**TOWNSHIP OF MATHIAS, COUNTY OF ALGER**

**STATE OF MICHIGAN**

**CEMETERY ORDINANCE**

ORDINANCE # 2016-09-08

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 Mathias, Alger 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 MATHIAS, ALGER COUNTY, MICHIGAN, ORDAINS:

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

**Definitions of Cemetery Lots and Burial Spaces:** A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.

**Sale of Lots or Burial Spaces:** Hereafter, cemetery lots or burial spaces shall be sold only 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 heretofore set forth.

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.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be affected only be endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township.

**Purchase Price and Transfer Fees:** Each adult burial space shall cost the sum of $100.00, for Township residents, and $400.00 for each non-resident adult burial space.

Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost $25.00.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

**Grave Opening Charges:** The opening and closing of any burial space, prior to and following a burial therein, shall be $450.00 payable to the Township and may be modified from time to time by resolution of the Township Board.

The internment of ashes, shall be $275.00 payable to the Township and may be modified from time to time by resolution of the Township Board.

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.

**Markers or Memorials:** All markers or memorials must be of stone or other equally durable composition. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position. The footing or foundation upon which any monument, market or memorial must be placed, shall be the responsibility of the lot owner.

Only one monument, marker or memorial shall be permitted per burial space, with the exception of veterans memorials.

The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item are the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

**Interment Regulations:** Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

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 spaces.

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 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 is an authorized and appropriate one before any interment is commenced or completed.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

**Ground Maintenance:** No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

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.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

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.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed each year by October 25th of each year.

**Forfeiture of Vacant Cemetery Lots or Burial Spaces:** Cemetery lots or 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:

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 does not affirmatively indicate in writing to the Township Clerk within 30 days from the date of mailing of the within notice his desire to retain said burial rights.

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 30 days from the date of mailing of said notice.

**Repurchase of Lots or Burial Spaces:** The Township will repurchase any cemetery lots or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives.

**Records:** The Township Clerk shall maintain records concerning all burials and issuance of burial permits.

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

**Cemetery Hours:** The cemetery shall be open to the general public from dawn to dusk. No person shall be permitted in the Township cemetery at any time other than the foregoing hours, except upon permission of the Township Board or the Cemetery Sexton.

The cemetery will be closed for all burials in the fall of each year, determined by the Sexton, until the following spring or by direction of the Sexton. The opening date will be determined by the Sexton.

**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.

**Disclaimer of Township Liability and Responsibility:** Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a Township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

**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.

**Effective Date:** This ordinance shall take effect on September 8, 2016. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved by the Mathias Township Board at a Regular Board Meeting held on September 8, 2016.

Motion made for approval by: Amy Richmond

Second: Kim Peterson

Ayes: Amy, Roy, Marilyn, and Kim. Carol was absent.

Nays: None.

Motion declared passed by the Mathias Township Supervisor.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_9/8/2016

Amy Richmond, Clerk Date:

Appeared for publication on: 00/00/2016 In the Munising News