

**LAKE TOWNSHIP
ORDINANCE NO. 48**

Adopted: June 14, 2016
Published: July 7, 2016
Effective: July 13, 2016

CEMETERY ORDINANCE

SECTION 1. PURPOSE

An Ordinance to protect the Public Health, Safety, and General Welfare by establishing regulations for the operation, control, and management of the Cemetery owned by the Township of Lake, Roscommon, County, Michigan: To provide penalties for the violation of said Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict therewith.

SECTION 2. TITLE

This Ordinance shall be known and cited as Lake Township Cemetery Ordinance Number 48.

SECTION 3 DEFINITIONS

- A. The term "cemetery" shall refer to the one cemetery in Lake Township owned and operated by Lake Township, and commonly known as Lake Township Cemetery, which is located at 1476 N. Michelson Rd. Houghton Lake, MI.
- B. The term "Township" shall refer to Lake Township and the officials thereof.
- C. The term "section" shall be the reference term for a specific division of the cemetery.
- D. A "cemetery lot" shall be a lot of four (4) or more burial spaces.
- E. A "burial space" shall consist of a land area six (6) feet wide and twelve (12) feet in length.
- F. A "grave" consists of one burial space in a lot. (Refer to Section 9 for further definition)
- G. The term "owner" shall mean the owner of rights of internment.
- H. The term "interment" shall mean cremation, inurnment, entombment, or burial of the remains of a deceased person.
- I. The term "memorial" shall mean any marker or structure upon or in any lot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.
- J. The term "Contractor" as used in these rules and regulations shall mean any person, firm or corporation or anyone engaged in placing, erecting or repairing any memorial or performing any work in the cemetery grounds, other than an employee of the Township.

SECTION 4. USE

Interment rights shall be used for no other purpose than the burial of the human dead. Upon refusal of the Township to permit interment because of the above rule, the Township may refund to the owner, the original purchase price and the extent of the Township's liability shall be said amount. Upon the refund of this amount, all interest of owner shall revert to the Township.

SECTION 5. SALE AND TRANSFER OF LOTS OR BURIAL SPACES

A. All sales shall be made pursuant to a form provided by the Township which grants a right of interment only and does not convey any other title to the lot or burial space sold. Such a form shall be executed by the township Clerk, upon payment. Verbal agreements or representations will not be recognized. No interment shall be made on any lot until the purchaser shall have paid on the interment rights therein the amount required by the Township, and shall have paid the entire amount including any care funds.

- B. Payment for all spaces must be made prior to interment. A schedule of charges/prices/fees approved by the Lake Township Board shall be posted in the Lake Township Hall and the Clerk's Office.
- C. The purchasing of cemetery lots shall be limited to four (4) graves per Lake Township resident's household unless otherwise approved by the Lake Township Board. Under emergency or extraordinary situations, the Township Clerk may approve a purchase of up to eight (8) graves without Board approval.
- D. Interment rights may be transferred only by endorsement of an assignment on a form issued and approved by the Township Clerk and entered upon the official records of the Clerk. Upon such assignment, approval and record, the Clerk shall issue a burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Proof of such transfers should be recorded in the Clerk's office.
- E. The subdivision of interment rights is not allowed without the consent of the Township, and no one shall be interred in any lot not having an interest therein, except by written consent of all parties having an ownership interest in such lot and of the Township.
- F. All interment rights sold are subject to payment of the amount posted in the Lake Township Clerk's Office and/or the Township Hall for a lot including any charges for a care fund. All work on lots will be done by the employees or Contractors of the Township, except when permission is otherwise granted. All grading, landscape work; other improvements of any kind: all care of lots; and all planting, trimming, cutting or removal of any trees, shrubs, and herbage shall only be performed by employees or Contractors of the Township. All openings and closings of lots, all interments and/or removals shall be made by the Township authorities.
- G. Interment rights can be purchased in this cemetery, only with the written approval of the Lake Township Clerk or Deputy Clerk, and subject to the terms and conditions contained in the Cemetery Ordinance of the Township now or hereafter adopted by the Township.
- H. The township may exchange interment rights when desired by owners, but will not exchange interment rights for those of lesser value. When such exchange is made, the original conveyance must be surrendered by proper assignment, or by re-conveyance if considered necessary, before any change is affected.
- I. Each owner is vested with the ownership of his or her interment right for the sole purpose of interment of human bodies or the remains thereof. Under the regulations of the Township, the interment rights cannot be conveyed without the assent of the officers, nor can any use, division or improvements of them be made which the Township prohibits, or may deem improper. The owner of interment rights may dispose of same by Will, subject to the foregoing conditions. If the owner dies interstate, the interment rights will descend to his or her heirs, according to the laws of descent.
- J. No conditional or partial transfer of interment rights and no sale of an undivided interest, except to a person or persons who are already part-owners, will be recorded, as the Township cannot be responsible for the carrying out of the intent of the grantor.

SECTION 6. PURCHASE PRICE AND TRANSFER FEES

- A. The price of each burial space shall be determined by a fee structure established by the Lake Township Board.
- B. The charges shall be paid to the Township Treasurer.
- C. 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 7. GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be a cost to be determined from time to time by resolution of the Township Board, payable to the Township Treasurer.
- B. No burial spaces shall be opened and closed except under the direction and control of the Township Clerk. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department as a result of a court order.

SECTION 8. MARKERS OR MEMORIALS

- A. All markers or memorials must be of commercial grade stone or bronze.
- B. All markers or monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. The footing or foundation upon which any monument, marker or memorial is to be placed shall be approved by the Township Clerk. All foundations shall be four (4) to six (6) inches larger per side than the base of the marker or memorial, with the exception of the Veteran's markers supplied by the Federal Government for which the four (4) to six (6) inch requirement is suspended. Prices per square inch for concrete foundations shall be posted in the Clerk's office.
- D. Single/double individual monuments shall be set in line with grave boundaries.

SECTION 9. INTERMENT REGULATIONS

- A. Only one person may be buried in a burial space except for a mother or father and infant, two children buried at the same time, or two cremains, or full body and one cremain.
- B. All embalmed burials must be in approved vaults of concrete, steel or fiberglass installed or constructed in each burial space before interment. Cremains are considered final disposition not requiring a vault.
- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to the Township Clerk or designated appointee prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall determine if the person has the legal right to be buried in the burial space before any interment is commenced.
- D. A minimum notice of twenty four (24) working hours before the announced time of the funeral will be required.
- E. When a removal, or disinterment, or reinternment, is to be made from a single grave to another grave site, the formerly occupied single graved space and all rights therein revert to the Township. If no approved vault has been used for the original interment, one must be provided for transit offsite or reburial within Lake Township Cemetery by the requesting party. The charge for removal, disinterment or reinternment, shall be determined by the Lake Township Board, as posted in the Clerk's office.

Application for removal permit must be signed by next of kin and properly notarized prior to time of removal.

F. Winter interments will be at the discretion of the Township Clerk or Deputy Clerk, and the contractor at which time rates for opening and closing will double. The cemetery care charge will not double. The beginning and ending dates for winter rates shall also be at the discretion of the Township Clerk or Deputy clerk and the contractor.

G. Lake Township will allow winter storage of remains in its cemetery chapel/vault as an alternative to winter rate burials at no extra charge.

SECTION 10. GROUND MAINTENANCE

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

B. No shrubs, trees, or evergreens of any type shall be planted. Any foregoing items planted may be removed by the Township.

C. The Township reserves the right to authorize the removal or trimming of any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited. No lot shall be raised above established grade.

E. The Township and its Contractors shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that are determined to be unsightly, a source of litter, or a maintenance problem.

F. Landscape materials (i.e. bark, mulch, and stone) other than earth or sod are prohibited.

G. All refuse of any kind including dried flowers, wreaths, papers, and flower containers must be removed or deposited in trash receptacles located within the cemetery.

H. No lot perimeter walls or enclosure of any kind, such as fence, coping, hedge, or ditch, shall be permitted around any grave or lot.

I. No person other than the proper employees of the Township shall be allowed to perform any work within the cemetery without the appropriate permit from the Township.

J. No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the cemetery.

K. The digging of holes for any purpose whatsoever is strictly prohibited.

L. Holders containing flowers or other decorations will be removed as soon as the flowers fade and wither, and the right is reserved by the Township to make such removal. Also, winter wreaths will be removed at such time as is specified by the Township. **Spring cleanup notices shall be published in the local paper and on the Township website.** The Township shall keep such holders, at the risk of the owner, and if owner fails to collect said holders within said thirty (30) days from the date of removal, the owner forfeits all rights title and interest in said holders and the Township may dispose of them by sale, destruction or in any other way it deems best. "Holders" may include pottery pots, metal pots or any other container placed at the gravesite not on the foundation or patio blocks.

M. The Township reserves the right to remove all flowers, potted plants, summer wreaths or baskets of flowers when they become withered, or for any other reason, and the maintenance person is authorized to make such removals when in their judgment it is in the best interest of the cemetery. **A fall cleanup period, in preparation for winter maintenance, shall be published in the Houghton Lake Resorter and on the Lake Township website which is www.lake-township.com.**

- N. Concrete benches will not be allowed.
- O. No advertisement of any kind shall be allowed on cemetery property.

SECTION 11 REPURCHASE OF LOTS OR BURIAL SPACES

- A. Upon approval of the Township Board, the Township may repurchase any cemetery lot 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.
- B. Burial spaces remaining vacant one hundred (100) 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 / her of the expiration of the 100 year period and that all rights with respect to said spaces will be forfeited if he / she does not affirmatively indicate in writing to the Township Clerk with sixty (60) days from the date of the mailing of the written notice, his / her desire to retain said burial rights. A classified notice in the local newspaper may be used to search for heirs to the owner of information concerning the last known owner.

SECTION 12. GENERAL REGULATIONS

- A. No dogs shall be permitted in the cemetery, except for legitimate service dogs required to mitigate a disability.
- B. No person shall be permitted within the cemetery on a snowmobile or ATV.
- C. Bringing beer or intoxicating liquors within the cemetery is strictly forbidden. No boxes, shells, toys, discarded glassware; sprinkling cans, receptacles, or similar articles will be permitted on any grave, lot or tree. The Township shall not be responsible for theft or damage to any item placed on graves or lots.
- D. No person shall be permitted to enter or leave the cemetery except by the entrance.
- E. Vehicle speed exceeding five (5) miles per hour shall not be permitted, and no person shall neither ride, drive, nor park upon the lawns.
- F. Any person found on the grounds after dark shall be considered a trespasser.
- G. No person shall be permitted to use profane or boisterous language or in any way disturb others.
- H. All persons are forbidden to hunt or to feed animals on cemetery property.

SECTION 13. DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY

Every person who enters remains in and travels within Lake Township Cemetery do 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 Lake 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 Lake Township Cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transfers, assigns, heirs, or beneficiaries) hereby releases, waives, 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.

SECTION 14**RECORDS**

The Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the Township related to Lake Township Cemetery and the same shall be open to public inspection during all reasonable business hours.

SECTION 15. CEMETERY HOURS

- A. The cemetery shall be open to the general public during the daylight hours.
- B. No person shall be permitted in the Township Cemetery at any time other than daylight hours, except upon permission of the Township board or the Contractors of the Township.

SECTION 16. PENALTIES

- A. Any person who violates any provision of this Ordinance is responsible for a civil infraction, subject to payment of a fine plus costs and other sanctions, for each violation, to be determined by the Lake Township Board.
- B. Repeat offenses under this Ordinance shall be subject to increased fines. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provisions of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible.
- C. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense to separate sanctions.

SECTION 17. SEVERABILITY

The provisions of this 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 remain in full effect.

SECTION 18. EFFECTIVE DATE

This Ordinance shall take effect following publication in the local newspaper. All ordinances or parts of ordinances herewith are hereby repealed.

This Ordinance shall take effect July 13, 2016. All Ordinances parts or Ordinances herewith are hereby withdrawn.