

ORDINANCE # 121018
ORDINANCE TO AMEND FORD RIVER TOWNSHIP
CEMETERY ORDINANCE #051412

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 Ford River, Delta 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 FORD RIVER, DELTA COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces.

A burial space shall consist of a land area not less than four (4) feet wide and eight (8) feet in length.

Section 3: Sale of Lots or Burial Spaces

Hereafter, cemetery lots or burial spaces shall be sold to residents or non-residents. No sale shall be made to funeral directors.

All such sales shall be made on a Cemetery Burial Rights Certificate 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. The Township Clerk shall execute such Certificate.

Cemetery Burial Rights Certificate may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces and may be affected only by endorsement of an assignment of such Certificate upon the original Certificate 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 should issue a new Certificate to the assignee and shall cancel and terminate upon such records, the original Certificate thus assigned.

Section 4: Purchase Price and Transfer Fees

Each burial space shall be determined by a fee structure established by Township Board.

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 5: Grave Opening Charges

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.

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, as a result of a court order.

The township board shall determine any fee for the transfer of one or more burial spaces from an original purchaser to a qualified assignee.

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

Section 6: Winter Burials

The opening and closing of any burial space during the winter months, 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.

Section 7: 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.

Only one monument, marker, or memorial shall be permitted per burial space.

The monument company, at cost to the owner of the burial rite, shall construct the footing or foundation upon which any monument, marker, or memorial must be placed. The footing or foundation shall be 2 inches around each side.

Section 8: 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 or two persons cremated.

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.

Section 9: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

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

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 all growth, emblems, displays, or containers therefore that through decay, deterioration, and 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 or deposited in containers located within the cemetery.

Section 10: 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.

Section 11: Records

The Township Clerk shall maintain records concerning all burials and issuance of burial permits, 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 12: Vault

All burials shall be within a standard concrete or biodegradable vault installed or constructed in each burial space, with top 17 inches down, before interment.

Section 13: Cemetery Hours

The Township cemeteries shall be open to the public during daylight hours only.

No person shall be permitted in the Township cemeteries at any time other than the daylight hours, except upon permission of the Township Board or the Cemetery Sexton.

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 \$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.

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 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.

Section 16: Effective Date

This Ordinance was adopted by the Township Board of the Township of Ford River, Delta County, Michigan on the 10th day of December, 2018, and shall take effect thirty (30) days following publication in a newspaper of general circulation within Ford River Township, in accordance with Michigan statutes. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Motion to adopt made by R. Fountaine, seconded by G. Boudreau
CARRIED.

Rachael Fountaine

Rachael Fountaine, Township Supervisor

Date 12/10/2018

Rio Zoch

Rio Zoch, Township Clerk

Date 12/10/2018