

**CEMETERY ORDINANCE
SHERMAN TOWNSHIP
ISABELLA COUNTY, MICHIGAN**

ORDINANCE NUMBER 2005-1 EFFECTIVE 8/15/2005

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 Sherman, Isabella 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 SHERMAN, COUNTY OF ISABELLA, MICHIGAN ORDAINS:

35.001 Sec. 1 TITLE

This ordinance shall be known and cited as the Sherman Township Cemetery Ordinance

35.002 Sec. 2 DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces
- B. A burial space shall consist of a land area four feet wide and nine feet in length

35.003 Sec 3. SALE OF LOTS OR BURIAL SPACES

A. Hereafter, cemetery lots or burial spaces shall be sold 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 hereto 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. 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 forms shall be executed by the Township Clerk

B. Burial rights may only be transferred to those persons eligible in the same manner as the original purchasers of cemetery lots or burial spaces within the Township. Written request to transfer shall be received and be approved by the Township Clerk. The transfer shall then be entered into the official records of said Clerk.

C. Lot owners shall not allow interments in their lots in return for remuneration of any kind

D. The Township Board by resolution may periodically set and adjust the fee for burial spaces to accommodate increased costs and needed reserves for cemetery maintenance and acquisition

35.004 Sec 4 GRAVE OPENING 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 from time to time by resolution of the Township board, payable to the Township

B. 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.

35.005 Sec 5 MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition
- B. Any monument must be located upon a suitable solid foundation which extends at least four inches beyond the marker on all sides and is flush with the ground. The footing or foundations must be constructed by the lot owner but must have prior approval of the Township Clerk.
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. Should any monument or memorial become unsightly, dilapidated or a safety hazard, the Board shall have the right, at the expense of owner, to correct the condition or remove the same

35.006 Sec. 6 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
- B. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space
- 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 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 in 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
- E. No lot shall be used for any other purpose than the burial of the human dead

35.007 Sec. 7 GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed.
- B. Shrubs or trees planted may not exceed three feet tall and/or three feet in diameter at full growth and may not be planted without approval of the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton
- C. Flowers should not be planted in the ground next to or in front of the headstones to facilitate trimming. Plantings in cement or plastic urns are permitted. Urns/planters to be placed in line with the headstones at the front of the burial space.
- D. 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
- E. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited

F. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.

G. No stones or wood chips are to be placed on lots

H. Surfaces other than earth or sod are prohibited

I. Any 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.

35.008 Sec. 8 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant 40 years from the date of their 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 40 year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the notice his/her 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 60 days from the date of mailing of said notice.

C. It is the responsibility of the lot owner to notify the Township Clerk of any change of address.

35.009 Sec. 9 RECORDS

The Township Clerk shall maintain records concerning all burials and issuance of burial permits

35.010 Sec. 10 VAULT

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

B. Remains shall be in an approved container

35.011 Sec. 11 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. 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.

35.012 Sec. 12 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.

35.013 Sec. 13 EFFECTIVE DATE; REPEAL

This ordinance shall take effect 8/15/05. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED: 8/15/05

Denise Lwermore

Clerk.