

**Whitefish Township
Chippewa County, Michigan
Cemetery Ordinance**

Ordinance 10042012A

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 Whitefish, Chippewa County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith. It is also intended that this ordinance will serve as a means of achieving a peaceful and respectful setting for the burial of the dead while permitting reasonable opportunities for persons to care for, beautify, adorn and improve gravesites within the cemetery.

THE TOWNSHIP OF WHITEFISH, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: General Rules

The abuse of monuments, markers, graves or Cemetery appurtenances whether intentional or otherwise, and the unauthorized removal of flowers, urns or any of the Cemetery equipment will be considered vandalism and/or destruction of property or larceny and will be so treated. Persons entering the cemetery will be held fully responsible for any damage to the Cemetery properties.

The soliciting of contracts or orders for monuments, markers, memorials, or any other work, will not be permitted in the Cemetery.

No advertisements, trade marks, or numbers of any description, except those necessary for the locations of burials, are permitted in the Cemetery. No advertising of any nature or solicitation of business will be permitted within the Cemetery.

Profane or boisterous language will not be allowed and loiterers will not be tolerated in the Cemetery.

Recreational activities are forbidden on the grounds.

No open fires.

No discharge of firearms or explosives.

No overnight camping.

Section 3: Definitions of Cemetery Lots and Burial Spaces

A "grave" is a burial space for human remains, which consists of a land area four (4) feet wide by twelve (12) feet in length. The "head" of a grave shall be defined as the end boundary of a grave nearest to the location where monuments and markers have traditionally been located in the cemetery. If it is unclear as to which end of the grave is the "head" as to a particular grave, the decision of the Township Supervisor shall be final.

A "lot" shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

A "walkway" is an open space located at the foot of each grave and in between the lots. Walkways vary in width.

A "Tribute Area" is that part of the surface of a grave located within thirty-six (36) inches of the head (boundary) of a grave.

Section 4: Sale of Lots or Burial Spaces

Cemetery lots or burial spaces shall be sold only to residents 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. The Township Supervisor, however, is hereby granted the authority to vary this restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township.

All 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 burial space sold. The form shall be signed by the Township Supervisor.

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 permit upon the original burial permit form issued by the Township Supervisor, transferred by the Supervisor, and entered upon the official records of the Supervisor. Upon such assignment, approval and record, the Supervisor shall issue a new burial permit to the assignee and shall cancel and terminate upon Township records, the original permit thus assigned.

Section 5: Purchase Price

Burial plot price shall be established by the Township Board.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund.

Section 6: Grave Opening Charges

The cost and responsibility associated with opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be arranged and paid by the estate of the interned (See section 8).

No burial spaces shall be opened and closed except under the direction and control of the Whitefish Township Cemetery Sexton (Supervisor). 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: Markers or Memorials

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

A monument or marker that commemorates more than one person on contiguous graves may be centered on such graves within the tribute area.

A tribute area within the boundary of a grave may only include a monument, marker, floral displays, planting, and/or such other adornment as shall not encroach outside the perimeter of the designated area. Shepherd's hooks, with the hook turned inward toward the center of the tribute area, and may be placed in the tribute area.

Adornment within a tribute area, other than natural floral displays and plantings, shall be of a nature that they may be firmly secured to the ground or such as will not easily be windblown from the tribute area. No adornment shall be placed on any grave that does not contain a burial.

Each monument or marker shall be placed at the head of the grave.

The Township is not responsible for the loss, theft, or damage to any monument, marker, floral display, planting, or other adornment located within the cemetery, including those located within a tribute area.

No shrubs, trees, benches or other permanent fixtures shall be planted or installed without the approval of the Township Board. Any of the foregoing items planted or installed without such approval will be removed by the Township Sexton (Supervisor).

No loose stones or artificial ground cover may be located on any part of a grave, including within a tribute area.

Section 8: Interment Regulations

A burial space may accommodate up to one burial vault and an infant burial vault or two children burial vaults buried at the same time, or a burial space may accommodate up to four (4) cremains as well as one (1) burial vault.

Not less than 48 hours notice (unless a particular religious tradition must be followed) shall be given in advance of any funeral to allow for the opening of the burial space/s. (See section 6)

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 the Sexton (Supervisor) or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Supervisor or 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.

The Township is not responsible for the loss, theft, or damage to any monument, marker, floral display, planting, or other adornment located within the cemetery including those located within a tribute area.

Section 9: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton (Supervisor). Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

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 use of the cemetery.

The Cemetery Sexton (Supervisor) 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.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed.

Seeding of gravesites will be done by the Sexton. Because of the sandy soil in the cemetery, at least one year must be allowed for the soil to settle prior to seeding the gravesite.

Any floral display, planting, or other adornment located outside a tribute area may be removed by the Township without notice to any person.

Section 10: Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery burial spaces sold after the effective date of the ordinance and remaining vacant 40 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 Supervisor 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 lots or spaces will be forfeited if owner does not affirmatively indicate in writing to the Township Supervisor within 60 days from the date of mailing of the within notice his desire to retain the burial rights.

If no written response to the notice indicating a desire to retain the cemetery burial spaces in question is received by the Township Supervisor from the last owner of record of the spaces, or his heirs or legal representative, within 60 days from the date of mailing of the notice, the burial spaces will revert back to the Township for resale.

Section 11: Repurchase of Lots or Burial Spaces

The Township may repurchase any cemetery burial space/s from the current owner of a Cemetery Lot Certificate for an amount equal to the original purchase price, provided the Township has received a written request from the owner.

Section 12: Records

The Township Supervisor shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, including the name and address of the person or persons to whom each cemetery lot certificate is issued. Such records shall be kept in the Township Hall and shall be open to public inspection at all reasonable business hours or by appointment made with the Township Supervisor.

Section 13: Vault

Burial vaults shall be required for all interments except cremations, and shall be constructed of reinforced concrete, steel, or other approved product which meets performance requirements established by recognized associations within the vault industry, and is found acceptable by the Township. All concrete vaults shall meet the Performance Standards established by the National Concrete Burial Vault Association (NCBVA).

Section 14: Penalties

Any violation of this ordinance shall be a misdemeanor punishable by a fine of not to exceed \$100.00 or 90 days in the county jail or both such fine and imprisonment.

Each day that a violation continues to exist shall constitute a separate offense.

The rights and remedies provided in this ordinance are cumulative and in addition to all other remedies provided by law.

Section 15: 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 16: Effective Date

Ordinance # 10042012A declared adopted

This ordinance shall take effective 30 days after adoption.

Adopted: _____
Published: _____
Effective: _____

CERTIFICATION

I, _____ the duly qualified and elected Clerk of Whitefish Township hereby certify that the foregoing is a true and complete copy of Ordinance _____ adopted by the Whitefish Township Board at a regular meeting held on _____, 20__

Wanda Knox
Clerk, Whitefish Township