

CEMETERY ORDINANCE

1993/07/01 AMENDED 03-18-2019

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 Briley, Montmorency County, Michigan: to provide penalties for the violation of said ordinance and to repeal all ordinances in conflict therewith.

TOWNSHIP OF BRILEY COUNTY OF MONTMORENCY, STATE OF MICHIGAN
ORDAINS:

SECTION 1: TITLE

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

SECTION II: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.

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

SECTION III: SALE OF LOTS OR BURIAL SPACES

- A. 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, spouse, or his/her heirs at law, or next of kin, or persons of lineal consanguinity. Costs of burial spaces and transferring of burial spaces shall be set by resolution of the Township Board from time to time and posted. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk or designee, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason from burial within the Township through previous residence in the township or relationship to persons interred therein.
- B. 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.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of burial spaces within the Township and may be affected only by endorsement of an assignment of such burial certificate; upon the original cemetery deed issued by the Township Clerk or designee, 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 record, said clerk shall issue a new burial certificate to the assignee and shall cancel and terminate upon such records, the original deed assigned. Subject to a Transfer Fee which, shall be set from time to time by the Township Board and posted.
- D. Purchases of burial spaces by the Family Independence Agency for indigent persons shall be at the current purchase price.

SECTION IV: GRAVE OPENING AND CLOSING 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 determined from time to time by resolution of the Township Board and posted.
- B. No burial spaces shall be opened and closed except under the direction and control of the cemetery maintenance person. Winter burials are at the discretion of the Cemetery Sexton. Price of winter burials shall be set from time to time by the Township Board and posted.
- C. Grave opening and closing charges paid for by the Family Independent Agency for indigent persons shall be at the current price.
- D. All burials will conform to the Michigan Department of Public Health rules and regulations and all other governmental rules and regulations.

SECTION V: MONUMENTS, MARKERS AND FOUNDATIONS.

- A. All memorials/monuments must be cut from quarries granite marble or cast from genuine bronze. Bronze Plaques may be attached by a cemetery maintenance person to granite already in the cemetery, providing holes have been drilled or to 3" wet cement. Prices shall be set from time to time by the Township Board and posted. Gravel and stone chips of any type are prohibited on cemetery lots.
- B. Only one raised marker and one Urn and one shepherds hook will be allowed per burial space, additional flush markers may be allowed with permission of cemetery management. All raised markers shall be placed at the head. All urns are aligned with the headstone and shepherds hooks at the head or side of the headstone.
- C. The footing of the foundation upon which any monument, marker or memorial tribute must be placed and constructed by the cemetery maintenance person or he/she may authorize other persons to construct footings or foundations under his/her supervision and must be 4" thick and 3" larger than the marker/monument on all sides.

SECTION VI: INTERMENT REGULATIONS.

- A. Only one (1) person may be buried in any burial space, except for two (2) children buried together, a mother and infant buried at the same time or multiple cremations. With the exception that, one container of cremated remains may be buried above another grave with approval of cemetery management.
- B. Not less than Forty-Eight (48) hour notice shall be given in advance of any time of any scheduled burial to allow for the opening of the burial space.
- C. 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 cemetery maintenance person or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his/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.
- D. When weather conditions prevent an immediate interment and storage is necessary, the funeral director shall obtain written authorization for delayed interments signed by the next of kin or authorized agent. The authorization shall specify the approximate hour and date of interment and place of temporary storage. Bodies stored during the winter must be removed on or about May 15th or at the discretion of cemetery management. Storage costs shall be determined from time to time by the Township Board and posted.
- E. No lot shall be used for any other purpose other than the burial of human remains and the placing of appropriate memorials.

SECTION VII GROUND MAINTENANCE.

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery manager.

- B. Fresh cut flowers may be placed on graves at any time. Artificial flowers and plants may be used in urns from May 1st to October 15th. (Urn size not to be less than four (4) inches or more than sixteen (16) inches in width and height. Any of the foregoing items not removed from Urns by October 15th shall be removed and discarded by cemetery maintenance. Grave blankets or wreaths may be used during the winter months.
- C. Glass, Wire, Plastic, Cans, Toys, Christmas trees, molded cement articles and similar items are strictly prohibited. If such decorations are placed in the cemetery, they will be removed and destroyed by cemetery maintenance.
- D. No shrubs, trees or vegetation of any type shall be planted. The Township or cemetery maintenance will remove any of the foregoing items planted. Curbing and fencing of cemetery lots and/or gravesites is prohibited.
- E. Cemetery maintenance 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 have become unsightly, a source of litter or maintenance problem. Cemetery maintenance further has the right to trim or remove any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- F. Mounds which hinder the free use of a lawnmower or other gardening apparatus are prohibited. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind not limited to: dried flowers, wreaths, papers and flower containers must be removed and or deposited in receptacles provided within the cemetery, near the building.

SECTION VIII. FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.

- A. Notice shall be sent by the Township Clerk, by first class mail, to the last known address of the owner of record informing him/her of the expiration of the forty (40) year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of a notice of his/her desire to retain said burial rights. The forty (40) year period shall start effective as of July 1, 2020.
- B. If no written response to said forfeiture notice is received by the Township Clerk from the last owner of record, their heirs or legal representative, within sixty (60) days from the date of mailing indicating a desire to retain said cemetery lots and burial spaces shall be forfeited to the township.

SECTION IX: RE-PURCHASE OF LOTS OR BURIAL SPACES.

The Township will 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 or her legal heirs or representatives acting with Probate Court Letter of Authority.

SECTION X: RECORDS

The Township Clerk shall maintain records concerning all burial, 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 reasonable business hours.

SECTION XI: VAULT.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment with the exception of cremation containers, which will be deemed appropriate by cemetery management.

SECTION XII: CEMETERY HOURS.

- A. The cemetery shall be open to the general public from the hours of dawn to dusk.
- B. 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 manager.

SECTION XIII: PENALTIES.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a municipal civil infraction as defined by Michigan Law and subject to a civil fine determined in accordance with the following schedule:

- 1st violation within a three (3) year period \$100.00
- 2nd violation within a three (3) year period \$300.00
- 3rd violation within a three (3) year period \$500.00

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however shall costs of less than Fifty (\$50.00) Dollars be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as authorized under Michigan Law. Each day a violation of the Ordinance continues to exist constitutes a separate violation.

SECTION XIV: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication of a synopsis. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

AYES:	NAYS:	ABSENT:
4;	1 [Kaiser];	None.

I hereby certify that the above Ordinance was amended and adopted by the Briley Township Board of the Township of Briley, County of Montmorency, State of Michigan, at a meeting held on March 18, 2019, and that same was published in the Montmorency County Tribune on March 27, 2019

Ed Comber, Briley Township Clerk