township board shall, by resolution, set prices and fees to accommodate costs and needs.

SECTION 5: BURIAL EXPENSES

- 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 by resolution of the township board. All grave opening and closing charges shall be paid to Burdell Township.
- B. No burial space shall be opened and closed, including the interment of ashes, except under the direction and control of the sexton or assistant. This provision shall not apply to proceedings for removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.
- C. Cost incurred for special burial conditions (thawing and snow removal for winter burial, for example) shall be paid to Burdell Township by the party requesting burial.

SECTION 6: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after April 1, 1993 and remaining vacant 40 years from the date of their sale shall automatically revert to Burdell 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 that:
 - 1. The 40-year period has expired.
 - 2. All rights with respect to said lots or spaces will be forfeited if he does not 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 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 7: MARKERS AND MONUMENTS

- A. All markers and monuments must be of stone or other equally durable material. Markers or monuments that are broken, or deteriorated to the point of having pieces coming loose, may be removed by cemetery personnel.
- B. Any markers or monuments must be located on a suitable foundation to maintain the same in erect position and shall be at head of grave and in line with adjacent markers. Locations and size of foundation must be determined by township personnel. Installation of foundations will be installed by the township.

- C. One upright monument or marker shall be permitted per burial space, with maximum width of three feet (3') and maximum height of two feet (2').
- D. Service men and women memorial markers shall be at ground level on a foundation or mounted on the backs of upright monuments.

SECTION 8: INTERMENT REGULATIONS

- A. Only (1) one traditional burial is allowed in a burial space except for; (1) one traditional and (1) one cremation; (2) two infants or (2) two cremations. The township board may authorize special considerations.
- B. Not less than 48 hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- C. A burial permit, or a cremation burial record from the sexton or assistant, together with appropriate identification of the person to be buried, shall be presented to the sexton or assistant prior to interment.
- D. Cremations may be interred in a cemetery burial or a columbium and those will be located in a memorial garden in a location designated by township personnel.

SECTION 9: RECORDS

- A. The clerk shall maintain cemetery records, which shall be open for public inspection at reasonable business hours.
- B. Duplicate burial space records shall be maintained by the sexton or assistant.

SECTION 10: VAULT

All traditional burials shall be within a standard concrete vault installed in each burial space before interment. Cremation burials will be in a container approved by township officials.

SECTION 11: GROUND MAINTENANCE AND MANAGEMENT

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery caretaker. Mounds, which hinder the free use of a lawn mower or other maintenance tools, are prohibited.
- B. No shrubs or trees of any type shall be planted without the cemetery caretaker's approval. Any shrubs or trees planted without such approval may be removed by cemetery personnel.
- C. Artificial flowers must be placed in an urn and removed by October 1st.

- D. The township board reserves the right of removal or trimming of any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.
- E. The township board has the right to authorize the removal and disposal of any and all growth and objects that cause a maintenance problem or become a safety issue.
- F. Surfaces other than earth or soil are prohibited.
- G. There shall be no hunting or use of weapons within the confines of the cemetery except for military memorial services.
- H. All vehicles shall use established roadways only, except for authorized vehicles. Funeral parking shall be directed by township personnel.
- I. While a funeral is being conducted, all other activity in the cemetery shall cease.
- J. The cemetery is open to the public from sunrise to sunset April 1st thru December 31st; and open January 1st thru March 31st by appointment.
- K. No pets or animals allowed in the cemetery except for service dogs.

SECTION 12: 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 or imprisonment 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 13: 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 not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

SECTION 14: ENFORCEMENT RULES

The township personnel are hereby empowered to enforce all rules and regulations and to exclude from the cemetery any person violating the same. The township personnel shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, burial rights owners and visitors and at all times shall have supervision and control of all persons in the cemetery.

SECTION 15: EFFECTIVE DATE

This ordinance shall take effect on the _____ day of _____, 2016. All ordinances or parts of ordinances in conflict herewith are repealed.

Supervisor

Trustee

Clerk

Trustee

Treasurer