

# Clinton 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 Clinton, 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 CLINTON, LENAWEE COUNTY, MICHIGAN, ORDAINS:

## **Section 1: Title**

This ordinance shall be known and cited as the Clinton 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 twelve burial spaces.

The term "burial space" as used in this ordinance shall include adult burial space, infant burial space and burial space reserved for the burial of cremains as those terms are defined

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 which may, from time to time, be set aside specifically for such burials.

The Township Board may from time to time designate an area or areas reserved for the burial of cremains. Each such burial space reserved for the burial of cremains shall consist of a land area two (2) feet wide and two (2) feet nine (9) inches in length.

## **Section 3: Sale of Lots or Burial Spaces**

Hereafter, cemetery lots or burial spaces shall be sold 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 or Cemetery Manager, 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 and Cemetery Manger.

Burial rights may only be transferred by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk and Cemetery Manager, approved by said Clerk and Cemetery Manager, and entered upon the official records of said Clerk and Cemetery Manager. 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.

At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. Each such person must be a resident, non-resident, taxpayer of the Township, or be a member of the immediate family of a qualified purchaser. If the owner of a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, that person must submit written proof of ownership and that the person to whom the plot is to be assigned is an eligible owner.

Where multiple burial spaces are purchased each space shall be assigned to the use of a particular, named individual and the burial permit shall reflect the location and the name of the person to be buried in that particular space.

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

The Township Board, by resolution, shall set the fees applicable to the sale of burial rights and may periodically alter said fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

The cost of each burial right shall include a perpetual care payment equal to 30% of the cost of the respective burial right which shall be used to pay general fund cemetery expenses.

The charges for burial rights shall be paid to the Cemetery Manager and thereafter delivered to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

#### **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 Cemetery Manager. 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 and shall be the responsibility of a funeral director.

There shall be a fee, as determined by the Township Board, for the use of the cemetery chapel.

#### **Section 6: Markers or Memorials**

All markers or memorials must be of stone or other equally durable composition. The Township Board may from time to time establish and alter specific requirements for memorials on burial spaces in any section of a township cemetery.

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 shall be permitted per burial space.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Cemetery Manger to Township standards at cost to the owner of the burial right.

Riverside Cemetery shall provide military holders & flags.

### **Section 7: Interment Regulations**

Only one person may be buried in an adult burial space except that: one adult may be buried along with one cremated person in an adult burial space; two cremated persons may be buried in an adult burial space; and, a mother and an infant may be buried in an adult burial space. Unless spouses are buried in one urn no more than one cremated person may be buried in a space reserved for the burial of cremains under any circumstances.

Not less than 36 hours' notice shall be given, to the Cemetery Manager, in advance of any time of any funeral to allow for the opening of the burial space.

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 the Cemetery Manager prior to interment. Where such permit has been lost or destroyed, the Cemetery Manager 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.

The Township Clerk and the Cemetery Manager shall have the right to correct any errors that may be made, either in making interments, disinterment, or removals or in the description, transfer or conveyance of any burial property, either by canceling such conveyance and substituting and conveying in lieu thereof other burial property of equal value and, as near as possible, similar location, as may be selected by the Township Clerk and the Cemetery Manager, or by refunding the amount of money paid.

In the event the error shall involve the interment of remains of a person in such burial property, the Township Clerk and the Cemetery Manager shall have the right to remove and reenter the remains in other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

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

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Cemetery Manager.

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

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 Manager 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. All summer flowers, etc., must be removed by October 1<sup>st</sup>. All winter decorations must be removed by March 15<sup>th</sup>.

No alcoholic beverages, motorcycles, mini-bikes dogs or horses are permitted within Clinton Township cemeteries.

#### **Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces**

From and after the date of this ordinance cemetery lots or burial spaces remaining vacant 40 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 of the expiration of the 40-year period 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 within notice his 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.

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

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 11: Records**

The Township Clerk and the Cemetery Manager 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 concrete or metal vault installed or constructed in each burial space

before interment. Cremated remains shall be interred in a manner prescribed for same by the Cemetery Manager.

**Section 13: Cemetery Hours**

Township cemeteries shall be open to the general public April 1 to September 30 from the hours of 8:00 am to 9:00 pm each day and from October 1 to March 31 from the hours of 8:00 a.m. to 6:00 p.m. 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 Manager.

**Section 14: Penalties**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$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: 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 on January 1, 2014. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



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**Burial Services**  
When the descendant's estate, mandatory copayments, etc., are not sufficient, burial payment assistance may be available to pay for:

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An application for burial assistance must be made no later than 10 business days after the burial, cremation or donation takes place.

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The decedent's remains must be in Michigan. Transportation, or other charges to bring a decedent back to Michigan, is not covered.

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Service	Payment to Funeral Director	Cemetery or Crematory	Vault
Fetus or infant under age 1 month	\$100	\$45	\$0
Burial with memorial service	\$455	\$145	\$100
Burial without memorial service	\$220	\$145	\$100
Cremation with memorial service	\$455	\$145	\$0
Cremation without memorial service	\$220	\$145	\$0
Transportation of donated or unclaimed body being cremated	\$.32 per mile up to \$176	\$0	\$0
Irrevocable funeral agreement (8A)	\$0	\$145	\$100
Cremation permit fee for an unclaimed body	\$0	\$75	\$0
Disposition of unclaimed body	\$555	\$145	\$100

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**PUBLIC CEMETERIES**  
**Act 46 of 1931**

AN ACT to supplement the laws providing for the establishment, control, maintenance and care of public cemeteries by cities and townships within this state; to define the powers and duties of cemetery boards and other public officials invested by law with the management thereof; to provide for the termination and forfeiture of rights in certain unused burial spaces in such cemeteries; to prescribe and regulate the procedure with reference thereto; to authorize the resale of such spaces and to direct the investment and use of the funds received therefrom; and to repeal all acts or parts of acts inconsistent with the provisions hereof.

**History:** 1931, Act 46, Eff. Sept. 18, 1931;—Am. 1947, Act 149, Eff. Oct. 11, 1947.

*The People of the State of Michigan enact:*

**128.11 Definitions.**

Sec. 1. The term "cemetery" as used herein shall be deemed to refer to any public cemetery owned, managed or controlled by any city, village or township within this state. "Cemetery Board" as used herein shall be construed as referring to and including any board, trustees or public official or officials invested by law with the duty of managing or controlling any public cemetery as herein defined. "Burial space" means a lot or portion thereof in any cemetery as aforesaid designed and intended for the interment of human bodies or of a human body, but not used for such purpose. "Owner" means any person or persons owning or possessing the privilege, license or right of interment in any burial space.

**History:** 1931, Act 46, Eff. Sept. 18, 1931;—Am. 1947, Act 149, Eff. Oct. 11, 1947;—CL 1948, 128.11;—Am. 1949, Act 107, Imd. Eff. May 17, 1949.

**128.12 Failing or neglecting to care for and maintain burial space; proceedings for termination and forfeiture of owner's rights and interest; resolution; petition; service; publication of hearing notice; failure to appear and answer; default.**

Sec. 2. If the owner of a burial space in a public cemetery, subject to the provisions of this act, fails and neglects for a period of 7 years or more to care for and maintain the burial space in accordance with the laws, rules, and regulations relating to the care and maintenance of burial spaces, the cemetery board may institute proceedings for the termination and forfeiture of the owner's rights and interest in the burial space. If the cemetery board determines that the owner has failed or neglected to care and maintain the burial space, the cemetery board shall adopt a resolution reciting this determination. A certified copy of the resolution shall be served on the owner personally by a competent person or shall be sent by first class mail to the owner's last known address. If within 30 days after the sending of the resolution the owner does not comply or make provisions for complying with the laws, rules, and regulations, the cemetery board may cause a petition to be filed in the circuit court for the county in which the cemetery is located. The petition shall set forth the facts relating to the sale and ownership of the burial space, the owner's failure and neglect to comply with the laws, rules, and regulations for the care and maintenance of the burial space, and shall ask for the termination and forfeiture of the owner's rights to the burial space. The petition shall be noticed for a hearing, on a date not less than 40 days from the date of filing. Within 15 days after filing, a copy of the petition with the hearing notice shall be personally served on the owner or copies of the petition shall be sent by first class mail to the last known address of the owner. Notice of the hearing shall be published once each week for 3 successive weeks in a newspaper of general circulation in the county in which the cemetery is located. The first notice shall be published not less than 30 days before the date of hearing. After the petition and notice have been served or sent, it is the owner's duty to appear and answer to the allegations of the petition. If the owner fails to appear and answer on the day noticed for hearing, the owner's default may be entered in the manner provided for by law.

**History:** 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.12;—Am. 1989, Act 14, Imd. Eff. May 10, 1989.

**128.13 Burial space; proceedings for termination of rights; forfeiture; city, village or township may re-sell; copy of order served on owner; redemption.**

Sec. 3. On the day noticed for the hearing of said petition or on any subsequent day to which the hearing of the cause is adjourned, the proofs and allegations of the parties shall be presented to the court and if said court shall determine therefrom that the owner has failed and neglected for a period of 7 years preceding the filing of said petition to comply with the rules and regulations relating to the maintenance and the care of said burial space or spaces, an order shall be entered accordingly, forfeiting and terminating the rights and interest of such owner in and to said burial space or spaces, subject to the provisions of this act, and shall further provide

that the city, village or township, through and by its proper board or other officials shall have the right to re-sell such spaces and to use the proceeds derived from such sale in the manner and for the purposes hereinafter provided. A duly certified copy of such order shall, within a period of 10 days after the entering thereof, be personally served on such owner or shall be sent by registered mail to his last known place of address. Following the entering of such order aforesaid, the owner shall have a period of 60 days in which to redeem the right or interest in and to such spaces by paying the costs incurred in the proceeding, not exceeding \$15.00, and by complying with the rules and regulations provided for the care and maintenance thereof, or by making provision for such compliance. If it shall be made to appear to the court at any time before the expiration of such 60 day period that the owner has so redeemed the right or interest, an order shall be made and entered, setting aside the previous order of termination and forfeiture.

**History:** 1931, Act 46, Eff. Sept. 18, 1931;—Am. 1933, Act 72, Imd. Eff. May 5, 1933;—Am. 1935, Act 18, Eff. Sept. 21, 1935;—Am. 1937, Act 150, Imd. Eff. July 2, 1937;—Am. 1939, Act 257, Imd. Eff. June 15, 1939;—Am. 1941, Act 187, Imd. Eff. June 16, 1941;—CL 1948, 128.13;—Am. 1949, Act 107, Imd. Eff. May 17, 1949.

#### **128.14 Duty of board.**

Sec. 4. It shall be the duty of the cemetery board to keep an accurate account of all expenses incurred by it under the provision of this act and shall charge such expenses against the burial spaces involved. If, at the expiration of 60 days from and after the entering of the order of termination and forfeiture hereinbefore provided for, the owner shall not have redeemed his right or interest, the board is authorized and empowered to maintain and care for the burial space or spaces involved and shall keep an accurate and detailed account of all money expended for such purpose.

**History:** 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.14.

#### **128.15 Reconveyance; perpetual care trust fund.**

Sec. 5. At any time during the period of 2 years from and after the entering of the order of termination and forfeiture, the owner of any burial space or spaces shall be entitled to a reconveyance to him by the cemetery board on the payment of the costs and expenses incurred in said proceeding, not exceeding 15 dollars, in the care and maintenance of such space or spaces. If such reconveyance is not sought and obtained during said 2 year period, then and thereupon the cemetery board shall be authorized and empowered to offer such spaces for sale in accordance with the rules and regulations of said board governing the sale of lots and spaces in the cemetery concerned. The proceeds derived therefrom shall be used to defray the expenses incurred in accordance with the provisions of this act and the balance, if any, shall be placed in a fund to be known as the "Perpetual care trust fund" of the cemetery. The income therefrom shall be used by the board for the future maintenance, care and upkeep of the cemetery.

**History:** 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.15.

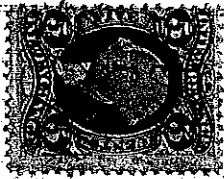
#### **128.16 Rights not forfeited; conditions.**

Sec. 6. Nothing in this act contained shall be construed to authorize the forfeiture or termination of rights or interest in and to any burial space that has been used for interment nor shall any such space be subject to resale under the provisions hereof.

**History:** 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.16.



CLINTON CEMETERY ASSOCIATION.



Clinton Cemetery Association

Certificate of Right of Burial, No. 61

The Clinton Cemetery Association, for Dollars,

to them paid by *Sylvester Van Niman* of

*Clinton Seneca County, Michigan* hereby GRANT unto

*Sederick Van Niman* the **Right of Burial**

in their grounds, and embracing in reference to this (their) Plot, Lot No. 1

Block No. 11 subject nevertheless, to regulations and provisions, as provided by law.

Dated, Clinton, April 2<sup>o</sup> 1867

*J. W. Lee* Clerk

Countersigned, *Alonzo Wood* President