

## **Blackman Charter Township Cemetery Ordinance** **Ordinance #102**

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 Charter Township of Blackman, Jackson County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances and other rules or resolutions in conflict therewith.

### **THE CHARTER TOWNSHIP OF BLACKMAN, COUNTY OF JACKSON, MICHIGAN ORDAINS:**

#### **Section 1: Title**

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

#### **Section 2: Definition of burial spaces**

A burial space shall consist of a land area as determined by the official Master Cemetery Map on file with the township clerk.

#### **Section 3: Sale of burial spaces**

- A. Hereafter, single burial spaces shall be sold only to residents or taxpayers 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 than as heretofore set forth. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for 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 cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk, 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 permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

#### **Section 4: Purchase price and transfer fees**

- A. The cost of each single burial space shall be at a cost to be determined from time to time by resolution of the township board, payable to the township.
- B. The cost of any transfer of one burial space from an original purchaser to a qualified assignee shall be at a cost to be determined from time to time by resolution of the township board, payable to the township. Transfers among immediate family are exempt from this fee. The definition of family, for the purposes of this ordinance, shall mean spouses and children only.
- C. The charges shall be paid to the township treasurer and shall be deposited in the appropriate cemetery fund for the particular cemetery involved in the sale or transfer.

#### **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 burial spaces shall be opened and closed except under the direction and control of the Township clerk or whomever he assigns. 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.
- C. After interment, no changes in the location of a grave will be made except at the expense of the owner. This charge will be set by resolution.

**Section 6: Marker or memorials**

- A. All markers or memorials must be of stone or other equally durable composition.
- B. All markers, memorials or monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. The foundation upon which any monument, marker or memorial must be placed shall be constructed by the township at cost to be determined from time to time by resolution of the township board, payable to the township. This charge shall be immediately payable with the grave opening charge and may not be deferred.
- E. Urns of any kind shall be prohibited.
- F. The Township shall have the right to bury, restore or repair at its sole option, any broken or irreparable marker or memorial on existing gravesites if persons or family show no sign to repair such. If buried, the marker shall be placed flush with the ground with the engraving showing if possible. The Township Clerk will record such action. The Clerk shall notify family of pending action 10 days before such action takes place by regular mail to the last known address on record.

**Section 7: Interment regulations**

- A. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.
- B. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- 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 sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the 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.
- 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, terracing or excavating upon burial space shall be allowed without the written permission of the cemetery sexton or the township clerk.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the written approval of the township clerk. The township clerk shall cause to be removed any of the foregoing items planted without such approval.
- C. The township clerk reserves the right to remove or trim any tree, plant or shrub located within the Cemetery in the interest of maintaining proper appearance and the use of the cemetery even if previously approved.

- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The township clerk 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 unsightly, a source of litter or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited. This includes, but is not limited to concrete, stones or curbing.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed from the cemetery.
- H. Glass containers, hanging baskets, plastic containers and artificial flowers and other breakable containers are prohibited.

**Section 9: Forfeiture of vacant cemetery lots or burial spaces**

Cemetery lots or burial spaces remaining vacant 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 the township clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.
- B. 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 lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

**Section 10: Repurchase of lots or burial spaces**

The township may repurchase any cemetery lots or burial space from the owner for 75% of the original price paid the township upon written request of said owner or his legal heirs or representatives. Proof of ownership acceptable to the clerk shall be required. A maximum repurchase price of \$20.00 will be paid if the owner does not have a receipt.

**Section 11: Records**

The township clerk shall maintain records concerning all burials, 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 all reasonable business hours.

**Section 12: Vault**

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

**Section 13: Cemetery hours**

- A. The cemetery shall be open to the general public from dawn to dusk each day.
- 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 township clerk.

**Section 14: Cemetery Sexton**

The township board authorizes the township clerk to appoint a cemetery sexton. The sexton shall only be paid from fees collected by the township for the services rendered by the sexton. These fees shall be set by board resolution.

**Section 15: General rules**

- A. Maximum speed limit shall be 15 MPH.
- B. Funeral cars have the right of way over all other traffic.
- C. Vehicles shall refrain from driving or parking on the grass.
- D. Dogs, bicycles, motorcycles, snowmobiles or commercial vehicles not having business in the cemetery are prohibited.

**Section 16: Penalties**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 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 prevent civil proceedings for abatement and termination of the activity complained of.

**Section 17: 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 or invalidate the remainder of such ordinance which shall continue in full force and effect.

**Section 18: Effective Date**

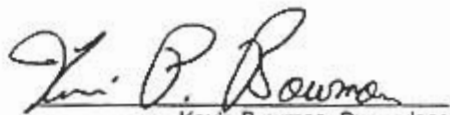
This ordinance shall take effect immediately. All ordinances or parts of ordinances and other rules or resolutions in conflict herewith are hereby repealed.

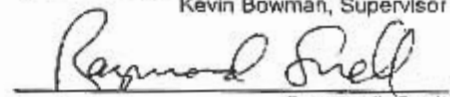
MEMBERS PRESENT: Supervisor Bowman, Clerk Snell, Treasurer Brockie and Trustees: Laskovich, Thomas, Barrett & Smith

MEMBERS ABSENT: None

AYES: Supervisor Bowman, Clerk Snell, Treasurer Brockie and Trustees: Laskovich, Thomas, Barrett & Smith

NAYS: None

  
Kevin Bowman, Supervisor

  
Ray Snell, Clerk