

ORDINANCE #10- 02

An ordinance 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 Summerfield, Monroe 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 SUMMERFIELD, MONROE COUNTY ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Summerfield 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 six burial spaces.

An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

Section 3: Sale of Lots or Burial Spaces

Cemetery lots may be sold for the purpose of the burial of the purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors.

All sales shall be made on a burial permit 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.

Burial rights may be transferred by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate the original burial permit.

Section 4: Purchase Price and Transfer Fees

Each burial space shall cost: \$300.00 for residents or taxpayers of the Township;
\$600.00 for residents of the City of Petersburg; and
\$2,500.00 for all others

In the event of a transfer of a burial space from a resident/taxpayer of the Township to a non-resident of the Township, the transfer fee shall be \$300.00 for a transfer to a resident of the City of Petersburg and \$2,200.00 for a transfer to all others.

In the event of a transfer from a resident of the City of Petersburg to a non-resident/non-taxpayer of the Township, the transfer fee shall be \$1,900.00.

The foregoing charges shall be paid to the Township Clerk and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

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 (cremains) shall be as follows:

Township Residents or Taxpayers:

Infant: \$200.00
Cremation: \$125.00
Full burial: \$400.00

Township Residents or Taxpayers Weekend and Holiday:

Infant: \$275.00
Cremation: \$175.00
Full Burial: \$550.00

Non-Resident/Non-Taxpayer

Infant: \$250.00
Cremation: \$150.00
Full Burial \$600.00

Non-Resident/Non-Taxpayer Weekend and Holiday:

Infant: \$325.00
Cremation: \$200.00
Full Burial \$750.00

The foregoing charges are each increased by an additional \$100.00 for winter burial; November 1 through April 1.

The Township Board, by resolution, may periodically alter the foregoing fees.

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 matters are under the supervision of the Monroe County Health Department.

Section 6: Markers or Memorials

All markers or memorials must be of stone or other equally durable composition.

All markers or memorials are to be placed on the front lot line and all inscriptions are to face the walkway.

Any large upright monuments must be located upon a suitable foundation.

Only one monument, marker or memorial shall be permitted per burial space. In addition, one military marker shall be allowed per burial space; if said marker is placed in the ground its placement must permit mowing and other grounds maintenance.

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

Section 7: Interment Regulations

Only one person may be buried in a burial space except for a mother + one infant, two children buried at the same time, one person's cremains + one person, or 2 persons' cremains.

Order of burial shall be as follows: Grave Number 1 for father; Grave Number 2 for mother; other graves for children or other relatives; lots numbered from South to North as follows:

South 1 2 3 4 5 6 North

The Cemetery Sexton may direct the utilization of a false set up based on weather conditions at any time during the year.

Not less than 48 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space(s).

The appropriate burial permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented either to the Cemetery Sexton or the Township Clerk prior to interment. Where such burial permit has been lost or destroyed, the Township Clerk 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 scattering of cremains is prohibited.

Section 8: Ground Maintenance

No grading, leveling or excavating upon a burial space shall be allowed.

No flowers, shrubs, trees or vegetation of any type shall be planted. Any of the foregoing items planted may be removed by the Township or the Cemetery Sexton.

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 use of the cemetery.

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

The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

The cemetery has annual spring cleanup the Friday before Palm Sunday and all old decorations will be removed at that time.

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.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery lots or burial spaces sold after the effective date of the Ordinance and remaining vacant 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 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 notice his desire to retain said burial rights.
- 2) 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 may repurchase any Cemetery lots or burial space from the owner for the original price paid to the Township upon written request of said owner or his legal heirs or representatives, subject to approval of the Summerfield Township Board.

Section 11: Records

The Township Clerk 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 vault installed or constructed in each burial space before interment.

Section 13: Cemetery Hours

The cemetery shall be open to the general public from 9:00 a.m. to dusk each day.

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 30 days after publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Motion by: Seegert, **Support by:** Wiederhold

Roll call vote: **Iott** Yes, **Bleashka** Yes, **Wagenknecht** Yes, **Seegert** Yes, and **Wiederhold** Yes.

Date adopted: **June 21, 2010**

Tammy Bleashka, Clerk