

**CEMETERY ORDINANCE NO.**

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 Homestead, Benzie County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE TOWNSHIP OF HOMESTEAD, COUNTY OF BENZIE, MICHIGAN  
ORDAINS:**

**Section 1: Title**

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

**Section 2: Definitions of Cemetery Lots and Burial Spaces**

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.

- A. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- B. An infant or stillborn burial space shall consist of a land area four (4) feet wide And five (5) feet in length.

**Section 3: 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 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.
- 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 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 affected 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 such 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 issued..

D. Total number of grave sites is limited to four (4) per family.

#### **Section 4: Purchase Price and Transfer Fees**

A. Each burial space shall cost the sum of **\$50.00.**

B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$50.00 or the original purchase price.

C. The foregoing charges shall be paid to the Township Treasurer and shall be deposited into the Township General Fund for the particular cemetery involved in the sale or transfer.

D. The Township Board, by resolution, may periodically alter the foregoing fees 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 burial 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 markers or memorials must be of stone or other equally durable composition.

B. Any monuments must be located upon a suitable foundation.

A suitable foundation of concrete is recommended to be 4 (four) inches thick and at least 6 inches around the base of the stone. The monument must be placed at either the head or the foot of the burial lot.

- C. Only one monument, marker or memorial shall be permitted per burial space with exception of cremation.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed to Homestead Township Board's specifications and is the responsibility of the owner of the burial right.
- E. As a protection to all lot owner, and for the general welfare of the Homestead Twp Cemetery, and the Champion Hill Cemetery, the Township reserves the right to excavate for, and build all foundation, also determine the grade and location of monuments. All Expenses incurred in setting or repairing such markers shall be borne by the lot owner. (Effective May 3rd, 2010)

### **Section 7: Interment Regulations**

- A. Only one person may be buried in a burial space except for one adult and infant or two children buried at the same time with the exception of cremated remains.
- 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 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 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 persons 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.
- E. No winter burials without approval of the Township Clerk.  
Generally this will run from November 15, through March 30. (Effective May 3,2010)

### **Section 8: Ground Maintenance**

- A. The Township shall be responsible for the maintenance and upkeep of the cemetery.
- B. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the cemetery caretaker or the Township Clerk.
- C. No shrubs or trees of any type shall be planted without the approval of the Homestead

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

- D. 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.
- E. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- F. Only 1 (one) flower arrangement / decoration per burial site. Please remove the arrangement in the fall. (Motion to add and approved - September 3, 2014.)
- G. The cemetery caretaker 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, become a source of litter or a maintenance problem.
- H. All refuse or any kind or nature including, among others, dried flowers, wreaths, papers, 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 20 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 him or her of the expiration of the 20 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 60 days from the date of mailing of the within notice his or her 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 or her 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 will repurchase any cemetery lots 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.

**Section 11: Records**

The Township 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 sun up to sun down each day.

**Section 14: 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 15: Severability**

The provision 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: Township Limitation of Liability**

The Township assumes no responsibility for errors in opening graves when such errors are caused by others. The Township is not responsible for loss, theft or vandalism within the cemetery.

**Section 17: Effective Date**

This ordinance shall take effect on February 1, 2001. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

During the Regular Meeting of the Homestead Township Board held on July 3, 2007, a motion was made by Mary Geetings supported by Shelley Rosa that this Ordinance # 3-2007 be adopted.

September 3, 2014 - Amended Section 8 - F was inserted and section 8 was renumbered.

Action: Roll call vote:

Ayes: All

Nays: None

Mary Geetings, Homestead Township Clerk declared the Motion carried and Ordinance #3-2007 duly adopted.