

# ORDINANCE NUMBER 86

## CEMETERY ORDINANCE

THE CHARTER TOWNSHIP OF EUREKA, MONTCALM COUNTY, MICHIGAN, ORDAINS:

### **Section 1.0 Title**

The title of this Ordinance is the Eureka Charter Township Ordinance 86 Cemetery Ordinance.

### **Section 2.0 Purpose**

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 Charter Township of Eureka, Montcalm County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

### **Section 3.0 Definition**

A cemetery is generally defined as a place for the burial of the dead and may be either public or private, depending on whether or not lots are made available or sold to the general public. Burial plots are property rights which may be sold or transferred by inheritance, subject to restrictions of the Township.

A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to eight (8) burial space.

An adult burial space (plot) shall consist of a land area four (4) feet wide and eight (8) feet in length.

An infant or still born burial space (plot) shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length.

### **Section 4.0 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. 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 Eureka Charter Township through previous residence in the Township or relationship to persons interred therein.

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 of burial space sold. Such form shall be executed by the Township Clerk.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots and 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.

### **Section 5.0 Purchase Price and Transfer Fees**

Each adult Township resident and non-resident space shall cost the sum in accordance to the Eureka Charter Township Fee Schedule.

Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall be done at NO cost.

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

### **Section 6.0 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 by the Township Board, payable to the Township.

No burial space 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.

### **Section 7.0 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 Township is not liable or responsible for broken or damaged stones or markers.

Temporary markers from the funeral homes must be placed in a cement foundation.

Memory Stones are allowed in Eureka Charter Township Cemetery. (Approved 4/14/2014)

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Sexton at cost to the Township.

### **Section 8.0 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.

Two bodies of cremated remains is allowed in a single space with or without a vault of another buried underneath in the same space. (Approved 7/11/2011)

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.

A “Green Burial” is not allowed in Eureka Charter Township Cemetery.

No animals (pets, etc.) shall be buried in Eureka Charter Township Cemetery.

### **Section 9.0 Ground Maintenance**

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

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. Surfaces other than earth or sod are prohibited.

The Township and 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.

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 with the cemetery.

### **Section 10.0 Forfeiture of Vacant Cemetery Lots or Burial Spaces**

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

10.1 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 90 days from the date of mailing of said notice.

10.2 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 90 days from the date of mailing of said notice.

Cemetery lots or burial spaces sold before the effective date of this ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the events stated in 10.1 and 10.2 above.

### **Section 11.0 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 12.0 Records**

The Township Clerk or Township employee 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 13.0 Vaults**

Burial Vaults of approved materials are required in Eureka Charter Township Cemetery.

### **Section 14.0 Cemetery Hours**

The cemetery shall be open to the general public from 8:00 a.m. to 8:00 p.m. each day.

### **Section 15.0 Severability**

The provision of this Ordinance are severable and if any provision or part hereof is determined invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the remaining provision of other parts of this Ordinance.

### **Section 16.0 Effective Date**

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provision in a local newspaper of general circulation.

Adopted: October 12, 2015

Publication: October 17, 2015

Effective: November 16, 2015