

An ordinance to protect the public health, safety and general welfare by establishing regulations to the operation, control, and management of cemeteries owned by the Township of New Haven, Shiawassee County, to provide penalties for the violation of said ordinance, and to repeal all ordinances or part of ordinances or rules in conflict therewith.

THE TOWNSHIP OF NEW HAVEN, COUNTY OF SHIAWASSEE, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the New Haven Township Cemetery Ordinance.

Section 2: Definitions of cemetery lots and burial spaces

A cemetery lot will consist of two burial spaces upon adoption of the ordinance.

- A. A space shall be four (4) feet wide and ten (10) feet in length

Section 3: Sale of lots or burial spaces

Resident-A person who at the time of purchase of a cemetery lot, has lived within the township for a period of two years consecutive, owns real estate property within the township and has paid taxes on this property for two years. Proof of residency may be required.

Non-Resident is a person living outside of the township.

- A. Cemetery lots shall be sold to residents and non-residents for the purpose of the burial of said purchaser or their heirs at law or next of kin. No sale shall be made to funeral directors or others than as hereby set forth.
- B. A cemetery lot given to a resident in the past free of charge may not be sold.
- C. A resident or non-resident may sell his/her lot upon approval by the township board of which said sale shall be for the price that his/her lot was purchased for.
- D. 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 title to the lot or burial space sold. The sale form may be secured from the township clerk.
- E. Burial rights may only be transferred to those persons eligible to be assigned cemetery lots or burial spaces within the township and may be effective only by endorsement of a notarized statement of assignment of such burial right, and be approved by the township board, and entered into the official township record book. A new burial right form will be issued to the assignee and shall cancel and terminate upon records, the original record thus assigned.

- F. The foregoing charges shall be paid to the township treasurer and shall be deposited in the appropriate fund for the particular cemetery involved in the sale or transfer.

Section 4: Purchase price and transfer fees

- A. The cost of burial spaces, perpetual care, lot transfers, and Opening/Closing Fee shall be paid in accordance with the current fee schedule as set by the Township Board. This fee schedule is available from the township clerk, Sexton, and is posted at each cemetery.
- B. The township board, by resolution may periodically alter the fee schedule to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5: 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 at a cost to be determined from time to time by resolution of the township board, payable to the township.
- B. No cemetery 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: Markers or memorials

- A. All memorial markers must be of stone or other equally durable composition.
- B. All upright monuments must be placed upon a suitable foundation so as to maintain it an erect position.
- C. Only one monument, or memorial marker shall be permitted per burial space.
- D. The footing or foundation upon which any monument or memorial marker is placed, must be constructed and placed by the township sexton at cost to the owner of the burial right. The cost will be as indicated in the current fee schedule.

Section 7: Interment regulations

- A. Only one person may be buried in a burial space except for parent and infant or two children buried at the same time.
- B. Not less than 48 hours notice shall be given in advance of any funeral to allow for the opening of the burial spaces.

- C. The appropriate burial permit, and payment in full for the space involved, together with appropriate identification of the person to be buried therein, shall be presented to the cemetery sexton then filed with the township clerk.
- D. No more than four markers per burial space for four individual cremains or one marker for all cremains. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12") inches by sixteen (16") inches.
- E. No lot shall be used for any other purpose than the burial of a deceased human.

Section 8: Ground maintenance

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the township board.
- B. Flowers are to be placed on the deceased side of the gravestone only. Flowers and adornments to be no more than sixteen (16) inches from the foundation, and as wide as the foundation. Absolutely no rosebushes, trees, or shrubs are allowed on burial spaces. No glass containers or hanging devices are allowed. All winter flowers and wreaths that are to be saved, must be removed by April 1st of each year, or they will be removed and disposed of by the sexton.
- C. The township board reserves the right to instruct the sexton to remove or trim any tree, plant or shrub existing within the township cemeteries in the interest of maintaining proper appearance and the use of the cemetery.
- D. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- E. Surfaces other than earth or sod are prohibited.
- F. Should any monument or memorial marker become unsightly, dilapidated or a safety hazard, the Board shall have the right, at the expense of the owner, to correct the condition or remove same.
- G. All refuse of any kind including, among other, dried flowers, wreaths, and flower containers must be removed or deposited in containers located within the cemetery.

Section 9: Forfeiture of vacant cemetery lots or burial spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant forty (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 by first class mail to the last known address of the last owner of record informing them of the expiration of the forty (40) year period and that all burial 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 sixty days from the date of mailing of the notice his/her desire to retain said burial rights.
- B. If 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 lot or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 10: Repurchase of lot or burial spaces

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/her heirs or legal representatives.

Section 11: Records

The township clerk shall maintain records concerning all burial rights, 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 during reasonable business hours.

Section 12: Vault

All burials shall be within a concrete vault installed or constructed in each burial space before interment. All cremains shall be sealed within a cremation vault, which shall be furnished by the crematorium and made of plastic or concrete.

Section 13: Cemetery hours

- A. The cemetery shall be open from dawn to dusk each day, except access to roads will only be plowed for funerals during the winter months.
- B. Should any vehicle become stuck in the cemetery it shall be the responsibility of the owner of that vehicle to have it removed and they shall be responsible for all costs associated with damage and repairs to the cemetery.
- C. 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 sexton of the cemetery.

Section 14: Penalties

Any person, firm or corporation who violates any of the provisions of the ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$ 500.00 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 prevail civil proceedings for abatement and termination of the activity complained of.

Section 15: Severability

The provisions of the 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 there 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 shall take effect on August 11, 2009. All previous ordinances or parts of ordinances or rules in conflict herewith are hereby repealed.

_____ Don Dickinson Supervisor	_____ Date
_____ Marilyn L. Owen Clerk	_____ Date
_____ Mary Eickholt Treasurer	_____ Date
_____ Tom Foster Trustee	_____ Date
_____ Allen LeCureux Trustee	_____ Date

