

# MELROSE TOWNSHIP

## CEMETERY ORDINANCE

### Ordinance Number 5 of 1985

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 Melrose, Charlevoix County, Michigan; and to provide penalties for the violation of said ordinance.

THIS ORDINANCE ORIGINALLY ADOPTED: 14 MAY, 1985

EFFECTIVE DATE: 15 JUNE, 1985

PUBLISHED IN THE CHARLEVOIX COUNTY PRESS: 12 JUNE, 1985

REVISED: 14 SEPTEMBER, 2010 AS RESOLUTION 9-14-01 OF 2010

REVISED: 10 JULY, 2012: ADDED PARAGRAPH E TO SECTION III

## **SECTION I - TITLE**

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

## **SECTION II - DEFINITION OF CEMETERY LOTS AND BURIAL SPACES**

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

## **SECTION III - SALE OF LOTS OR BURIAL SPACES**

- A. Hereafter, cemetery lots or burial spaces shall be sold to only 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. 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.
- 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 lot or burial space sold. Such form shall be executed by the Township Clerk.
- C. 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 effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.
- D. The Township may assess or revise fees associated with the sale, transfer, and/or use of any cemetery lot or burial space. Such fees shall be identified in the Township "Schedule of Fees."

## **SECTION IV – LOT SIZES**

Lot Sizes are:

Lot Size	No. of Gravesites	Area
12 x 30	6	Old Section
12 x 25	5	Old Section
12 x 20	4	Old Section
12 x 10	2	Old Section
12 x 22	4	New Section
11' 8" x 15	3	New Section
12 x 12	2	New Section

- E. The burial rights assigned to a plot that will not be used by the purchaser or their heirs may be returned to the Township. The Township will pay the original purchase price to the purchaser, their heirs at law or next of kin with the return of the burial rights.

## **SECTION V - GRAVE OPENING**

- A. No burial space shall be opened and/or closed except under the direction and control of the Township Clerk. This provision shall not apply to proceedings for the removal and re-internment of bodies and remains, which matters are under the supervision of the local health department.

## **SECTION VI - MARKERS OR MEMORIALS**

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments must be located upon a suitable solid foundation to maintain the same in an erect position.
- C. Only one monument, marker, or memorial shall be permitted per burial space.
- D. All monuments, markers, or memorials require a footing or foundation that must be installed by the monument provider or by the Township. The footing or foundation plan will be subject to approval by the Township.

## **SECTION VII - INTERNMENT REGULATIONS**

- A. A burial space will be limited to interment of any one of the following:
  - 1. One (1) adult
  - 2. Two (2) children
  - 3. Creation Interments:
    - a. Six (6) cremations in separate vaults
    - b. Multiple cremation containers buried at the same time in one (1) vault.
    - c. One vault and up to 6 ash containers above the vault per burial space
    - d. Up to 6 ash interments at different times
    - e. Multiple interment of ashes will be allowed with burial at the same time by special arrangement
- B. No less than 36 hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space. Arrangements contrary to this shall be made with the Township Clerk.
- 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 the 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.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

## **SECTION VIII - GROUND MAINTENANCE**

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Township Clerk.
- B. No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township Clerk or assignee.
- C. 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 use of the cemetery.

- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The Township Clerk or assignee shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers that, through decay, deterioration, damage, or otherwise become unsightly, a source of litter, or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flowering containers must be removed or deposited in containers located within the cemetery.

## **SECTION IX - 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:

- A. Notice shall be sent by the Township Clerk, certified with Return Receipt Mail, to the last known address of the last owner of record informing him/her 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 within notice, his 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 said notice.

## **SECTION X - RECORDS**

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

## **SECTION XI - VAULTS**

All burials shall be within a standard concrete vault or other non-collapsible container installed or constructed in each burial space before interment.

## **SECTION XII - CEMETERY HOURS**

- A. The cemetery shall be open to the general public from sun up to sundown of each day.
- B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township board or Township Representative of the cemetery.

## **SECTION XIII - 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 and /or imprisonment 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 XIV - 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.

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Lawrence R. Olliffe, Supervisor

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Willis Planck, Clerk