

## Clinton Township Cemetery

*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, LENAWEЕ 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**

- 2.1. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to twelve burial spaces.
- 2.2. 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 •
- 2.3. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- 2.4. 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 which may, from time to time, be set aside specifically for such burials.
- 2.5. 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**

- 3.1. 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.

- 3.2. 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.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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**

- 4.1. 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.
- 4.2. 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.
- 4.3. 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**

- 5.1. The opening and dosing 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.
- 5.2. 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.

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

## **Section 6. Markers or Memorials**

- 6.1. 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.
- 6.2. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- 6.3. Only one monument, marker or memorial shall be permitted per burial space.
- 6.4. 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.
- 6.5. Riverside Cemetery shall provide military holders and flags.

## **Section 7. Interment Regulations**

- 7.1. 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.
- 7.2. 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.
- 7.3. 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.
- 7.4. All graves shall be located in an orderly and neat appearing manner within the confines of the burial. space involved.
- 7.5. 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.

- 7.6. 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**

- 8.1. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Cemetery Manager.
- 8.2. 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.
- 8.3. 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.
- 8.4. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- 8.5. 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.
- 8.6. Surfaces other than earth or sod are prohibited.
- 8.7. 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'. All winter decorations must be removed by March 15th.
- 8.8. 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**

- 9.1. 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:

- 9.2. 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.
- 9.3. 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**

- 10.1. The Township will repurchase any cemetery lots or burial space from the owner for the original price paid
- 10.2. 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**

- 13.1. 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.
- 13.2. 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. Municipal Civil Infractions Violations and Penalties**

- 14.1. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less

than \$100.00 nor more than \$2,500.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

- 14.2. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- 14.3. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- 14.4. Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, place, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.
- 14.5. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- 14.6. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

## **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.