

**HAYNES TOWNSHIP ORDINANCE #17/02
COUNTY OF ALCONA, STATE OF MICHIGAN
CEMETERY ORDINANCE**

An ordinance to protect the public health, safety, and the general welfare of the Township, by establishing regulations relating to the operation, control and management of cemeteries owned by the Township of Haynes, County of Alcona, State of Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

SECTION 1
TITLE

This ordinance shall be known and cited at the Haynes Township "Mt.Joy" Cemetery Ordinance.

SECTION 2
DEFINITION OF CEMETERY BURIAL SPACES

- A. An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet in length and be sufficient to accommodate one adult burial, two small children, or up to eight (8) two by two (2 X 2) feet of burial space per cremain.

SECTION 3
SALE OF LOTS OR BURIAL SPACES

- A. Hereafter, cemetery lots or burial spaces shall be sold only to Township residents and property taxpayers 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 to others than as heretofore set forth. The Township Board 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 burial spaces will be sold individually and sale will be limited to a maximum of four (4) burial spaces per family.
- C. 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 by the Township Sexton. The information on this form will include, section, lot number and burial space identification.
- D. Burial rights may only be transferred by those persons eligible to be the original purchasers of cemetery 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 Sexton. Upon such assignment, approval and record, said Sexton 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. Hereafter, each burial space sold to township residents and taxpayers shall cost the sum of \$100.00.
- B. If the Township Board grants permission for out-of township residents to purchase burial spaces due to circumstances mentioned in Section 3, paragraph A, then the cost of a burial space shall be the sum of \$300.00.
- C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost the sum of \$10.00 per burial space.
- D. The foregoing charges shall be paid to the "Haynes Township Treasurer" and shall be deposited in the Township's Cemetery Fund.
- E. The Township Board, by resolution, may periodically alter the forgoing fees to accommodate changing needs.
- F. The Township will repurchase any burial space from the owner for the original price paid to the Township, upon written request of said burial space owner or his legal heirs or representatives.

SECTION 5
GRAVE OPENING CHARGES

- A. Charges for opening and closing of any burial space, including the interment of ashes, shall be handled through the Funeral Director, except for "Cremains" that are brought by family members directly for burial. Payment for these will be made to the township at time of burial.
- B. ~~Cost of adult burials are \$475.00
Costs of infant and children burials are \$150.00
Costs of Cremain burials are \$75.00
Cost of Winter Burials will be a maximum of \$4,000.00 (to be paid in advance) to cover added cost associated with a winter burial. Sexton fee will be \$500.00. Any amount collected over actual costs will be reimbursed.~~ updated 6-23-21
- C. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall also apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department or by court order.
- D. Any cost incurred in removing a marker or monument that was placed prior to burial that cannot be moved by the Sexton will be passed on to the family or representative of the deceased.
- E. Any damages incurred to grave markers, monuments, lot markers, township property, or grave lots themselves during the opening and closing of any grave, shall be the responsibility of the party responsible for the damage. Example: The Township, Monument Co., Vault Co. or private individuals.

SECTION 6
MARKERS OR MEMORIALS

- A. The Sexton must be notified before a marker or memorial may be placed on any burial space to insure proper placement of such on correct lot.
- B. All markers or memorials must be of stone or other equally durable composition.
- C. Only one (1) marker or memorial shall be permitted to be placed per burial space, with the exception of one veterans marker which will be allowed in addition to a regular marker. The placement of said veteran's marker must be approved by the Sexton.
- D. All upright monuments or memorials must be placed on a suitable foundation to maintain it in an upright position.
- E. Persons wanting to make their own foundations must have it at least six (6) inches of concrete and have a border of at least four (4) or more inches of concrete around the base of the headstone being placed and must be flush with the ground.
- F. If individuals do not want to make their own foundation; it will be constructed by the Sexton at cost to the owner of the burial right.

SECTION 7
INTERMENT REGULATIONS

- A. All burials, regular and cremains, will be handled by the Township Sexton.
- B. Only "Human" remains will be accepted for burial and must be placed in a standard acceptable vault. Cremain ashes will be buried in container they come in.
- C. Only one person may be buried in a burial space, except for an infant buried with a parent, or two children buried at the same time, or from one (1) to eight (8) cremains may be buried in a 4 X 8 foot space.
- D. Not less than 48 hours of advance notice shall be given to the Sexton for burial purposes, except for Cremain burials where a 24-hour advance notice is acceptable.
- E. The appropriate permit for burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to the Cemetery Sexton prior to interment. Where such permit has been lost or destroyed, the Township Sexton 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.
- F. All graves shall be located in an orderly manner within the confines of the burial space involved.

- G. The Sexton will have exclusive discretion to close the cemetery for burials from November 1st to April 1st of each year based on weather conditions.
- H. The Sexton will record the date of final disposition, the date and place of death, and the name and address of the funeral director. This information can be obtained from the "authorization for final disposition" which the funeral director should provide. The Sexton will furnish this information to the Township Clerk who is the primary custodian of cemetery records.

SECTION 8

FORFEITURE OF BURIAL SPACES

Cemetery burial spaces sold after the effective date of this ordinance and remaining vacant for a period of forty (40) years from the date of their sale, shall automatically revert back to the township upon occurrence of the following events:

- A. Notices shall be sent by the Township Clerk by First Class Mail, to the last known address of the last owner of record, informing them of the expiration of the 40 years period, and that all rights with respect to burial spaces, will be forfeited if they do 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 burial spaces in question, is received by the Township Clerk from the last owner of record of said spaces or his heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

SECTION 9

GROUND MAINTENANCE

- A. All ground maintenance will be done by the Township.
- B. Planting of shrubs or trees on burial space is not permitted and will be immediately removed by the Township or Cemetery Sexton.
- C. All live, artificial, cut, dried, or potted flowers are permitted to be placed by the headstone only. Winter wreaths and grave blankets may be placed after November 1st and removed prior to April 1st, for spring clean up.
- D. Flowers planted by headstones will be kept within a two (2) feet area on the grave side of the headstone.
- E. Burial space levels must be left with the contour of the surrounding ground.
- F. Prohibited are the placement of fences, railings, cornerstones, chipped stone, mounds of any sort, or other obstacles which will hinder the free use of lawnmowers or other ground maintenance equipment.

- G. All refuse of any kind or nature, including dried flowers, wreaths, papers, and flower containers, among others, must be deposited in containers located within the cemetery. No throwing of wreaths, flowers and other refuse into the woods is allowed.
- H. 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.
- I. The Township Board reserves the right to remove and dispose of any and all growth, emblems, displays or containers that due to decay and deterioration, damage or otherwise becomes unsightly, a source of litter or a maintenance problem.
- J. Walkways must be kept clear, anything (planters, flowers, etc.) put in walkway will be removed by the Sexton.

**SECTION 10
GENERAL REGULATIONS**

- A. The cemetery shall be open to the general public during daylight hours.
- B. Animals, except leader dogs, are not permitted in the cemetery.
- C. Alcohol is not permitted in the cemetery.
- D. Speed limit on all cemetery property is 10 miles per hour, and driving off the established roads is prohibited.
- E. The use of any recreational vehicles and snowmobiles are strictly prohibited within the confines of the cemetery property.
- F. The cemetery entrance gate will be closed and locked, at the Sexton's discretion, for the winter months.

**SECTION 11
CEMETERY RECORDS**

The Township Clerk shall maintain all cemetery records concerning the sale of burial spaces, burials, veterans and burial permits, separate and apart from any records that the Sexton may keep and the same shall be open to the public for inspection at all reasonable business hours.

**SECTION 12
OWNERS OF CEMETERY DEEDS**

- A. Persons who now hold and own a "Cemetery Deed" that was issued prior to the effective date of this ordinance shall retain their prior rights under deeds.
- B. Owners of "Cemetery Deeds" will be subject to this Cemetery Ordinance once it is in effect, except for items pertaining to Burial Rights (section 3, para. C and D).

SECTION 13

PENALTIES

- A. Any person, firm or corporation 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. Additionally, the violator shall pay costs, which may include all direct and indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 nor more that \$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.
- B. Each day a violation of this ordinance continues to exist constitutes a separate violation.

This Ordinance will become effective thirty days after the publication of the same. All ordinances in conflict herewith are hereby repealed.

Ayes 5

Nayes 0

HAYNES TOWNSHIP
ORDINANCE

Haynes Township
Amendment to Mt. Joy Cemetery
Ordinance

Change to Section 5: Grave Opening Charges: B: Grave opening charges shall be handled through the funeral director. Cost of winter burials (to be paid in advance) will be an amount sufficient to cover added cost associated with a winter burial.

This Amendment to the Mt. Joe Cemetery Ordinance will become effective thirty days after the publication of the same.

Ayes 5

Nayes 0

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