

TOWNSHIP OF ALMONT

CEMETERY ORDINANCE

ORDINANCE NO. 61.1

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 Almont, county of Lapeer, 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 ALMONT, LAPEER COUNTY, MICHIGAN ORDAINS:

**Section 1: Title**

This ordinance shall be known as the Almont 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 eight burial spaces.

An adult burial space shall consist of a land area four (4) feet wide and eight (8) 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 1/2) feet in length.

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

Hereafter, cemetery lots or burial spaces shall be sold to residents or taxpayers of the township 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, 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 herein.

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.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only 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 upon such records, the original permit thus assigned.

At the time of purchase from the Township, each cemetery burial space shall be assigned the name of the specific person who shall be interred in that burial space upon death.

**Section 4: Purchase price and Transfer Fees**

Each burial space shall be determined by a fee structure established by the Township Board.

The lawful owner of any cemetery lot within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.

All charges shall be paid to the Township Treasurer.

The Township Board, by resolution, may periodically alter the 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, 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 Sexton or Township Official. This provision shall not apply to proceedings for the removal and interment of bodies and remains, which matters are under the supervision of the local health department as a result of a court order.

Interments during months when the ground is frozen could incur additional charges as determined by the Township

**Section 6: Markers or Memorials**

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

All markers or 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 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 and infant or two children buried at the same time, or two cremains.

The Township or its duly appointed Sexton shall supervise all interments. 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 spaces.

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 either the Sexton or the Township Clerk prior to interment. Where such 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.

**Section 8: Cremains**

Cremains may be buried in a container approved by the Township in a cemetery burial space. No cremains shall be scattered or dispersed within a Township Cemetery.

**Section 9: Ground Maintenance**

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

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

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.

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 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.

**Section 10: Disclaimer of Township Liability and Responsibility**

Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery burial space or anywhere in a Township cemetery. The purchaser or transferee of any cemetery burial space hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery burial space or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township officials.

**Section 11: 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:

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 12: Repurchase of lots or Burial Spaces**

The Township may 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 13: 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 14: Vault**

All burials shall be within a standard concrete vault (which meets all applicable laws) installed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the Township if allowed by law.

Cremains shall be in a container approved by the Township.

**Section 15: Cemetery Hours**

The cemetery shall be open to the general public during the daylight hours.

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 Sexton.

**Section 16: 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 17: 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 18: Cemetery Rules and Regulations**

**General Rules**

1. The consumption or use of intoxicating beverages or mind altering drugs within the limits of the cemetery grounds is not permitted. Profanity or boisterous language, which disturbs the quiet and peaceful atmosphere of the cemetery is prohibited.
2. Motorized recreational vehicles, such as snowmobiles, go carts, etc., shall not be permitted within the cemetery grounds at any time.
3. The use of firearms in the cemetery is unlawful and prohibited except where firearms are used in conjunction with burial ceremonies or by a duly authorized police officer.
4. Advertising or posting of signs within the cemetery is prohibited.
5. Any tombstone, monument, inscription or any other memorial structure or display shall be approved by the Sexton.

6. The Township shall not be responsible for the theft or damage to anything placed on cemetery lots or graves.
7. All graves are to be kept level with the adjacent lots so as not to interfere with lawn maintenance. No grading, leveling or excavating upon burial space shall be allowed without the permission of the cemetery Sexton.
8. No person shall remove sod or earth from any lot, aisle way or roadway.
9. No sand, gravel, or other loose material may be used around the bases of markers or monuments.
10. No steps or artificial walkways of any kind are permitted.
11. No fencing, edging, wire screens, arbors, trellises, individual artificial flowers anchored in the ground or any objects of a similar nature is permitted.
12. No glass or ceramic objects or containers of any kind are permitted in a cemetery.
13. One (1) shepherd's hook is permitted per grave, providing it is placed within the permitted planting area. Any item hanging on the shepherd's hook shall be securely fastened.
14. One eternal flame or one small (12 inches or less in height) solar landscape light may be placed within the permitted planting area per grave.
15. No more than two (2) decorative items may be placed within the permitted planting area, provided they are of sufficient weight or are attached to the monument, so that they will remain securely with the permitted area. No decoration shall obstruct the view of a monument.
16. Temporary or permanent settees, benches and chairs are not permitted in a cemetery.
17. No dogs, horses or other domesticated animals are permitted with a cemetery.
18. Vehicles shall remain on cemetery drives.

#### **Urns and Statues**

1. Urns are the responsibility of lot owners. The Township assumes no responsibility as to the care, maintenance or protection of urns, or for any damage which may result to any urn placed in a cemetery.
2. The placement of urns is prohibited until a valid cemetery lot certificate has been issued.
3. All urns placed in a cemetery shall be of conventional style and made of concrete or a similar heavyweight material capable of withstanding environmental elements. All urns must be semi-permanent or permanent in style and must be placed within the monument or marker row or within twelve (12) inches of the read of a monument and must not encroach upon an aisle or walkway.
4. All urns must be sufficient enough in weight that they will remain upright and in place on windy days. Urns which have blown or fallen off their base or are not in the proper place will not be permitted.
5. A maximum of two (2) urns per monument are permitted.
6. One unpainted, heavyweight statue (upon a concrete base) may be substituted for an urn.
7. Urns which become broken, unsightly in appearance or a nuisance to the upkeep of the cemetery or to other lot owners will not be permitted.

8. Urns or statues which do not comply with all of the above rules will be removed from the cemetery without notice. Any urns which are removed from a cemetery will be placed in storage for not more than thirty (30) days, after which time they may be disposed of without notice. Make arrangements with the Township office to pick up any urns which have been removed.

### **Plantings and Flowers**

1. Bushes and trees may not be planted on any grave or lot in a cemetery.
2. Any plants, bushes or trees already planted on graves or lots must be kept trimmed and maintained by the owner or lot keeper. Any plants which impede upon a monument will not be permitted. Any plants which are untrimmed or which become a nuisance by reason of their branches, roots, appearance or otherwise become detrimental to adjacent lots, aisle ways or roadways or an inconvenience to other lot owners or to the upkeep of the cemetery will be removed without notice. The Township Board or Sexton reserves the right to remove or trim any tree, plant shrub located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
3. Potted plants, whether real or artificial may not be planted in the ground but must be left in the pot above the surface of the ground. Potted plants must not be placed in front of or behind graves but to the side to provide clearance for lawn maintenance equipment. All such potted plants may be in pots not to exceed ten (10) inches in diameter and limited to two (2) per marker. Any potted plant must be sufficient enough in weight that it will remain upright and in place on windy days.
4. Artificial flowers not in an urn must be securely attached to the monument itself.
5. The use of wire, nails, iron rods or other devices to anchor flower vases, baskets or other objects to the ground will not be permitted.
6. Planting is permitted within twelve (12) inches of the front and rear of a monument

### **Winter Period**

1. Winter decorations, such as grave blankets, decorative balls and wreaths are permitted between November 1 and April 1. During this time, tripods are permitted for those decorations not secured directly to the headstone. As part of the spring cleanup, cemetery personnel will remove all seasonal decorations.

### **Summer Period**

1. Summer decorations, such as annual flowers in pots, urns and saddles are permitted from May 1 to November 1. Two (2) flower pots or two (2) urns plus one flower saddle per marker is permitted. Lot owners who wish to save fall or summer decorations shall remove them before November 1.

### **Section 19: Authority of the Township Sexton**

The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton shall assist other Township officials with the enforcement and

administration of this Ordinance. The Township Sexton shall have such duties and obligations with regard to Township cemeteries as may be specified from time to time by the Township Board.

**Section 20: Township Officials Who Can Enforce this Ordinance**

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- Township Supervisor
- Township Clerk
- Township Sexton
- Township Ordinance Enforcement Officer
- Any Almont Police Officer

**Section 21: Interpretation/Appeals to the Township Board**

The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions, rules or regulations contained in this Ordinance, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.

Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty (30) days of the date of the decision, determination or other matter being appealed. The Township shall give the aggrieved party at least ten (10) days prior written notice of the meeting at which the Township Board will address the matter. Pursuant to any such appeal, the decision of the Township Board shall be final. The Township Board may set a fee or fees for any such appeal from time to time by resolution.

**Section 22: Effective Date**

This ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



The above Ordinance was offered for adoption by Township Board Member Streeter, and was seconded by Township Board Member Stroup, the vote being as follows:

YEAS: 7

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED

**CERTIFICATION**

I hereby declare that the above is a true copy of an ordinance adopted by the Almont Township Board at a regular meeting held on August 12, 2013 at the Almont Township Hall, pursuant to the required statutory procedures.

Dated: 8-13-13

Respectfully submitted,  
By: Carol Hoffner, Almont Township Clerk

Carol Hoffner



TOWNSHIP OF ALMONT  
NOTICE OF ADOPTION  
CEMETERY ORDINANCE  
ORDINANCE NO. 61.1

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 Almont, county of Lapeer, 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 ALMONT, LAPEER COUNTY, MICHIGAN ORDAINS:

- Section 1: Title
- Section 2: Definitions of Cemetery Lots and Burial Spaces
- Section 3: Sale of Lots or Burial Spaces
- Section 4: Purchase Price and Transfer Fees
- Section 5: Grave Opening Charges
- Section 6: Markers and Memorials
- Section 7: Interment Regulations
- Section 8: Cremains
- Section 9: Ground Maintenance
- Section 10: Disclaimer of Township Liability and Responsibility
- Section 11: Forfeiture of Vacant Cemetery Lots and Burial Spaces
- Section 12: Repurchase of Lots or Burial Spaces
- Section 13: Records
- Section 14: Vault
- Section 15: Cemetery Hours
- Section 16: Penalties
- Section 17: Severability
- Section 18: Cemetery Rules and Regulations
- Section 19: Authority of Township Sexton
- Section 20: Township Officials Who Can Enforce this Ordinance
- Section 21: Interpretation/Appeals to the Township Board
- Section 22: Effective Date

A complete copy of the Ordinance is available for inspection or purchase at the Almont Township Offices during regular business hours.

The undersigned Supervisor and Clerk of the Township of Almont hereby certify that this Ordinance was duly adopted by the Township Board at a meeting held on the 12<sup>th</sup> day of August 2013 and was published in the Tri-City Times on the 14<sup>th</sup> day of August, 2013. This Ordinance shall be effective thirty (30) days after said date of publication.

