

**CEMETERY ORDINANCE 02-01  
TOWNSHIP OF BURTCHVILLE  
ST. CLAIR COUNTY, MICHIGAN**

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 Burtchville, St. Clair 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 BURTCHVILLE, COUNTY OF ST CLAIR, MICHIGAN ORDAINS:

**SECTION 1: Title**

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

**SECTION 2: Cemetery Lots; Burial Spaces and Leases**

A cemetery lot, or burial space, shall consist of a lease for a land area three and one half (3-1/2) to four (4) feet wide and ten (10) feet in length. No lease will be issued until payment is made in full. Leases include perpetual care which will come from funds set aside in the Burtchville Township Cemetery Perpetual Care Fund.

**SECTION 3: Lease of Lots or Burial Spaces**

Hereafter, cemetery lots or burial spaces shall be leased only for the purpose of the burial of said purchaser, his or her heirs at law, parents, siblings or spouse. Lots shall not be purchased for speculation purposes. Lots shall be designated for burial of an individual person at the time of leasing. The Lessee may provide that if the burial space is not used for the final burial of the designated person, within one year of the designated person's death, the rights under the Lease shall be transferred to an identified person. Any subsequent designee may also designate a transferee for the burial space in the event the burial space is not used for his or her final burial. If at any time the original designee or subsequent designee is not buried in the burial space within one year of the death of that person and no court order designates the leased burial space as being transferred to any heir, the Lease shall terminate and all right title and interest in the burial space shall vest with Burtchville Township.

All leases shall be recorded on a form approved by the Township Board. The form grants only the right of burial and does not convey any other right to the lot or burial space lease. The Township Clerk shall complete and, along with the Supervisor, sign the form. The Lease shall be subject to the Rules and Regulations set forth herein and as may be adopted or amended by the Burtchville Township Board from time to time.

**SECTION 4: Lease Prices and Transfer Fees**

The Township Board, by resolution, may periodically set and adjust any fees related to burial spaces and have that information available in the office of the Township Clerk, which may include lease price and fees for transfer

**SECTION 5: Monuments and Marker**

All monument bases (foundations) upon which any monument, marker or other approved memorial must be placed shall be constructed by the Township. Foundations shall be of sufficient depth to support the headstone, and in all cases, must extend three (3) inches beyond the monument on all four sides. Costs of the foundations are to be borne by the owner of the burial right, with payment in advance unless paid by the monument company before placement. The Township shall establish and maintain a schedule of foundation fees calculated on a per square inch basis. All markers or monuments, installed after the effective date of this ordinance, shall be made of memorial grade granite, marble or bronze.

Markers and /or monuments shall not be smaller than sixteen (16) inches by eight (8) inches in base size nor

shall they exceed thirty-six (36) inches in length for a single burial space, seventy-two (72) inches in length for a double space, and in all cases, shall not exceed a maximum of eighteen (18) inches in width. Only one (1) monument, marker or other above ground memorial shall be permitted per burial space.

A monument or marker located at the head of the burial space shall be parallel to the head of the burial space line, facing east with the exception of sections of the cemetery where monuments were placed facing west prior to this Ordinance. New monuments placed in these sections of the cemetery will face west to remain consistent with other monuments in the section. Engraving is allowed on both sides of a monument. A monument or marker may be placed at the foot of a grave provided it is flush with the surface of the ground.

A monument or marker shall not be delivered or installed upon burial spaces until foundations have been installed and paid for. Orders for foundations shall be placed a minimum of three (3) weeks in advance. Foundations will not be poured during winter months, unless weather permits and only at the discretion of the Township.

The Township Board has the authority to deem a monument, marker or other memorial to be inconsistent with the existing markers, or contrary to the standards in the community or similar cemeteries in the area and thus prohibit it from being placed in the cemetery. Approval of the location of a monument must be obtained from the Sexton and/or the Township Clerk before a monument is set.

## **SECTION 6: Interment, Disinterment and Reinternment Regulations**

All interments shall be arranged with the Township Clerk and performed by the Sexton or a contractor designated by the Township.

Appropriate notice shall be given to the Township Clerk in advance of any burial, to allow sufficient time for the Clerk to procure the Sexton and for opening of the burial space.

Only one (1) person may be buried in a burial space, except in the case of one adult and an infant, or one adult and two cremains, or four cremains.

The appropriate permit for the burial space and appropriate identification of the person to be buried, when necessary, shall be presented to either the Sexton or the Township Clerk prior to interment. If a 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 space is an authorized and appropriate one before starting any interment.

All burials, except those of cremains, shall be within a standard vault made of concrete, copper, bronze or other similar materials. Wooden or steel boxes are prohibited. Cremains shall be in a container the type of which has been approved by the Township Board or Sexton.

No burial shall take place unless the burial space fee, the fee for services required to open and close the grave, and all other fees have been paid in full to the Township. Funeral directors as agents of the funeral home making arrangements for burials, will be responsible for all financial interment charges if not paid by the owner or his agent.

No burial spaces shall be opened or closed except under the direction and control of the Sexton. This provision shall not apply to proceedings for the removal and reinternment of bodies and remains; as the matter is subject to the control of the local health department.

The Township assumes no responsibility for errors in opening graves when such errors are caused by others.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower containers shall be removed or deposited in refuse containers located within the cemetery.

Scattering remains over a family lot or anywhere in the cemetery is prohibited

No lot shall be used for any purpose other than burial of human remains.

## **SECTION 7: Cemetery Maintenance and Care**

All improvement hereafter made shall be made with the view of making all lots correspond with the uniform grade of the surrounding land.

No grading, leveling, or excavating upon a burial space shall be allowed. Mounds that hinder the free use of a lawn mower or other lawn-care device are prohibited. Surfaces other than earth or sod are prohibited; this includes stone, limestone, woodchips, etc.

No lot or part thereof shall be enclosed by a fence, railing, coping, hedge, ditch, post and chain or other similar devise.

No shrub or tree shall be planted on any lot. Cut flowers may be placed on burial spaces at any time and the Township shall remove same when they become unsightly. Between May 1 st and October 1 st of each year, one hanging basket, flower stand or eight (8) inch in-ground container per burial space shall be permitted. Any receptacles that are not filled with plants by July 1 st in any year shall be removed from the burial space, as shall any in which plants have died from neglect or natural causes. Artificial flowers shall not be placed in the ground. Plantings must be no more than twelve (12) inches from the headstone

Between November 1 st and April 1 st of each year one decoration per grave, in addition to an American flag, will be permitted (example: grave blanket or wreath).

Board of Trustees and/or the 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, maintenance problem or are otherwise a violation of this Section 7. This provision shall not apply to monuments or markers. Except where the violation or item must be immediately removed for necessary maintenance or to perform a burial, the Sexton or Township Clerk shall provide notice to the contact person entitled to notice with regard to the burial space at least 14 days prior to removing any item from or altering the items on the burial space.

Cemetery care includes only seeding and top dressing; cutting and trimming grass, shrubs and trees; and general upkeep of the cemetery. Cemetery care does not include the maintenance of monuments, markers and other memorials.

## **SECTION 8: Chapel**

The chapel shall be available for internment services in lieu of a graveside service.

## **SECTION 9: Repurchase of Burial Spaces**

The Township shall repurchase any burial space from the owner for the original price paid upon written request of said owner or his legal heirs or representatives.

## **SECTION 10: Records**

The Township Clerk shall maintain records concerning all burials, burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection during all reasonable business hours.

## **SECTION 11: Township Clerk and Sexton**

All sales of burial spaces shall be handled by the Township Clerk or a duly authorized member of the Township office staff.

The Township Clerk shall be responsible for maintaining records of ownership of all burial spaces sold. Monument base (foundation) orders and funeral burial space opening notices are to be given to the Township Clerk who will notify the Sexton and/or Township Board approved contractor.

**SECTION 12: General Regulations**

The cemetery shall be open to the general public during daylight hours only.

Use of profane or boisterous language is prohibited.

Alcohol is not permitted in the cemetery.

Animals, except leader dogs, are not permitted in the cemetery.

Driving off the established roads is prohibited.

No firearms are allowed in the cemetery except in the case of military funerals or ceremonies performed by official veterans' organizations on federal holidays.

No person shall injure, deface or destroy any burial space, marker monument, memorial, tree, shrub or other items in the cemetery.

Use of recreational vehicles (ATVs) within the cemetery is prohibited.

**SECTION 13: Penalties**

Any person, firm or corporation who violates any of the provisions within Section 6 or Section 12 of this 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 ninety (90) days in jail as may be determined by a COUÅ of competent jurisdiction.

**SECTION 14: Applicability of this Ordinance**

This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.

The provisions of this Ordinance shall not apply to Township officials or their agents or designee involved with the upgrading, maintenance, administration or care of a Township cemetery.

The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

**SECTION 15: Severability**

The provisions of this ordinance are hereby declared to be severable and should any provision, section or part of a section be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section, or part of a section and shall not affect or invalidate the remainder of the ordinance, which shall continue in full force and effect.

SECTION 16: This ordinance shall become effective on June 22, 2002<sup>1</sup> thirty (30) days after it is adopted and published

Adopted at a regular meeting of the Burtchville Township Board of Trustees on the 20th day of

May 2002.

Donald Sheldon, Supervisor

Amended: 04-16-2012

Date Published: 05-03-2012

Effective Date: 05-14-2012 Loretta Johnson, Clerk

Michael D Appel, Supervisor

Carolann Tremble, Clerk