

Cemetery Ordinance

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 Woodstock, Lenawee County, Michigan; to provide penalties for the violations of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE Township of Woodstock, LENAWEЕ COUNTY, MICHIGAN, ORDAINS:

Section 1. Title

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

Section 2. Definitions of Cemetery Lots and Burial Spaces

- 2.1 A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
- 2.2 An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

Section 3. Sale of Lots or Burial Spaces

- 3.1 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. 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 through previous residence in the Township or relationship to persons interred therein.
- 3.2 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 or Deputy Clerk.

3.3 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.

3.4 The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 4. Purchase Price and Transfer Fees

4.1 Each adult burial space shall cost the sum of \$150.00 with a \$50.00 administration fee totaling \$200.00.

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

4.3 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 and Closing Charges

5.1 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.

5.2 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.

5.3 After interment, no changes in location of a grave will be made except at the expense of the owner, this charge will be set by resolution.

Section 6. Markers or Memorials

6.1 All markers or memorials must be of stone or other equally durable composition.

- 6.2 All monuments must be located upon a suitable foundation to maintain the same in an erect position.
- 6.3 Only one monument, marker or memorial shall be permitted per burial space, exceptions: designed to be installed flush to the ground or mounted to another monuments may be permitted.
- 6.4 The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right. Veterans markers that are flat on ground must have a footing also.
- 6.5 *Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the cemetery plot, to correct the condition or remove the same, the grave will then be remarked with a suitable marker. The Township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.*
- 6.6 *The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is 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.*

Section 7. Interment Regulations

- 7.1 Only one person may be buried in a burial space except for a mother and infant or two (2) children buried at the same time and up to four (4) cremains per burial site.
- 7.2 Not less than 48 hours notice shall be given in advance of any time funeral to allow for the opening of the burial spaces.
- 7.3 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.
- 7.4 All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 8. Ground Maintenance

- 8.1 No grading, leveling, or excavating upon burial space shall be allowed, without the permission of the Cemetery Sexton or the Township Clerk.
- 8.2 No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.
- 8.3 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 even if previously approved.
- 8.4 Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- 8.5 The Cemetery Sexton 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.
- 8.6 Surfaces other than earth or sod are prohibited.
- 8.7 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 9. Disclaimer of Township Liability and Responsibility

9.1 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 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 or agent.

Section 10. Forfeiture of vacant cemetery plots or burial spaces

Cemetery plots or burial spaces sold after the effective date of this Ordinance and remaining vacant for forty (40) years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

(a) 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/her of the expiration of the 40-year period and that all rights with respect to said plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and

(b) No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Township Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 11. 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. Records

12.1 The Township Clerk and Sexton shall maintain records concerning all burials, issuance of 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 at all reasonable business hours.

12.2 Burial transit permits shall be kept by the cemetery sexton.

Section 13. Vault

All burials involving a casket shall be within a standard concrete vault installed or constructed in each burial space before interment.

Section 14. Cemetery Hours

14.1 The cemetery shall be open to the general public from hours of dawn to dusk each day.

14.2 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 the Cemetery Sexton.

Section 15. Prohibited Uses and Activities

The following prohibitions shall apply within any Township cemetery:

- (a) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a Township cemetery.*
- (b) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.*
- (c) No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.*
- (d) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.*
- (e) There shall be no destruction of cemetery property.*
- (f) There shall be no destruction, defacing, cutting, etc., of any tree or plant within a cemetery.*
- (g) There shall be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.*
- (h) There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.*
- (i) There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.*
- (j) There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.*
- (k) There shall be no snowmobiles, four-wheelers, go-carts or similar vehicles.*
- (l) There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).*
- (m) There shall be no disinterment or grave openings unless approved by the Township.*
- (n) There shall be no possession or consumption of any alcoholic beverage.*
- (o) There shall be no picnicking or consumption of food without prior Township approval.*
- (p) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.*

- (q) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.*
- (r) There shall be no littering or dumping.*
- (s) There shall be no unlawful interference with or disruption of a lawful funeral procession.*
- (t) There shall be no private signs, lighting, moving displays or changeable copy on a sign.*
- (u) There shall be no fires, candles or open flames.*
- (v) No children under twelve (12) years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.*
- (w) There shall be no exceeding of posted speed limits.*
- (x) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to dogs assisting handicapped persons.*
- (y) No firearms or archery arrows shall be discharged or shot except that military or other veterans organizations may carry arms for the purpose of firing over the grave at the burial of a member.*
- (z) No person shall engage in any fight, quarrel or disturbance.*
- (aa) Cremains or ashes of a deceased person shall not be scattered or dispersed.*
- (bb) There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.*

Section 16. Penalties

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provision of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same

admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 17. Township Officials Who Can Enforce this Ordinance

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- *Township Supervisor*
- *Township Clerk*
- *Township Sexton*
- *Township Zoning Administrator*
- *Township Ordinance Enforcement Officer*
- *Any deputy of the county sheriff's department*
- *Any State Police officer*

Section 18. 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 19. Effective Date

This ordinance shall take effect on publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

YEAS: All

NAYS: None

ABSENT: None

Ordinance declared adopted on April 9, 2012

Lisa Delezenne
Township Supervisor

CERTIFICATE OF CLERK

The foregoing Ordinance was adopted by the Township Board of the Township of Woodstock, Lenawee County, Michigan, at a regular meeting conducted on April 9, 2012, and was published in the Adrian Daily Telegram, a newspaper of general circulation in the Township of Woodstock on April 24, 2012.

**Molly Upell
Township Clerk**

CEMETERY PURCHASE ORDER

Number:

WOODSTOCK TOWNSHIP
6486 DEVILS LAKE HWY.
ADDISON, MI 49220
517-547-6598

WOODSTOCK/SANFORD CEMETERY : SECTION _____ LOT NO _____

BRIGGS CEMETERY: SECTION _____ LOT NO _____

HAND CEMETERY: SECTION _____ LOT NO _____

CHAPMAN CEMETERY: SECTION _____ LOT NO _____

NUMBER OF LOTS PURCHASED _____ ;

TOTAL COST OF LOTS PURCHASED AT \$ _____ /LOT = \$ _____

NAME OF PURSHCASER _____

ADDRESS _____

DATE: _____

TOWNSHIP CLERK

White: Family Gold: Sexton Yellow: Clerk Pink: Treasurer

GRAVE OPENING AND/OR FOOTING PURCHASE ORDER

Number: 1000

WOODSTOCK TOWNSHIP
6486 DEVILS LAKE HWY.
ADDISON, MI 49220
517-547-6598

LOT NUMBER _____ - GRAVE OPENING COST \$ _____

LOT NUMBER _____ - FOOTING COST \$.40/SQ INCH = \$ _____
(FOOTINGS MUST BE CONCRETE, 24" DEEP AND HAVE A 4" BORDER ON ALL SIDES
OF HEADSTONE OR MEMORIAL.)

DATE _____

TOWNSHIP CLERK

NAME ON BURIAL SITE _____

NAME OF PURCHASER _____

ADDRESS _____

White: Family Gold: Sexton Yellow: Clerk Pink: Treasurer

