

# **Bay Mills Township Cemetery Ordinance**

*Bay Mills township cemeteries are important historical, cultural, and archaeological resources that provide the community with some of our earliest written history. Cemeteries not only provide a quiet place in which to honor the deceased but they also remind us of the fragility of life today and in earlier times. By taking the responsibility to develop and enforce regulations of our cemeteries, we hope to preserve a resource that will benefit not only us but also future generations.*

*An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operations, control and management of cemeteries owned by the Township of Bay Mills, Chippewa County and State of Michigan: To provide penalties for the violation of said ordinance: and to repeal all ordinances or parts of ordinances in conflict therewith.*

*Township of Bay Mills, County of Chippewa, State of Michigan ordains:*

## **Section 1: Title**

This ordinance shall be known and cited as the Bay Mills Township Cemetery Ordinance.

## **Section 2: Purpose an Intent**

The Bay Mills Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the township is an important function of the government of the township. It is also important that burials, disinterment and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The township board finds that the adoption and enforcement of this ordinance is the best interest of the property owners and residents of the township.

## **Section 3: Definitions of cemetery lots, burial spaces, and sites.**

- A. The cemetery map section consists of (8) lots.
- B. Each lot has three (3) burial spaces
- C. Each space is (1) burial site
- D. A burial site is five (5) feet wide and fifteen (15) feet in length.
- E. A burial site for a cremation Urn is two (2) feet by to (2) feet.

#### **Section 4: Sale of burial spaces.**

- A. Hereafter, cemetery burial space shall be sold only to Bay Mills Township residents or 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 others than as heretofore set forth. Township board 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 a right of burial only and does not convey any other title to the burial space sold. Such form shall be executed by the township clerk or sexton.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of burial spaces within the township and may be affected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk or sexton. Upon assignment, approval and record shall cancel and terminate upon such records, the original permit thus assigned.

#### **Section 5: Purchase Price**

- A. A schedule of the cost of certificates for burial spaces, the fee for transfer of a burial space or lot certificate, and the cost of opening and closing a grave for a casket or cremations shall be established by the Bay Mills Township Board. The fee schedule is available upon request by contacting the Township Clerk or the Cemetery Sexton.
- B. The above costs shall be collected by a person authorized by the township board and be paid over to the township treasurer and deposited in the township general fund.
- C. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### **Section 6: Grave Opening & Closing**

- 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 proceeding for the removal and reinternment of bodies and remains, which matters are under the supervision of the local Health Department.

### **Section 7: Markers or Memorials**

- A. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- B. Only one monument shall be permitted per burial space.
- C. Cultural, spiritual or religious items must be kept within burial site boundaries.
- D. There shall be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed kept installed or maintained in a cemetery except those expressly allowed by this ordinance.
- E. No person shall destroy, deface, apply graffiti to or otherwise injure any monument sign, tree or other lawful item located within a township cemetery.

### **Section 8: Interment Regulations**

- A. Only one person may be buried in a burial space except for parent and infant or two children buried at the same time.
- B. Cremains of up to four (4) people may be buried in one burial space.
- C. At least 48 hours notice shall be given in advance of any funeral to allow for the opening of the burial space.
- D. The appropriate permit for the burial space involved shall be presented to either the cemetery sexton or the township clerk prior to interment.
- E. All graves shall be located in an orderly and neat appearing manner with the confines of the burial space involved.
- F. Cremains or ashes of a deceased person shall not be scattered or dispersed.
- G. At the discretion of the owner a standard concrete vault can be installed or constructed in each burial space.

## **Section 9: Ground Maintenance**

- A. No grading, leveling or excavation upon a burial space shall be allowed without the permission of the cemetery sexton or the township clerk.
- B. No shrubs or trees of any type shall be planted without the approval of the cemetery sexton or township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.
- C. The Township Board reserves the right to remove or trim any plant, tree, or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds, fences, or rocks which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. 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 are otherwise unsightly, a source of litter or a maintenance problem.
- F. Surfaces other than sod or earth are prohibited.

## **Section 10: Forfeiture of Vacant Cemetery Burial Spaces**

Cemetery burial spaces sold after the effective date of the 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 or her of the expiration of the 40-year period and that all rights with respect to said spaces will be forfeited if not affirmatively indicated in writing to the township clerk within 60 days from the date of mailing of the within notice the desire to retain said burial rights.
- B. No written response to said notice indicating a desire to retain the cemetery burial space in question is received by the township clerk from the last owner of record of said spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

## **Section 11: Repurchase of Burial Spaces**

The township will re-purchase any burial space from the owner for the original price paid the township upon written request of said owner or his/her legal heirs or representatives.

## **Section 12: Section Records**

The township clerk or sexton shall maintain records concerning all burials and issuance of burial permits. These records shall be open to the public for inspection at all reasonable business hours.

## **Section 13: General Rules**

- A. No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any township cemetery.
- B. No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.
- C. There shall be no destruction of cemetery property.
- D. There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- E. There shall be no digging, grading or mounding unless expressly authorized by this ordinance.
- F. There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.
- G. There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles on any portion of a cemetery except the designated roads or drives.
- H. There shall be no disinterment or grave openings unless approved by the township.
- I. There shall be no possession or consumption of any alcoholic beverages.
- J. There shall be no littering or dumping.
- K. There shall be no hunting on cemetery property.
- L. There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- M. There shall be no fires, candles or open flames.
- N. No person shall engage in any fight, quarrel or disturbance.

## **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 \$500.00 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.

### **Section 15: 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 not 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 16: Effective Date**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation with the Township.