

## Chapter 10 - CEMETERIES

### FOOTNOTE(S):

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**State Law reference**— Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; cemetery regulations act, MCL 456.521 et seq. ([Back](#))

#### Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cemetery* means a burial ground for earth interments.

*Cremains* means the container and incinerated body of the deceased person.

*Grave/lot owner* means the owners of the burial rights. Such rights are limited to a burial privilege as evidenced by a burial rights certificate. The interest created by purchase or transfer of any plot is a personal contract right and not an interest or estate in real property. Spouses or no more than two unrelated persons may be joint owners with rights of survivorship to any burial space.

*Immediate family* means the following: spouse, parent, stepparent, grandparent, child, stepchild, grandchild and spouse of the aforementioned, of the owners, and includes the term "great-" to the terms specified herein, where applicable.

*Interment* means the disposition of the remains of a deceased human by earth interment.

*Lot* means a cemetery lot which consists of numbered divisions as shown on the recorded plat sufficient to accommodate from two to ten burial plots.

*Lot marker* refers to any means used by the cemetery to locate and mark corners of the lot.

*Management* means the person or persons duly designated by the township board for the purpose of managing the cemetery.

*Marker or monument* means a stone or plaque either flush or above the ground indicating the given and/or family names and must be located on the west side (head) of the plot. Only one marker is allowed per burial space or may be centered over two spaces.

*Plot* means a burial space consisting of a land area which is 42 inches wide and nine feet in length, sufficient in size to accommodate one adult interment.

*Resident* means any person who has legal or official ownership, individually or jointly with another, of any real property which is subject to assessment by the township for ad valorem property taxes.

(Ord. No. 07-11, § 2, 11-8-2007)

#### Sec. 10-2. - Cemetery ownership.

- (a) The township as the legislative body owning or controlling a cemetery or burial grounds may by resolution or ordinance provide for the perpetual care and maintenance of a cemetery or burial lot upon payment by the owner of the lot or another person of the agreed upon sum, and in consideration may bind itself to perpetually care for and maintain the lot.
- (b) The township board is the legislative body of a municipality owning and controlling a cemetery. The township board has assigned the advisory duties of oversight and management of their cemetery to the township clerk, or his designee.

(Ord. No. 07-11, § 1.1, 11-8-2007)

Sec. 10-3. - Sale of lots or burial spaces.

- (a) *Purchase of burial rights.* Residents and nonresidents of the township may purchase burial rights at a cost to be determined from time to time by resolution of the township board.
- (b) *Transfer of burial rights.* A transfer of burial rights must be endorsed by and filed with the township clerk. Upon such transfer, the township clerk shall issue a new burial certificate to the assignee and shall cancel the original certificate thus issued. In addition, all transfers of burial rights are subject to the applicable transfer fee as stated in section 10-4. Burial rights may not be sold between private individuals or for speculative purposes.
- (c) *Methods of payment.* Gravesites must be paid-in-full at the time of purchase. The township board reserves the right to limit the sale to ten burial spaces. Any variation from the five-space limit must be approved by action of the township board.

(Ord. No. 07-11, § 3, 11-8-2007)

Sec. 10-4. - Purchase price and transfer fees.

- (a) *Resident and nonresident fees.* The township board shall establish the fee for the purchase of a burial space by a resident and a separate fee for the purchase of a burial space by a nonresident. These fees may be revised from time to time by resolution of the township board.
- (b) *Transfer fees.* The transfer of one or more burial rights from the original purchaser to a qualified resident or family assignee shall require payment of a per plot transfer fee to the township. These transfer fees may be revised from time to time by resolution of the township board.

(Ord. No. 07-11, § 4, 11-8-2007)

Sec. 10-5. - Markers or memorials.

- (a) *Permitted materials and styles.* All markers, memorials and monuments must be of quality granite or standard bronze. Marble may be permitted if it is of durable quality and finish. All other grades of marble, sandstone, slate, artificial stone, fieldstone, terra cotta, wood, iron or glass, in any form, shall not be permitted. Unsightly and ill-proportioned monuments or stone work are prohibited. Appendages such as books, photos or glasswork are prohibited unless cast in bronze and used as a plate in the die of a marker, memorial or monument. The township clerk may cause a marker, memorial or monument to be removed, rebuilt or remodeled, at the owner's expense, where and when such is desirable for the proper and orderly development of the cemetery and to preserve the aesthetic value thereof. In the event that a marker, memorial or monument must be removed, rebuilt or remodeled, the township will not be responsible for any loss thereof either to the lot owner or dealer.
- (b) *Township's liability.* The township assumes no responsibility for ensuring that ordered markers, memorials or monuments are proper for the area and for name placement on the marker.
- (c) *Monument companies liable for damage.* Monument companies are responsible for all damages to cemetery grounds and surrounding markers, memorials or monuments that occurs during their installation of a marker, memorial or monument.
- (d) *Markers, monuments and memorials regulations.*
  - (1) Only one marker, monument or memorial shall be permitted per burial space. All markers, monuments, and memorials shall be located on the west side of the space.
  - (2) The marker or monument foundation may not be more than 42 inches long, the width of a single burial space and 20 inches in depth. The marker or monument foundation for multiple spaces may not be more than 60 inches long and 20 inches wide. All monuments must face the east or west direction. The township clerk must approve any variations in size and/or location.

(Ord. No. 07-11, § 5, 11-8-2007)

Sec. 10-6. - Interment regulations.

- (a) *Interments per grave site.* 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 one infant when buried with an immediate family member when said family member had previously been interred. The ash remains of one person may be interred in a grave wherein lie the remains of only one other person who was an immediate family member or joint owner at the time of initial purchase.
- (b) *Advance notice required.* Not less than 36-hour notice shall be given in advance of the time of a funeral to allow for the opening of the burial space.
- (c) *Method of ordering grave opening.* The township will not assume responsibility for errors in opening graves when orders are given by any means of communication other than in writing or in person. Orders submitted by funeral directors for the opening of graves will be considered as if coming from the plot owner.
- (d) *Removal of flowers and emblems.* Following an interment, all flowers or emblems used at the interment that have become unsightly will be removed and the management assumes no responsibility for their return to the owners.
- (e) *Interments not permitted on Sundays and holidays.* Interments shall not be permitted on Sundays or holidays, except as ordered by the county or state health department.

(Ord. No. 07-11, § 6, 11-8-2007)

**State law reference**— Permit for disposition of body, MCL 333.2850.

Sec. 10-7. - Ground maintenance.

- (a) *Unauthorized groundwork.* No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery by the township clerk.
- (b) *Plantings.* The township clerk reserves the right to direct the planting of trees and shrubs in the cemetery. Plot owners may obtain permission to plant dwarf evergreens on a plot and must be planted in line on either side of a marker, memorial or monument. All requests must be submitted to the township clerk.
- (c) *Township clerk authority regarding plantings.* The township clerk has the discretionary authority to trim and/or remove all trees, shrubs and plantings, which have become unsightly or overgrown. No unauthorized trimming, pruning or removing of a branch from any tree or shrub in the cemetery is permitted except under the supervision of the township clerk.
- (d) *Mounds are prohibited.* Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
- (e) *Cemetery sexton authority.* The township clerk 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.
- (f) *Required surface.* Surfaces other than earth or sod are prohibited.
- (g) *Proper disposal of refuse.* 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.
- (h) *Urn regulations.* The term "urn," as used herein, means an open top, concrete or stone container for planting flowers, is permitted on lots which consist of two plots. An urn must be set in line with the marker, memorial or monument on a lot. Urns not in use by June 1 may be marked and removed.
- (i) *Location of flower beds.* Flower beds must be located directly in front of and adjacent to the marker, memorial or monument and extend not more than eight inches from the base of the marker,

memorial or monument. Potted flowers placed above the ground are not allowed. Beds or urns set contrary to this article may be removed without notice.

- (j) *Cut flower regulations.* Cut flowers may be placed in a depressed metal vase set adjacent to and/or in line with a marker, memorial or monument and extend not more than eight inches from the base of the marker, memorial or monument.
- (k) *Artificial flowers and wreath regulations.* Artificial flowers, grave blankets, and artificial wreaths are permitted at ground level on lots only during fall and winter from November 1 to April 1. They may be placed adjacent to the marker, memorial or monument or in urns or they may be placed in lieu of a marker, memorial or monument. The township clerk shall have all artificial flowers, wreaths and blankets remaining on the grave after April 1 removed if in violation of subsection (l) of this section.
- (l) *Summer season.* April 2 to October 31, artificial flowers and/or wreaths are permitted only if placed in urns, or affixed to the marker in such manner so as not to interfere with general maintenance practices.
- (m) *Items not permitted.* Only a marker, memorial or monument shall be permitted on the gravesite. The following items shall not be permitted:
  - (1) Chairs, settees;
  - (2) Benches;
  - (3) Hanging baskets;
  - (4) Glass containers;
  - (5) Glass covered boxes;
  - (6) Photos and boxes for the preservation of flowers, wreaths, statues, ornaments and flower pots.

Other questionable items are subject to the discretion of the township clerk.

(Ord. No. 07-11, § 7, 11-8-2007)

#### Sec. 10-8. - Repurchase of lots or burial spaces.

The township will repurchase the burial rights to any cemetery lot or burial space from the owner for the original price paid the township, upon request of said owner or his legal heirs or representative.

(Ord. No. 07-11, § 8, 11-8-2007)

#### Sec. 10-9. - Records.

The township clerk shall maintain records concerning sales of all burial rights, all burials, issuance of burial permits and transfers of burial rights, and shall have access to all cemetery funds, separate and apart from any other records of the township, and the same shall be open to public inspection at all reasonable business hours.

(Ord. No. 07-11, § 9, 11-8-2007)

#### Sec. 10-10. - Vaults.

All burials shall be contained within a standard concrete or steel vault (or vaults made of other materials when standardized and accepted) constructed in each burial space before interment with the exception of infant burials and cremains. Burial vaults over four feet in length shall be considered as adult size.

(Ord. No. 07-11, § 10, 11-8-2007)

#### Sec. 10-11. - Cemetery hours.

- (a) *Public visitation hours.* The cemetery shall be accessible by the public from dawn to dusk.

- (b) *Visitation during nonvisitation hours.* No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the township board or the township clerk/sexton of the cemetery.

(Ord. No. 07-11, § 11, 11-8-2007)

Sec. 10-12. - Perpetual care and maintenance.

The purchase price of every plot includes perpetual care and maintenance and such care is made a part and condition of each sale in order to provide for the essential services and requirements of a cemetery without further expense to the owner. Perpetual care and maintenance shall consist of mowing, reseeding and leveling all sunken graves at reasonable intervals. Anything other than the essential features of lot maintenance as herein outlined is not included, such as the repair, maintenance or replacement of any marker, memorial, monument or urn. Nor does it include the watering of plants, flower beds or cut flowers, except as such work is done on the normal care incidental to regular maintenance.

(Ord. No. 07-11, § 15, 11-8-2007)

Sec. 10-13. - Disinterments and reinterments.

- (a) *Disinterment regulations.* Disinterment of a body once properly interred shall not be made without approval of the township clerk and is subject to the orders and laws of the properly constituted public authorities. Graves shall not be opened for inspection except for official investigation.
- (1) *Permit required.* A permit for disinterment and reinterment is required before disinterment of a dead body. The local health department in whose jurisdiction the body is interred shall issue the permit.
  - (2) *Proper forms and applications.* The department shall prepare and furnish to local health department the forms for permits and applications therefor, which shall be used in the procedures prescribed by this section. The local health department shall retain an application for a disinterment and reinterment permit for not less than five years. A duplicate copy of the permit shall be maintained in permanent records of the cemetery from which the body was disinterred.
  - (3) *Petition of the circuit court required if consent not obtained.* If a required consent cannot be obtained, a person may petition the circuit court of the county in which the cemetery is located for disinterment order.
- (b) *Notice and fees required.* One week's notice is required prior to any disinterment or removal. All fees for disinterment and reinterment shall be prepaid.

(Ord. No. 07-11, § 16, 11-8-2007)

**State law reference—** Permit for disposition of body, MCL 333.2850.

Sec. 10-14. - Damage to cemetery properties; speed limit.

The township shall not be responsible for any kinds of damage by the elements, vandals, and thieves or by other causes beyond its control. The defacement of markers, memorials, monuments, graves or cemetery appurtenances, whether intentional or otherwise, and the removal of flowers, urns or any of the cemetery equipment without proper authority will be considered a misdemeanor and the individual will be liable for the damages. The operator of any vehicle will be liable for any damage caused by said vehicle, whether intentional or unintentional. The speed limit established on cemetery roads is ten miles per hour.

(Ord. No. 07-11, § 17, 11-8-2007)