

HOMESTEAD TOWNSHIP

CEMETERY ORDINANCE NO. 3-2007

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, *non-residents* 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 Officer. At time of purchase, all lots must be assigned to family members by name.
- 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, *Treasurer or their appointed Deputies (Official)*, approved by said Official, and entered upon the official records. Upon such assignment, approval and record, said Official 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 household*.

Section 4: Purchase Price and Transfer Fees

- A. Burial space costs – refer to attached Fees form.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost (see fees form)
- C. The foregoing charges shall be paid to the Township Official 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 monument 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. For a single lot, the gravestone or marker shall be no more than 38" high, including the base, no more than 34" in base length, and no more than 16" in width. For a double lot, the gravestone or marker shall be no more than 38" high, including the base, no more than 4 feet in base length, and no more than 16" in width. In case of cremation only 1 upright marker in the gravestone row, any additional must be flat stones used on the lot.
- 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. The owner will contact/contract with the Sexton to have this foundation made and monument placed.

- E. As a protection to all lot owners, 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 foundations, 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 3, 2010).

Section 7: Interment Regulations

- A. Only one person may be full 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. *Four cremated remains per burial site is allowed. There will be an additional cost for using one site for 4 cremains. (See attached Fee schedule)*
- B. *No cremains are allowed to be buried by anyone but the Sexton, after given the proper certification. This will be considered trespassing if done without the Sexton present.*
- C. 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.
- D. 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 Official prior to interment. Where such permit has been lost or destroyed, the Township Official 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.
- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- F. No winter burials without approval of the Township. Burials between November 15 through March 30 must be approved by the Township and Sexton. (Effective May 3, 2010) All additional costs to execute a winter burial will be the sole responsibility of the lot owner.

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.
- 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 by September 30th or it will be removed and assumed trash by Township clean-up crew.
- 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 trash containers located within the cemetery.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

- A. 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:
- B. Notice shall be sent by the Township Official 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 within 60 days from the date of mailing of the within notice his or her desire to retain said burial rights.
- C. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Official 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 not 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. *A death certificate and declaration of veterans status must be furnished to the Township for each and every interment.*

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

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.

Motion by Cooley, Support by Purchase to accept amendment as written.

Action: Roll call vote: Cooley, yes; Purchase, yes; Mead, yes; Holbrook, yes; All ayes, No nays

Tia Cooley, Homestead Township Supervisor, declared the Motion carried and Ordinance #3-2007 as amended was duly adopted on May 14, 2025.

Tia Cooley

11/12/25

Tia Cooley, Supervisor 1st Amended: Adopted 9/3/2014 Updated April 1, 2021 Amended May, 2025
Tia Cooley, Supervisor 3rd Amended Adopted 11/12/2025 Updated 11/12/2025

I have received a copy of this ordinance with the purchase burial right form.

Name _____ Date: _____

Signature _____