

**TOWNSHIP OF EAGLE
CLINTON COUNTY, MICHIGAN**

**ORDINANCE NO. 1-2000
CEMETERY ORDINANCE**

PREAMBLE

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 EAGLE, CLINTON COUNTY, MICHIGAN; TO ESTABLISH RATES AND SCHEDULES OF FEES IN CONNECTION THEREWITH; TO PROVIDE PROCEDURES FOR THE PERPETUAL CARE AND MAINTENANCE OF THE CEMETERIES; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE;

The Charter Township of Eagle, Clinton County, Michigan ordains:

SECTION 1: TITLE

This Ordinance shall be known and cited as the *Township of Eagle Cemetery Ordinance*.

SECTION 2: DEFINITIONS

- A. BOARD: Wherever *Board* is used in this Ordinance, it shall mean *Cemetery Board*.
- B. GRAVE/LOT OWNER: The term *grave/lot owner* is intended and shall be construed to mean the owners of burial rights and 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 (2) unrelated persons may be joint owners with rights of survivorship to any burial space.
- C. IMMEDIATE FAMILY: The *immediate family* is defined as follows: *spouse, parent, stepparent, grandparent, child, stepchild, grandchild, and spouse of the aforementioned, of the owner(s), and shall include "great-" to the above where applicable.*

- D. INTERMENT: The term "interment" shall mean the permanent disposition of the remains of a deceased person by burial or cremation and inurment.
- E. LOT: A cemetery "lot" shall consist of numbered divisions as shown on the recorded Plat sufficient to accommodate from two to ten burial plots.
- F. LOT MARKER: The term "lot marker" refers to any means used by the cemetery to locate and mark corners of the lot.
- G. MANAGEMENT: The term "management" shall mean the person or persons duly designated by the Township Board for the purpose of managing the cemetery.
- H. MARKER: A "marker" is a stone or plaque either flush or above the ground indicating the given and/or family name(s) and must be located on the West Side (head) of the plot.
- I. MONUMENT: A "monument" is a stone extending above the ground inscribed with the family name only and may be placed at a location approved by the Cemetery Board and/or Sexton.
- J. PLOT: A burial space consisting of a land area 42" wide and nine feet in length, sufficient in size to accommodate one adult interment.
- K. RESIDENT: The term "resident" shall mean 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.
- L. TRUSTEES: Wherever "trustees" is used in this Ordinance, it shall mean the Township Board of Trustees.

SECTION 3: CEMETERY BOARD

The Cemetery Board of Township of Eagle shall consist of three (3) members appointed by the Township of Eagle Board of Trustees. Each member shall be appointed to a three-year term with one term expiring on July 31st of each year. The Cemetery Board shall be responsible for the development of policy and

operating procedures, which shall be carried out by the Sexton under the general management and supervision of the Clerk.

SECTION 4. SALE OF BURIAL RIGHTS

- A. PURCHASE OF BURIAL RIGHTS: Township residents and non-residents, who have immediate family living in the township or buried at Niles Cemetery, may purchase burial rights at a cost to be determined from time to time by resolution of the Township Board of Trustees. All such sales shall be made on a form approved by the Township Board of Trustees, 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.
- B. TRANSFER OF BURIAL RIGHTS: Burial rights may be transferred to those persons defined as an immediate family member or a resident upon payment to the Township of a transfer fee as provided in Section 5B. Burial rights may be transferred to a non-resident upon payment to the Township of the transfer fee as provided in Section 5B plus the difference, at the time of the transfer, between the current cost of a resident plot(s) and the current cost of a non-resident plot(s). A transfer of burial rights must be endorsed by and filed with the Township Clerk. Upon such transfer, the 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 5 (B). Burial rights may not be sold between private individuals or for speculative purposes.
- C. PAYMENT FOR GRAVESITES: Gravesites must be paid-in-full at the time of purchase. The Board reserves the right to limit the sale to five (5) burial spaces. Any variation from the five- (5) space limit must be approved by action of the Board.
- D. LIMITATION ON SALE OF GRAVESITES. The Board reserves the right to limit the sale to six (6) burial spaces. Any variation from the six (6) space limit must be approved by action of the Board.

SECTION 5: PURCHASE PRICE AND TRANSFER FEES

- A. RESIDENT AND NON-RESIDENT FEES: The Township of Eagle Board of Trustees 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 non-resident. These fees may be revised from time to time by resolution of the Township of Eagle Board of Trustees.
- 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. The transfer of one or more burial rights from an original purchaser to a non-resident assignee shall require payment of a non-resident per plot transfer fee plus payment of the difference in costs as required in SECTION 4B. These transfer fees may be revised from time to time by resolution of the Township of Eagle Board of Trustees.
- C. DEPOSIT OF CEMETERY REVENUE: The cemetery fees and charges shall be submitted to the Township Treasurer and shall be deposited in the Cemetery Fund(s) as determined by the Township Board of Trustees.
- D. AUTHORITY TO INCREASE FEES: The Township Board of Trustees, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

SECTION 6: 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, reseeded 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 in the normal care incidental to regular maintenance.

SECTION 7: GRAVE OPENING CHARGES

- A. AUTHORITY TO ESTABLISH GRAVE OPENING/CLOSING FEES: 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 of Trustees, payable to the Township.
- B. AUTHORITY OF SEXTON TO OPEN/CLOSE GRAVES: No burial spaces 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 the local health department.

SECTION 8: INTERMENT REGULATIONS

- A. INTERMENTS PER GRAVE SITE: Only one person may be buried in a burial space with the exception of cremated remains. Cremated remains may be interred as space permits and as authorized by the sexton. In no case will more than a single marker be permitted on a single gravesite.
- B. BURIAL TRANSIT PERMIT AND FEE REQUIRED: No burial shall proceed until a burial transit permit and payment of the interment fee has been received by the Sexton.
- 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.

SECTION 9: VAULTS

All burials shall be contained within a standard concrete or steel vaults (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.

SECTION 10: MARKERS, MEMORIALS AND MONUMENTS

- A. PERMITTED MATERIALS AND STYLES: All makers, 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 Board may cause a marker, memorial or monument to be removed, rebuilt or remodeled, at the owners 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 assuring 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 & MEMORIALS REGULATIONS: Only one marker or memorial shall be permitted per burial space. All markers and memorials shall be located on the West Side of the plot.
- E. MONUMENT REGULATIONS: Only one monument shall be permitted on a lot consisting of at least five (5) burial spaces. No monument will be allowed on lots of smaller area or on any single gravesites. If there are six (6) burial spaces and a monument is desired, one burial space must be forfeited upon which to set the monument, except that a child or one cremains may be interred in that space. The monument foundation can be no more than 42

inches long, the width of the forfeited burial space. All monuments must face the East or West direction.

- F. VARIANCES FROM REQUIREMENTS: Any variance from the following requirements must be approved by the Board.

SECTION 11: GROUND MAINTENANCE

- A. UNAUTHORIZED GROUNDWORK: No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.
- B. PLANTINGS: The Board 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. BOARD AUTHORITY REGARDING PLANTINGS: The Board reserves the right to direct 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. The Sexton 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 any branch from any tree or shrub in the cemetery is permitted except under the supervision of the sexton.
- 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 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. 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: An urn, defined as an open top, concrete or stone container for planting flowers, is permitted on lots which consist of two (2) plots (sixty-three (63) square feet). An urn must be set in line with the marker, memorial or monument on a lot. Urns not in use by June 1st will 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 ordinance 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 and artificial wreaths are permitted on lots only during fall and winter from November 1st to April 1st. 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 Sexton shall remove all artificial flowers, wreaths and blankets remaining on the grave after April 1st.

L. ITEMS NOT PERMITTED: Only a marker, memorial or monument shall be permitted on the gravesite. The following items shall not be permitted: *chairs, settees, benches, hanging baskets, glass containers, glass covered boxes, photos and boxes for the preservation of flowers, wreaths, statues, ornaments and flower pots.* Other questionable items are subject to the discretion of the Sexton and/or Board.

SECTION 12: DISINTERMENTS AND REINTERMENTS

A. DISINTERMENT REGULATIONS: Disinterment of a body once properly interred shall not be made without approval

of the Board 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.

- B. NOTICE AND FEES REQUIRED: At least one week's notice is required prior to any disinterment or removal. All fees for disinterment and reinterment shall be prepaid.
- C. FEES FOR RE-SETTING MARKERS: Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made. If the body is re-interred there will be a charge for re-setting the marker or monument, the same as for a newly placed marker, memorial or monument and must be prepaid.

SECTION 13: 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 or her legal heirs or representative.

SECTION 14: RECORDS

The Township Clerk, or a person appointed by the Township Board, 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.

SECTION 15: CEMETERY HOURS

- A. PUBLIC VISITATION HOURS: The cemetery shall be open between 8:00 a.m. to 4:30 p.m. between November 1st and April 30th. Between May 1st and October 31st the cemetery shall be open the same hours as the Township parks, from 8:00 a.m. until dusk, except when inclement weather conditions necessitate an earlier closing time.
- B. VISITATION DURING NON-VISITATION HOURS: No person shall be permitted in the Township cemetery at any

time other than the foregoing hours, except upon permission of the Trustees, the Board or the Sexton of the cemetery.

SECTION 16: DAMAGE TO CEMETERY PROPERTIES

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(s) 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 (10) miles per hour.

SECTION 17: 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 \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction plus the costs of prosecution. 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 18: 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 19: EFFECTIVE DATE

This Ordinance shall take effect upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A VOTE ON THE FOREGOING ORDINANCE WAS AS FOLLOWS:

YES: Morris, Schafer, Korroch, Colby and Hodge
NO: none

David Morris
David Morris, Supervisor

Jane A. Korroch
Jane A. Korroch, Clerk

CERTIFICATION

I, Jane A. Korroch, Clerk of the Township of Eagle, do hereby certify that the foregoing is a true and accurate copy of the Cemetery Ordinance 1-2000 adopted by the Township of Eagle on the 2nd day of October, 2000.

Jane A. Korroch
Jane A. Korroch, Clerk