

CHAPTER 3 - TOWNSHIP CEMETERY

SECTION:

6-3-1: - TITLE:

This Ordinance shall be known and cited as the *THOMAS TOWNSHIP CEMETERY ORDINANCE*.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-2: - DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES:

- A. A cemetery lot shall consist of burial space sufficient to accommodate from one to eight (8) burial spaces.
- B. An adult burial space shall consist of a land area four feet wide and eight feet in length (4' x 8').

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-3: - SALE OF LOTS OR BURIAL SPACES:

- A. Sale To Residents; Exception: Hereafter, cemetery lots or burial spaces shall be sold only 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 therein.
- B. Form: 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.
- C. Transfer Of Burial Rights: Burial rights may 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.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-4: - PURCHASE PRICE AND TRANSFER FEES:

- A. Charges Established: Purchase price and transfer fees shall be established and set from time to time by a resolution of the Township Board.
- B. Payment And Disposition Of Charges: The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the General Fund.
- C. Changes In Charges: The Township Board, by resolution, shall periodically establish fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-5: - GRAVE OPENING CHARGES:

- A. Charges Established: 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. Authority To Open And Close Graves: No burial spaces shall be opened and closed except under the direction and control of the DPW Superintendent. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the State and/or County agencies.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-6: - MARKERS OR MEMORIALS:

- A. Materials: All markers or memorials must be of stone or other equally durable composition.
- B. Foundation Required For Large Monuments: Any large upright monuments must be located upon a suitable foundation, as determined by DPW Superintendent, to maintain the same in an erect position.
- C. Number: Only one monument, marker or memorial shall be permitted per burial space.
- D. Construction And Cost Of Foundations: 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.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-7: - INTERMENT REGULATIONS:

- A. Number Per Space: Only one person may be buried in a burial space except for an adult and an infant or two (2) children buried at the same time.
- B. Notice Of Funeral: Not less than thirty six (36) hours' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- C. Required Information And Documents: 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 DPW Superintendent 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 or with written permission from the owner of a lot that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.
- D. Maintenance Of Grave Sites: All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-8: - GROUND MAINTENANCE:

- A. Excavations: No grading, leveling, or excavating upon burial space shall be allowed without the permission of the DPW Superintendent.
- B. Planting Vegetation: No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the DPW Superintendent. Any of the foregoing items planted without such approval may be removed by the Township.

- C. Township May Remove Or Trim Vegetation: 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 use of the cemetery.
- D. Mounds Prohibited: Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. Removal Of Vegetation And Decorations: The DPW Superintendent 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 have become unsightly, a source of litter or a maintenance problem.
- F. Fencing Grave Sites Prohibited: Fencing, curbing and coping around grave sites are prohibited.
- G. Surface Restrictions: Surfaces other than earth or sod are prohibited.
- H. Refuse Disposal: All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, balloons, and flower containers must be removed or deposited in containers located within the cemetery.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

- I. Removal Of Winter Decorations: All grave blankets, wreaths, and other winter decorations must be removed by April 1.

(Ord. 06-G-06, 5-1-2006, eff. 6-10-2006)

6-3-9: - FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES:

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. Notice: 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 forty (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 sixty (60) days from the date of mailing of the within notice his desire to retain said burial rights.
- B. No Response To Notice: 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 sixty (60) days from the date of mailing of said notice.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-10: - REPURCHASE OF LOTS OR BURIAL SPACES:

The Township will 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.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-11: - 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.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-12: - VAULT:

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-13: - CEMETERY HOURS:

- A. Hours Cemetery Open: The cemetery shall be open to the general public from the hours of eight o'clock (8:00) A.M. to dusk each day.
- B. Permission Required For Other Hours: No person shall be permitted in the Township cemeteries any time other than the foregoing hours, except upon permission of the Township Board or the DPW superintendent.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-14: - SANCTIONS:

- A. Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00), plus costs, which may include all direct or indirect expenses, to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.
- B. Any person or entity who violates any of the provisions of this ordinance and who has been issued a municipal civil infraction violations notice as defined by ordinance 97-G-01 [\[2\]](#) and who admits responsibility therefor within the time specified thereon shall pay a civil fine and costs at the Thomas Township municipal ordinance violations bureau in accordance with the schedule of civil fines and costs in section 9 of ordinance 97-G-01 [\[3\]](#) which is incorporated herein by reference.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

Footnotes:

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Cross reference— See Title 1, Chapter 3 of this Code.

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Cross reference— See Section 1-3-9 of this Code.

6-3-15: - 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.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)

6-3-16: - EFFECTIVE DATE:

That this Ordinance, or a summary thereof, is hereby ordered to be published in The Township Times, a newspaper of general circulation within the Township of Thomas on May 14, 1997, and shall become effective thirty (30) days from the date of said publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 97-G-10, 5-5-1997, eff. 6-13-1997)