

ORDINANCE NO. 34

Cemetery Ordinance

An ordinance to protect the public health, safety and general welfare by establishing regulations to the operation, control, and management of cemeteries owned by the Charter Township of Madison, Lenawee 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 Madison Charter Township Cemetery Ordinance.

Section 2. Definitions of Cemetery Lots and Burial Spaces.

- a. A cemetery lot shall consist of 4 or more spaces.
- b. A burial space shall consist of a land area four (4) feet wide and twelve (12) 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. Such form shall be executed by the township clerk.
- b. Burial rights may be transferred only by endorsement of an assignment of such burial permit form issued and approved by the township clerk, and entered upon the official records of the clerk. Upon such assignment, approval and record, the clerk 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.

Section 4. Purchase Price and Transfer Fees.

- a. Each burial space shall be determined by a fee structure established by Township Board.
- b. The charges shall be paid to the township treasurer.

- c. 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.

- 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 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 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 or monuments must be located upon a suitable foundation to maintain the same in an erect position.
- c. The footing or foundation upon which any monument, marker or memorial is to be placed shall be approved by the township sexton. All foundations shall be 2" larger per side of the base of the marker.

Section 7. Interment Regulations.

- a. Only one person may be buried in a burial space except for a mother or father and infant, two children buried at the same time, or two cremains.
- b. 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.
- c. 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 sexton 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 sexton or the township clerk.
- b. No shrubs, trees, or evergreens of any type shall be planted without the approval

of the cemetery sexton and the township clerk. Any of the foregoing items planted without such approval may be removed by the township of the cemetery sexton.

- c. The township 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 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 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 unless approved by the sexton and the township clerk.
- 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.

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 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 standard steel or concrete vault installed or constructed in each burial space before interment.

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 sexton of the cemetery.

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/or . 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 such ordinance which shall continue in full force and effect.

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 on publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.