

KEARNEY TOWNSHIP
Ordinance No. 7 of 1998

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF THE TOWNSHIP'S CEMETERIES AND TO PROVIDE PENALTIES FOR VIOLATIONS.

THE TOWNSHIP OF KEARNEY, ANTRIM COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 1. Title.

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

SECTION 2. Definitions. As used in this Ordinance.

(a) "Adult burial space" means an area of land within a cemetery lot four (4) feet wide and (10) feet long.

(b) "Cemetery lot" means an area of land within a cemetery sufficient to accommodate from one (1) to six (6) adult or infant burial spaces.

(c) "Heirs at law" means a persons spouse, natural and adopted children, natural and adopted grandchildren, parents, grandparents, brothers and sisters.

(d) "Infant or stillborn burial space" means an area of land within a cemetery lot three (3) feet wide and three and one-half (3-1/2) feet long.

SECTION 3. SALE OF LOTS OR BURIAL SPACES.

(a) After the effective date of this Ordinance, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of burying the purchaser or his or her heirs at law. The Township Committee may grant exceptions to this sales restriction, but only when the purchaser discloses sufficient personal reasons for burial in the township. In exercising the discretion granted in this section, the Township Committee shall apply the following standards: (1) whether the prospective purchaser was a previous resident or taxpayer within the township, (2) the length of time the prospective purchaser was a resident or taxpayer within

the township, (3) the length of time that has elapsed from when the prospective purchaser was a resident or taxpayer of the township and the application to purchase a cemetery lot or burial space, and (4) whether the prospective purchaser falls within the definition of an heir at law of any person interred within the cemetery.

(b) All such sales shall grant a right of burial only and shall not convey title to the cemetery lot or burial space sold. The sale of a cemetery lot or burial space shall be documented on a form approved by the Township Board and shall be executed by the Township Clerk.

(c) Cemetery lots and burial spaces may be transferred only to those persons eligible to be original purchasers of cemetery lots or burial spaces under this Ordinance. All such transfers shall be accomplished through the following procedures: (1) the owner of the cemetery lot or burial space to be transferred shall complete and sign the assignment of cemetery lot or burial space on the original burial permit issued by the Township Clerk, (2) the Township Cemetery Committee shall determine whether the assignee is qualified to hold a cemetery lot or burial space under this Ordinance, (3) if qualified, the Township Clerk shall approve the transfer and enter the assignee's interest in the cemetery lot or burial space in the official cemetery records, and (4) the Township Clerk shall cancel in the official cemetery records the burial permit assigned and issue a new burial permit to the assignee.

(d) Due to the limited number of burial spaces, no more than six (6) burial spaces shall be sold to any individual or married couple.

SECTION 4. PURCHASE PRICE AND TRANSFER FEES

(a) The Township Board shall from time to time by separate resolution establish the purchase price for cemetery lots and burial spaces and the fee for transferring one or more cemetery lots or burial fees to a qualified assignee.

(b) The charges and fees established pursuant to subsection (a) above shall be paid to the Township Treasurer and deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

SECTION 5 GRAVE OPENINGS.

No burial space shall be opened and closed, except under the direction and control of the cemetery sexton. However, this provision shall not apply to proceedings for the removal and re-interment of bodies and remains that are under the supervision of the local health department.

SECTION 6. MONUMENTS, MARKERS OR MEMORIALS.

- (a) Only one (1) monument, marker or memorial, except for veterans graves, shall be permitted per burial space.
- (b) No monument, marker or memorial larger than the width of the lot shall be allowed in any township cemetery.
- (c) All monuments, markers and memorials shall be of durable granite, marble, or bronze and shall be placed on concrete footings or foundations that are no higher than ground level.

SECTION 7. INTERMENT REGULATIONS.

- (a) Only one (1) person may be buried in a burial space; provided, however, a mother and her child less than two (2) years of age or two (2) children ages ten (10) years or less may be buried at the same time in the same burial space. In addition, no more than two (2) cremated remains may be interred in one (1) burial space and these cremated remains must be in a vault.
- (b) Not less than thirty-six (36) hours advanced notice shall be given to the Township Clerk or cemetery sexton of the time for any funeral to allow for the opening of the burial space or spaces.
- (c) The burial permit for the burial space involved, together with the identification of the person to be buried, shall be presented to the Township Clerk or cemetery sexton prior to interment. Where such burial permit has been lost or destroyed, the Township Clerk shall be satisfied from a review of the official cemetery records that the person to be buried in the burial space, is eligible for burial in that burial space before any interment is commenced or completed.
- (d) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION 8. GROUND MAINTENANCE.

- (a) No grading, leveling, or excavating upon a burial space shall be allowed without the prior written permission of the Township Cemetery Committee or cemetery sexton.
- (b) No shrubs, trees or vegetation of any type shall be planted without the prior written approval of the Township Cemetery Committee or cemetery

sexton. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.

(c) The Township reserves the right to remove or trim any tree, plant or shrub located within a township cemetery that hinders the use of a lawn mower or other gardening apparatus.

(d) All mounds which hinder the use of a lawn mower or other gardening apparatus are prohibited.

(e) The Township or cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become a source of litter or a maintenance problem.

(f) Ground surfaces other than earth or sod, such as stones, bark, or wood chips, are prohibited.

(g) All refuse of any kind or nature, including but not limited to dried flower wreaths, papers and flower containers must be removed from the cemetery before November 1 st.

SECTION 9. FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.

(a) If a cemetery lot or burial space remains vacant for more than twenty (20) years after a burial permit is issued to an original purchaser or a qualified assignee, the Township Clerk shall send by certified mail to the owner record a written notice informing him or her that the twenty 20 year period has expired and that all rights in the cemetery lot or burial space shall be forfeited to the Township if he or she fails within sixty (60) days of the date of mailing the notice to affirmatively indicate in writing to the Township Clerk his or her desire to retain the cemetery lot or burial space.

(b) If the Township Clerk receives no written response within sixty (60) days after mailing the notice required to be sent pursuant to subsection (a) above, the cemetery lot or burial space identified in the notice shall revert to the Township free and clear from claims of that original purchaser or qualified assignee. The Township Clerk shall then cancel in the official cemetery records the burial permit issued and indicate in those records that the cemetery lot or burial space is eligible for resale under the terms and conditions of this Ordinance.

SECTION 10. Repurchase of Lots or Burial Spaces.

Upon the written request of the original purchaser for qualified assignee of any cemetery lot or burial space, or the legal heirs or representatives of the original purchaser or qualified assignee, the Township shall repurchase the

cemetery lot or burial space from the owner at the original price paid to the Township for that cemetery lot or burial space.

SECTION 11. CEMETERY RECORDS.

The Township Clerk shall maintain records concerning all burials, issuance of burial permits apart from other township records. These cemetery records shall be open to public inspection during reasonable business hours.

SECTION 12. FAMILY INDEPENDENCE AGENCY BURIALS.

No person whose burial is paid by the Michigan Family Independence Agency shall be eligible for burial in any cemetery within Kearney Township, unless that person was a resident of the township at the time of his or her death.

SECTION 13. VAULT.

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

SECTION 14. CEMETERY HOURS.

The township cemeteries shall be open to the general public daily between the hours of sunrise and sunset .

SECTION 15. MUNICIPAL CIVIL INFRACTIONS.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600. 101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine as determined by resolution of the Township Board. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

SECTION 16. ENFORCEMENT.

The Township Supervisor is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

SECTION 17. SEVERABILITY.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

KEARNEY TOWNSHIP

By: Charles L. Belanger

Charles L. Belanger

Its: Supervisor

Sally Petrie

By:

Sally Petrie

Its: Clerk

CLB/ajg Cemetery Comittee