

**ESSEX TOWNSHIP  
CEMETERY ORDINANCE  
ORDINANCE NO. 17**

At a duly scheduled and notices meeting of the Township Board of Essex Township, Clinton County, Michigan, held at the Maple Rapids Community Center on August 19, 2015, at 7:00 p.m., Township Board Member Bunn moved to adopt the following ordinance, which motion was seconded by Township Board Member Ferguson.

AN ORDINANCE TO AMMEND ORDINANCE 11 AND 12 CEMETERY ORDINANCE. THIS ORDINANCE IS INTENDED TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF ESSEX, CLINTON COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

SECTION 1. TITLE . This ordinance shall be known and cited as the Essex Township Cemetery Ordinance.

SECTION 2. DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.

- A. A cemetery lot shall consist of two (2) or more spaces.
- B. A burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

SECTION 3. SALE OF LOTS OR BURIAL SPACES .

- A. All such sales shall be made on an approved form, which grants a right of burial only and does not convey any other title to the lot or burial space sold. The township clerk or controlling cemetery board shall execute such form.
- B. Burial rights may be transferred only by endorsement of an assignment of such burial permit form issued and approved by the township clerk or controlling cemetery board, and entered upon the official records of the township clerk or controlling cemetery board. Upon such assignment, approval and record, the clerk or controlling cemetery board shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Proof of such transfers should be recorded in the clerk's office or with the controlling cemetery board.

SECTION 4. PURCHASE PRICE AND TRANSFER FEES .

- A. Each burial space shall be determined by a fee structure established by Township Board or the controlling Cemetery Board.
- B. The charges shall be paid to the township treasurer or the controlling cemetery treasurer.
- C. The township board or controlling cemetery 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 .

- 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.
- B. No burial spaces, for vaults or cremains, shall be opened and closed except under the direction and control of the cemetery caretaker. This provision shall not apply to proceedings for the removal and disinterment of bodies and remains, which matters are under the supervision of the local health department, as a result of a court order.

## SECTION 6. MARKERS OR MEMORIALS .

- A. All markers or memorials must be of stone or other equally durable composition.
- B. All markers, urns or monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one upright monument, marker or memorial, including attached plaque (i.e. Veteran's plaque) shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial is to be placed shall be three inches larger per side of the base of the marker. The foundation and marker must be contained within the boundaries of the lot. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed, or obtained, by the Township at cost to the owner of the burial right.

## SECTION 7. INTERMENT REGULATIONS .

- A. Only one person may be buried in a burial space except for a mother or father and infant, or two children buried at the same time.
- B. One burial space may contain up to six cremains. Cremains are to be buried or contained in the individual's lot..
- C. A minimum of 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- D. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to either the cemetery caretaker or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall determine if the person has the legal right to be buried in the burial space before any interment is commenced.

## SECTION 8. GROUND MAINTENANCE .

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery caretaker or the township clerk.
- B. No shrubs, trees, or evergreens of any type shall be planted without the approval of the cemetery caretaker. The cemetery caretaker may remove any of the foregoing items planted without such approval.
- C. The township board or controlling cemetery board reserves the right to authorize the removal or trimming of any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.

- E. The cemetery caretaker shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that are determined to be unsightly, a source of litter, or a maintenance problem.
- F. Landscape materials (i.e. bark mulch, stone) other than earth or sod are prohibited.
- G. All refuse of any kind including dried flowers; wreaths, papers, and flower containers must be removed or deposited in trash receptacles located within the cemetery. Grave Blankets must be removed by April 1st.

#### SECTION 9. REPURCHASE OF LOTS OR BURIAL SPACES .

Upon approval of the township board, the township may repurchase any cemetery lot 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 10. RECORDS .

The township clerk or controlling Cemetery Board 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 11. VAULT .

All burials shall be within a concrete vault installed or constructed in each burial space before interment. Urns containing cremains do not have to be in a vault.

#### SECTION 12. CEMETERY HOURS .

- A. The cemetery shall be open to the general public during the daylight hours.
- B. No person shall be permitted in the township cemeteries at any time other than daylight hours, except upon permission of the township board or the cemetery caretaker.

#### SECTION 13. 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 14. 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 15. EFFECTIVE DATE .

This ordinance shall take effect thirty days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Roll call taken:  
Supervisor Wardin: aye  
Treasurer George: aye  
Clerk Bunn: aye  
Trustee Gavenda: aye  
Trustee Ferguson: aye

ORDINANCE DECLARED ADOPTED.

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Carla Wardin, Essex Township Supervisor

Effective: