

CEMETERY ORDINANCE
ORDINANCE NUMBER 01-07
TOWNSHIP OF ASH, COUNTY OF MONROE
STATE OF MICHIGAN

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 Ash, Monroe County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or part of ordinances in conflict therewith.

THE TOWNSHIP OF ASH, MONROE COUNTY, MICHIGAN, ORDAINS:

SECTION 1:

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

SECTION 2: Definitions of Cemetery Lots and Burial Spaces.

- A. A Cemetery Lot shall consist of one (1) or more Burial Spaces.
- B. An Adult Burial Space shall consist of a land area four (4) feet wide by ten (10) feet in length.
- C. An Infant or Stillborn Burial Space shall consist of a land area three (3) feet wide and three and one half (3 1/2) feet in length in areas set aside specifically for such burials.
- D. A Grave Space for cremated remains may contain the remains of two (2) individuals.

SECTION 3: Purchase of Burial Rights.

- A. Hereafter, Burial Spaces shall be purchased for the Right of Burial to residents, taxpayers of the Township, or non-residents 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.
- B. 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. Costs to non-residents may be greater than the cost to Township Residents. The Township Clerk will execute such forms. Costs shall be set by the Township Board.
- C. The purchase of Burial Rights does not convey any other title to the lot or burial space sold. It does not convey ownership of land. The purchase of Burial Rights conveys the right and privilege of burial of approved person or persons upon the location specified and subject to all rules and regulations contained herein or promulgated by the Township Board.
- D. The purchase of Burial Rights within any area of a cemetery shall be valid only by assignment of a Burial Rights Certificate signed and sealed by the Township Clerk and indicating the precise location of Purchase of Burial

- Rights. The precise location of purchase is designated by the proper combination of lot, block section and grave within a particular cemetery. In addition, no Burial Rights shall consider to be sold until paid for in full.
- E. Term of all Burial Rights sales are cash or check.
 - F. Payment is due in full at the time of Burial Rights purchase or assignment.
 - G. That Township reserves the right to limit sales of Burial Rights for burial purposes and intended burial purposes, and shall not knowingly sell lots for investment purposes, and no person shall be allowed to speculate in said lots.
 - H. Burial Rights are exempt from taxation and liability for debt. No mortgage or other encumbrance can be placed upon them.

SECTION 4: Burial Rights Transfers.

- A. Burial Rights shall not be transferred from one party to another without the consent of the Township, and without following the proper procedures, as determined by the Township.
- B. Burial Rights Certificates, any other agreements, written or otherwise implied, made or agreed to by anyone other than the Township and the approved party shall not be valid and will not be honored.
- C. The Township has the right to refuse the transfer of Burial Rights from one party to another, and may require that a Burial Rights Certificate previously issued be surrendered to the Township before being transferred to another party.
- D. Any Burial Rights so transferred shall be entered upon the Official Records of the Township by the Township Clerk. Upon such assignment, approval and record, said Clerk shall issue a new Burial Rights Certificate to the Assignee and shall cancel and terminate upon such records, the original Burial Rights Certificate.

SECTION 5: Purchase Price and Transfer Fees.

- A. The Township Board, by resolution, may periodically set the fee for each Burial Rights Certificate. The fee shall take into account all costs in relation to the Cemetery and include the creation of a necessary reserve fund for cemetery maintenance and acquisition.
- B. The applicable charges shall be paid to the Township Clerk or Township Treasurer and shall be deposited in the General Fund.
- C. The fees shall be set for each adult burial space, each burial space for infants or stillbirths, as well as fees for the transfer of a Burial Rights Certificate.
- D. A transfer fee shall be charged for transfer of one (1) or more Burial Rights Certificates from an original purchaser to a Qualified Assignee.

SECTION 6: Grave Opening and Closing 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, payable to the Township.

(See last page)

- B. No Burial Space shall be opened and closed except under the direction and control of the Township. 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, or as a result of a Court Order.

SECTION 7: Burials.

- A. No interment shall be permitted to be made on any lots for which Burial Rights Certificates have not been issued. Deeds previously issued by the Township for Burial lots shall continue to be valid.
- B. Interments will not be permitted until payment for burial has been received or payment is arranged by Funeral Director.
- C. Interments shall not be permitted without a valid burial transit report or cremation certificate.
- D. Interments in lots for which a Burial Certificate had been issued shall be in accordance with the orders given by the Funeral Director. Orders by Funeral Directors for interment shall be construed as orders from the Burial Rights Certificate owner or owners. This provision may be waived upon written authorization of the Certificate holder or Authorized Agent.
- E. No interment of any body other than that of a human being shall be permitted.
- F. The interment of two (2) bodies in one grave is prohibited, except the simultaneous death and burial of either a Mother or Father and infant, infant twins or two (2) infants that died at the same time, provided that this does not involve the burial of two (2) caskets on top of each other, and does not in any manner encroach upon adjacent lots, graves or isles. Additional interment of cremains may be permitted, provided the maximum number of bodies in one (1) grave does not exceed two (2).
- G. Burial restrictions are as follows:
 - 1. Adult Space: Burial restricted to either two (2) cremains and no bodies, or one (1) body and one (1) cremain.
 - 2. Infant Space: Burial restricted to either one (1) child and one (1) cremain, or two (2) newborn/infants.
- H. All burials, excluding the burial of ashes, are to be made in concrete vaults. A newborn child may be buried in a Cherub of fiberglass construction.
- I. The Township reserves the right to refuse any order for interment unless the application for the same is made at least thirty-six (36) hours in advance of any time of any funeral to allow for the opening of the burial space. Sunday and Holiday burials are not permitted.
- J. The Township will not assume any responsibility for errors in location for graves resulting from improper instructions of Burial Rights Certificate owners. Orders by Funeral Directors for the opening of graves will be construed as orders from the Burial Rights Certificate owner or owners.
- K. A change of location after a grave has been dug, or after interment, will be made at the expense of the lot owner or Funeral Director.
- L. Interments or disinterments during months when the ground is frozen will incur additional charges as determined by the Township.

- M. The Township or its duly appointed Agent shall supervise all interments.
- N. No demonstrations, memorial services or other concerted activity, unrelated to funerals or interments may be held in the cemetery without prior authorization by any Township Board member.
- O. All outer burial cases over three (3) feet in length shall be classed as adult size.
- P. The Township will assume no responsibility for any damage that might occur in the burial of a body.
- Q. All funerals and interments made in a Township Cemetery are to be conducted in an orderly and dignified manner. The Township or duly appointed personnel are authorized to take action necessary to preserve this order and dignity.
- R. No responsibility will be assumed for the protection and maintenance of flowers, wreaths, emblems or other items used at funerals. As soon as such items become unsightly or faded, they will be removed.
- S. No disinterment of a body will be made until the written consent of the next of kin of the person whose body is to be disinterred and all other legal documentation has been submitted.

SECTION 8: Markers or Memorials.

- A. All monuments, headstones, markers or other permanent memorials above ground or partly above ground must be of stone or other equally durable composition. All such memorials must be guaranteed by the memorial dealer to be of first grade stone of at least six (6) inches in thickness and resistant to cracking or chipping.
- B. Graves are to be marked only with standard memorials which comply with the rules and regulations that may be adopted from time to time by the Township Board. Grave markers made from U.S. Standard bronze or its equivalent shall be allowed.
- C. The Township reserves the right to refuse the permission for the erection of any memorial which on account of size, design, inscription, kind or quality of stone, is, in its opinion, unsuited to the lot or lots, or the location on which it is to be placed.
- D. Any large upright monuments shall be located upon a suitable foundation to maintain the same in an erect position.
- E. No more than one (1) memorial above ground will be allowed per grave. A second monument or veteran's plaque, not mounted to the monument, may be placed at the foot of a grave, provided it is flush with the ground.
- F. Any damage to turf, trees, shrubs, flowers or structures resulting from the delivery or setting of memorial work will be assessed to the person, firm or Corporation selling the memorial work.
- G. The Township shall not be responsible for any damage or vandalism to any foundation or memorial located in the cemetery.
- H. If a memorial shall become unsightly, in need of repair or attention, or a menace, the Township will attempt to notify the owner or owners thereof to take such steps as necessary to place the structure in satisfactory condition. If such owner or owners fail to comply with this notice within a reasonable length of time, not less than sixty (60) days, the Township shall have the right to cause the necessary repairs to be made and the

cost thereof shall be charged to the owner or owners or the market removed.

- I. No memorial may be removed from the lot or lots or taken from the Cemetery without written notification to the Township.

SECTION 9: Urns.

- A. Urns are the responsibility of lot owners and are governed by the rules and regulations that may be adopted from time to time by the Township Board. The Township assumes no responsibility as to the care, maintenance or protection of urns, or for any damage, which may result in any urn placed in the Cemetery.
- B. The placement of urns is prohibited until a valid Burial Rights Certificate has been issued and paid for.
- C. All urns placed in the Cemetery shall be of conventional style and made of concrete or similar heavy weight material capable of withstanding environmental elements. All urns shall be semi-permanent or permanent in style, and must be placed within the monument or marker row or within twelve (12) inches of the rear of a monument and must not encroach on any adjacent grave or lot owned by others, nor shall any urn encroach upon an isle or walkway.
- D. All urns shall be sufficient enough in weight that they will remain upright and in place. Urns which have been blown or fallen off their base or are not in the proper place will not be permitted.
- E. A maximum of two (2) urns per monument is permitted.
- F. One (1) unpainted, heavy weight statute (upon a concrete base) may be substituted for an urn.
- G. Urns which become broken, unsightly in appearance, or a nuisance to the upkeep of the Cemetery or to other lot owners shall not be permitted.
- H. Urns which do not comply with all of the above rules shall be removed from the Cemetery without notice. Any urns which are removed from the Cemetery shall be placed in storage for not more than sixty (60) days. If arrangements are not made by the next of kin to repair the urn or arrange for the removal of the urn, than the Cemetery may dispose of the urn without notice.

SECTION 10: Plantings.

- A. Bushes and trees may not be planted on any grave or lot in the Cemetery.
- B. Any plants, bushes or trees already planted on graves or lots must be trimmed and maintained by the owner or lot keeper. Any plants, bushes or trees which impede upon a monument will be removed. Any plant, bushes or trees which become a nuisance by reason of their branches, roots, appearance or otherwise become detrimental to adjacent lots, isle ways or roadways, or an inconvenience to other lot owners or to the upkeep of the Cemetery will be removed without notice.

- C. Potted plants, whether real or artificial, may not be planted in the ground, but must be left in the pot above the surface of the ground. Potted plants must not be placed in front of or behind graves, but to the side to provide clearance for lawn maintenance equipment. All such potted plants may be in pots not to exceed ten (10) inches in diameter and limited to two (2) per marker. Any potted plant must be sufficient enough in weight that it will remain upright and in place on windy days.
- D. Artificial flowers not in an urn must be securely attached to the monument itself.
- E. The use of wire, nails, iron rods or other devises to anchor flower vases, baskets or other objects to the ground will not be permitted.
- F. Mounds, plantings or other objects which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. Planting is permitted within twelve (12) inches of the front or rear of a monument.
- H. The Township has no responsibility for the maintenance of any planting and is not responsible if the same is damaged or destroyed by lawn mowing or gardening equipment.
- I. Christmas decorations/items shall be removed by April 1st. Spring or Summer decorations shall be removed by November 1st. Any items not removed by these dates shall be removed and disposed of by Cemetery maintenance staff.
- J. The Township Board may adopt a fee schedule or security deposit for placement of decorations to insure the removal of any decorations placed in the Cemetery.
- K. Cut and artificial flowers are permitted throughout the year. Live Floral arrangements not in a permanent vase will be removed after one (1) week. No glass or ceramic objects of any type are permitted.
- L. One (1) Shepherd hook per gravesite is allowed.

SECTION 11: Surfaces.

- A. Surfaces other than earth or sod are prohibited.
- B. No person shall remove sod or earth from any lot, isle way or roadway.
- C. No sand, gravel, crushed stone or other loose material may be used around the bases of monuments or markers.
- D. Steps or artificial walkways of any kind are prohibited.
- E. Mounds raised around graves will not be permitted.

SECTION 12: Other Decorations.

- A. Settees, benches and chairs are not permitted in the Cemetery.
- B. The Township shall not be responsible for loss or damage to any article left upon any lot, grave or other part of the Cemetery.

SECTION 13: Protecting the Beauty, Upkeep, and Safety of the Cemetery.

- A. The Township shall not be responsible for providing any water for use at the Cemetery.
- B. No person shall leave any refuse in the Cemetery.

- C. No glass or ceramic objects or containers of any kind are permitted in the Cemetery.
- D. No children shall be allowed in the Cemetery unless accompanied by an adult responsible for their conduct and supervision.
- E. No person shall discharge a firearm in or adjacent to the Cemetery except during memorial services at which a firearm is discharged in salute to the deceased.
- F. No ATV's or other off road-motorized vehicles are permitted within the Cemetery.
- G. No dogs, horses or other domesticated animals are permitted within the Cemetery.
- H. The Cemetery is officially closed to the public from one (1) hour after sunset until sunrise.
- I. No persons shall be permitted in the Cemetery at any time other than the foregoing hours, except upon permission of the Township Board.

SECTION 14: Forfeiture of Vacant Cemetery Lots or Burial Spaces.

Cemetery lots or Burial Rights Certificates that have been sold after the effective date of this ordinance and remain vacant for forty (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, informing him or her of the expiration of the forty (40) year period, and that all rights with respect to said lots or spaces will be forfeited if he or she do not indicate in writing to the Township Clerk within ninety (90) days from the date of mailing of the notice of his or her desire to retain said rights.
- B. If no written response to said notice indicating a desire to retain the Cemetery lots or Burial Space in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his or her heirs or legal representatives, within ninety (90) days from the date of mailing of said notice, then it shall be construed that those individuals have no interest in retaining the "Right of Burial". The Burial Certificate shall then be forfeited to the Township and cancelled on its book and records by the Township Clerk.
- C. This procedure may be repeated every five (5) years in the event that the Township is notified in writing of the desire to retain the burial rights.

SECTION 15: Repurchase of Lots or Burial Spaces.

- A. The Township will re-purchase any Cemetery lot or Burial Space from the owner for the original price paid to the Township, less 10%, upon written request of said owner or his legal heirs or representatives.
- B. The Township will honor all past Deeds issued by the Township. A Deed from this date forward that is transferred may only be transferred into a "Right of Burial" Certificate.

SECTION 16: Records.

The Township Clerk shall maintain records concerning burials, issuance of burial permits, separate and apart from any other records of the Township, and the same shall be open to Public inspection.

SECTION 17: Vault.

All burials shall be within a standard pre-manufactured concrete vault installed in each burial space before interment. A vault for cremated remains is optional. A vault for infant maybe of fiberglass construction.

SECTION 18. Penalties.

Any violation of provisions of this ordinance may be enforced by issuance of a Civil Infraction or Criminal Complaint at the discretion of the Township Supervisor. Penalties for Civil Infraction and Criminal Complaint are as follows:

- A. Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a Municipal Civil Infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other orders and sanctions which may be imposed by the Court, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Ash Township Civil Infraction Ordinance.
- B. Any person, firm or corporation who violates any of provisions of the within ordinance shall be guilty of a Misdemeanor, and shall be subject to a fine of up to \$500.00 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 prosecution hereunder shall not prevent civil proceedings for abatement of the activity or violation.

SECTION 19: 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 decisions 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 20: Conflicting Ordinance.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

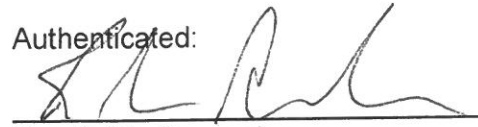
SECTION 21: Effective Date.

This ordinance shall take effect thirty (30) days after publication.

The Township Board of the Township of Ash, County of Monroe, State of Michigan by:


Shelly Ratz, Ash Township Clerk

Authenticated:


By: Robin Carmack
Ash Township Supervisor

BURIAL GRAVE OPENING & CLOSING CHARGES:

Burial: \$1,000 Opening & Closing (check made to: Matt Baker. PO Box 387, Carleton,
MI 48117

Urn: \$100 Weekdays - Opening & Closing
\$150 Weekend - Opening & Closing