

POWELL TOWNSHIP

P.O. Box 29
BIG BAY, MICHIGAN 49808

CEMETERY ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS TO THE OPERATION, CONTROL, AND MANAGEMENT OF THE CEMETERY OWNED BY THE TOWNSHIP OF POWELL OF MARQUETTE COUNTY, 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 POWELL, COUNTY OF MARQUETTE, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Powell Township Cemetery ordinance.

Section 2: Definitions of Cemetery Lots Burial Spaces

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
- B. An adult burial space shall consist of land area four (4) feet wide and ten (10) feet in length.
- C. An infant or stillborn burial space shall consist of land three (3) feet wide and three and one half (3 1/2) feet in length in areas set aside specifically for such burials.

Section 3: Sale of Lots or Burial Spaces

- A. Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of burial of such purchases 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 has sufficient personal in the township or relationship to persons interred therein.
- B. All such sales shall be made on forms approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot burial space sold. Such forms shall be executed by the Township Clerk. No burial spaces may be sold to another party by the original owner.
- C. No burial spaces may be sold to another party by the original owner. Burial rights may only be transferred to those person eligible to be Original Purchasers of

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.

Section 4: Purchase Price and Transfer Fees

- A. Each adult burial space shall cost the sum of \$100.00; non-residents fee \$200.00
- B. Each burial space for infants or stillbirths, where located in an area especially set aside for such burials, shall cost \$50.00
- C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$10.00
- D. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the Cemetery Fund.
- E. Winter interment shall cost \$1,000
- F. The Township Board, by Resolution, may periodically alter the foregoing fees to accommodate increased cost and needed reserve funds for cemetery maintenance and acquisition.

Section 5: Grave Opening Charges \$150.00
Interment of Ashes \$ 30.00

- 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 space 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 local health department.

Section 6: Markers or Memorials

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monument must be located upon a suitable foundation to maintain the same in an erect position.

permitted per burial space, with the exception of a flat foot marker.

- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the monument manufacturer at the supervision of the Sexton

Section 7: Interment Regulations

- A. Only one person may be buried in a burial space, except for a mother and infant or two children buried at the same time, with the exception of ashes.
- B. Not less than 36 hour 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, where necessary, shall be presented to either the Cemetery Sexton or the Township Clerk prior to the 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.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

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 flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Cemetery Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or Cemetery Sexton.
 - C. 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 the use of the cemetery.
 - D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
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- E. The Cemetery Sexton 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. Surface other than earth or sod are prohibited.
- G. 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 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 sixty (60) years from the date of the sale shall automatically revert to the Township upon occurrence of the following events:

- a. 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) years 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 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 date of mailing of said notice.

Section 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 representative.

Section 11: Records

The Township Clerk shall maintain records concerning all burials and issuance of burial permits separate and apart from any other records of the Township and the same shall be open to the public for inspection at all reasonable business hours.

Section 12: Vault

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

Section 13: Cemetery Hours

- A. The cemetery shall be open to the general public from the hours of 8:00 AM to 9:00 PM each day.
- B. 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 Sexton of the Cemetery.

Section 14: 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, any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section 15: Severability

To Provision of the within ordinance is 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 continue in full force and effect.

Section 16: Effective Date

This Ordinance shall take effect on June 1, 1993. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Ordinance adopted by roll call vote of Powell Township Board at the Regular Meeting of the Board on April 13, 1993.

Marilyn Hume

Clerk