

ALBERT TOWNSHIP CEMETERY ORDINANCE
ORDINANCE NO. 23

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 Albert, Montmorency County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

Township Of Albert, County of Montmorency, Michigan ordains:

SECTION 1: **TITLE** This Ordinance shall be known and cited as the Albert 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 (1) to eight (8) burial spaces in Albert Township Cemetery, and from one (1) to six (6) burial spaces in Albert Township East Cemetery.

SECTION 3: **SALE OF LOTS OR BURIAL SPACES**

- A. Hereafter, cemetery lots or burial spaces shall be sold only to residents and taxpayers of the Township for the purpose of the burial of such purchaser, or his or her heirs at law, or next of kin, or persons of lineal consanguinity. Costs of burial spaces shall be set by resolution of the Township Board and posted in the Township Hall. Cemetery lots or burial spaces may be sold to non-residents in adjoining townships who do not have available cemeteries. Costs of burial spaces to non-residents shall be set by resolution of the Township Board and posted in the Township Hall. Cemetery lots or burial spaces may be sold to non-residents in adjoining townships who do not have available cemeteries. Costs of burial spaces to non-residents shall be set by resolution of the Township Board and posted. 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. All such sales shall be made on a form approved by the Township Board, which grants the 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 with direction from the Township Board.
- C. 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 cemetery deed upon the original cemetery deed 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 cemetery deed to the assignee and shall cancel and terminate upon such records, the original cemetery deed assigned.

SECTION 4: PURCHASE PRICE AND TRANSFER FEES

- A. The cost of such burial space shall be set by resolution of the Township Board and reviewed from time to time. There shall be no charge to transfer burial spaces.
- B. Purchases of burial spaces by the Department of Social Services for indigent persons shall be at the current purchase price.

SECTION 5: GRAVE OPENING AND CLOSING 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 by resolution of the Township Board and payable to the Township. The Township Board shall review the costs from time to time. All costs shall be paid at time of interment.
- B. No burial spaces shall be opened and closed except under the direction and control of the cemetery maintenance person. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which falls under the supervision of the local health department.
- C. Grave opening and closing charges paid for by the Department of Social Services for indigent persons shall be at the current price.
- D. All burials will conform with the Michigan Department of Public Health rules and regulations and all other governmental rules and regulations.

SECTION 6: MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition. No artificial, native boulders or field stone will be permitted.
- B. Any upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Sections 1, 2, 3, 4, 5 and 6, Albert Township Cemetery, and all sections of Albert Township East Cemetery, may have upright markers. Any new cemetery additions shall have markers flush with the ground.
- D. The footing or foundation of any monument, marker or memorial tribute must be placed and constructed by the cemetery maintenance person, or he/she may authorize other persons to construct footings or foundations under his/her supervision. Placement of headstone shall be upon direction of the cemetery maintenance person.

SECTION 7: INTERMENT REGULATIONS

- A. Only one (1) person may be buried in a burial space, except for a mother and infant, multiple cremations or two (2) children buried at the same time.
- B. Not less than forty-eight (48) hour notice shall be given in advance of any time of any scheduled burial 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 maintenance person or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his/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.

SECTION 8: GROUND MAINTENANCE

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery maintenance person or the Township Clerk.
- B. Fresh cut flowers may be placed on graves at any time. Artificial flowers and plants may be used in potholders from May 1st until October 15th. Artificial flowers, plants and pots not removed by October 15 shall be removed and discarded by the cemetery maintenance person. Grave blankets and artificial flowers placed in urns may be used during the winter months.
- C. Glass and plastic objects, cans, toys, Christmas trees and similar items are strictly prohibited. If such decorations are placed in a cemetery, they will be removed and destroyed by the cemetery maintenance person.
- D. No shrubs, trees or vegetation of any type shall be planted without approval of the cemetery maintenance person or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery maintenance person. Curbing and fencing of cemetery lots and/or grave sites is prohibited.
- E. The cemetery maintenance person 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 have become unsightly, a source of litter, or a maintenance problem. The cemetery maintenance person further has the right to remove or trim any tree, plant or shrub located within the cemeteries in the interest of maintaining proper appearance and the use of the cemetery.
- F. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited. Surfaces 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 near the building.

SECTION 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

- 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 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. The 40 year period shall start on effective date of this ordinance.
- B. If no written response to said forfeiture notice is received by the Township Clerk from the last owner of record, their heirs or legal representative, within sixty (60) days from the date of mailing, indicating a desire to retain said cemetery lots or burial spaces in question, then said cemetery lots and burial spaces shall be forfeited.

SECTION 10: REPURCHASE OF LOTS OR BURIAL SPACES

- A. The Township will 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 11: RECORDS

- A. The Township Clerk shall maintain records concerning all burials, issuance of burial permits, perpetual care 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.

SECTION 12: VAULT

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

SECTION 13: CEMETERY HOURS

- A. The cemetery shall be open to the general public from the hours of dawn to dusk.
- B. 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 maintenance person of the cemetery.

SECTION 14: **PENALTIES**

- A. 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 one hundred dollars (\$100.00) and/or imprisonment for up to ninety (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 15: **SEVERABILITY**

- A. 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.