

Chapter 18

CEMETERIES*

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***Cross reference**-Streets, sidewalks and other public places, ch. 58.

State law references-Authority to acquire and maintain cemeteries, MCL 128.1; cemetery regulations act, MCL 456.521 et seq.; permit for disposition of body, MCL 333.2250.

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Sec. 18-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult burial space means a land area four feet wide and ten feet in length.

Cemetery lot means burial spaces sufficient to accommodate from one to four burial spaces.

Cremains, infant or stillborn burial space means a land area not less than three feet wide and four feet in length in areas set aside specifically for such burials.

Cross reference-Definitions generally, § 1-2.

Sec. 18-2. Sale of lots or burial spaces; fee.

(a) Cemetery lots or burial spaces shall be sold to private individuals. No sale shall be made to funeral directors or other commercial interest.

(b) All such sales shall be made on a deed form, which grants a right to burial only and does not convey any other title to the lot or burial space sold. Such deed shall be executed by the township clerk.

(c) Burial rights may only be transferred and affected only by endorsement of an assignment of such deed upon the original deed issued by the township clerk, approved by such clerk, and entered upon the official records of the clerk. Upon such assignment approval and record, the clerk shall issue a new deed to the assignee and shall cancel and terminate upon such records the original deed thus assigned.

(d) Lot owners shall not allow interments in their lots in return for remuneration of any kind.

(e) The township board may periodically set and adjust the fee for burial spaces to accommodate increased costs and needed reserves for cemetery maintenance and acquisition.

Sec. 18-3. Opening and closing of graves.

(a) The opening and closing of any burial space, prior to and following a funeral 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.

(b) The township will open for interments year-round. Interments from December 1 through March 31 shall include a winter charge, also to be adjusted from time to time by the township board.

(c) 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 are under the supervision of the local health department.

Sec. 18-4. Interments.

(a) Notice of funeral shall be given at least 36 hours in advance to the sexton's office.

(b) No interment, with the exception of cremains, shall take place without a burial permit, which shall be presented by the funeral director upon arrival at the cemetery. Orders received from funeral directors for the opening of graves will be construed as orders from the lot owners. Funeral directors making arrangements for funerals shall be responsible for all interment charges.

(c) Only one person may be buried in a burial space, except that a parent, and child under the age of one year may be buried in a single grave or two children under the age of one year of the same parents may be buried in a single grave.

(d) Two containers of cremated remains may be buried in one adult burial space. Unauthorized burial of ashes is prohibited. All burials must be made by the sexton and recorded in the clerk's office.

(e) No lot shall be used for any other purpose than the burial of the human dead.

Sec. 18-5. Disinterments.

(a) Disinterment of a body, once properly interred in the cemetery, shall not be made without a properly executed disinterment permit. A grave which must be opened for inspection for any official investigation shall require an order signed by a court of competent jurisdiction.

(b) The cemetery sexton and the employees of the cemetery are the only persons who will be permitted to open graves, with the following exceptions:

(1) When a disinterment is directed by order of a court of competent jurisdiction and a certified copy of such order has been filed with the township.

(2) When the medical examiner directs the disinterment for the purpose of holding an inquest and has filed with the township a signed authorization to release the body to the medical examiner and the medical examiner's lawful agents. In such case, the disinterment must be made by the medical examiner or the medical examiner's lawful agents. Cemetery employees will not be permitted to assist the medical examiner or the medical examiner's agents.

Sec. 18-6. Ground maintenance.

(a) No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the township clerk.

(b) No shrubs, trees, hedges or bushes shall be planted. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton without notice.

(c) The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery, without notice, in the interest of maintaining proper appearance and use of the cemetery.

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

(e) 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.

(f) Surfaces other than earth or sod are prohibited.

(g) Any refuse of any kind or nature, including, among others, dried flowers, wreaths, papers, and flower containers, must be removed or deposited in refuse containers located within the cemetery.

(h) The use of glass jars/receptacles for cut flowers is prohibited.

(i) Annual flowers may be planted within 12 inches of the marker or monument.

(j) Winter decorations may be maintained on graves from November 15 to April 1. If such decorations are not removed by April 1, they shall be considered abandoned and may be disposed of by cemetery officials without notice.

Sec. 18-7. Forfeiture of vacant lots or burial spaces.

(a) Cemetery lots or burial spaces sold and have remained vacant forty (40) years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

(1) 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 forty (40) year period and that all rights with respect to such lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk, within sixty (60) days from the date of mailing of the notice, the owner's desire to retain such burial rights.

(2) No written response to such 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 such lots or spaces or his heirs or legal representative within sixty (60) days from the date of mailing of such notice.

(b) It is the responsibility of the lot owner to notify the board of any change of address.

Sec. 18-8. Repurchase of lots or burial spaces by township.

The township will repurchase any cemetery lot or burial space from the owner for the original price paid to the township upon the written request of such owner or his legal heirs or representatives. /

Sec. 18-9. Records.

The township shall maintain records concerning all burials and issuance of burial deeds.

Sec. 18-10. Vaults and containers.

(a) All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(b) Cremains shall be in an approved container as determined by the sexton.

Sec. 18-11. Miscellaneous prohibitions; exceptions.

(a) Vehicles are prohibited in the cemetery between sunset and sunrise. Vehicles must remain on roadways. The speed limit is five miles per hour.

(b) Snowmobiles and all-terrain vehicles are prohibited in the cemetery.

(c) No firearm is to be discharged on cemetery property. This prohibition shall not apply in the case of military funerals or ceremonies by official veterans' organizations on federal holidays.

(d) Domestic animals, except leader dogs, are not allowed on the cemetery grounds.

(e) Alcoholic liquor is not permitted in the cemetery.

(f) Children under 16 years of age shall not be permitted within the cemetery unless accompanied by supervising adults.

Chapters 19-21

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