

TOWNSHIP OF CASNOVIA

**CEMETERY ORDINANCE - AN ORDINANCE TO REPLACE ORDINANCE NO.
110.2600 ADOPTED MAY 16, 1984.**

ORDINANCE NO. 2022-02G

THE TOWNSHIP OF CASNOVIA ORDAINS:

69.000 [Purpose]

AN ORDINANCE to replace Ordinance no. 110.2600 adopted May 16, 1984. Purpose—to protect the public health, safety and welfare by providing regulations on the use, operation and management of cemeteries owned by the Township; to provide penalties for violations thereof; and to repeal ordinances or parts of ordinances in conflict with this ordinance.

69.001 [Title.]

Sec. 1.

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

69.002 [Definitions.]

Sec. 2.

The following words and phrases used in this Ordinance shall have the meanings stated respectively in this section.

- (a) Cemetery lot—A designated area or space within a cemetery sufficient to accommodate from one to eight burial spaces.
- (b) Burial space—An area of land within a cemetery lot that is designed for the interment of a deceased person or a container or cremated human remains.
- (c) Burial right—A right of earth interment in a burial space within a cemetery lot.

69.003 [Sale of cemetery lots or burial spaces.]

Sec. 3.

- (a) Burial rights in cemetery lots and burial spaces shall be available only by purchase and assignment from the Township or by transfer between eligible owners if such transfer is approved by the Township Clerk and recorded in the cemetery records of the Township.
- (b) Burial rights in cemetery lots and burial spaces shall be sold to residents or taxpayers of the Township, for the purpose of burial of the purchaser or his or her heirs at law or other next of kin, subject, however, to subsection (c) of this section. No sale of burial rights in

cemetery lots or burial spaces shall be made to funeral directors or other persons not authorized as purchasers under the terms of this section.

- (c) Notwithstanding the above-stated restriction on the sale of burial rights in cemetery lots and burial spaces to residents or taxpayers of the Township, the Township Clerk is hereby authorized to sell burial rights in cemetery lots and burial spaces to non-resident individuals who disclose sufficient personal reasons for burial within a Township cemetery. Such reasons include, but are not limited to the following:
 - (i) The purchaser had a prior domicile in the Township;
 - (ii) The person for whom burial rights are sought had a prior domicile in the Township;
or
 - (iii) The purchaser or the person for whom burial rights are sought has a familial relationship to a person already interred in a Township cemetery.

Non-resident individuals shall be limited to two lots per person and the cost of the cemetery lot shall be set by resolution of the Casnovia Township Board who may periodically and from time to time adjust or alter that price.

- (d) Sales of cemetery lots and burial spaces shall be accomplished only by the sale of burial rights. All sales of burial rights in a cemetery lot or burial space shall be made only on a form approved by the Township Board, entitled Certificate of Burial Rights, or some other title approved by the Board. Such form or certificate shall grant a right of burial only, and shall not convey any other title or interest in or to the cemetery lot or burial space. Such certificate or other form shall not be effective unless signed by the Township Clerk.
- (e) Burial rights may be transferred only to those persons eligible to be original purchasers of burial rights in cemetery lots or burial spaces within a cemetery in the Township. Such transfer may be accomplished only by a written and signed endorsement or by assignment written upon the original burial rights certificate as issued by the Township Clerk. Any such endorsement or assignment shall not be effective unless signed and approved by the Township Clerk, and shall be entered into the official cemetery records of the Township. Upon the completion of such approved assignment, and the recording of the same in the Township cemetery records, the Township Clerk shall issue a new burial rights certificate to the assignee, and shall then cancel the original burial rights certificate, and update the Township cemetery records accordingly.

69.004 [Fees and charges for burial spaces.]

Sec. 4.

- (a) The purchase price for burial rights in cemetery lots and burial spaces shall be as determined by resolution adopted by the Township Board. The Board may provide for such charges on the basis of each adult burial space, each infant or stillborn burial space or other method.
- (b) The fee or other charge for the transfer of one or more burial spaces from an original purchaser or previous assignee to a qualified assignee, including the recording of the transfer in the Township cemetery records, shall be as determined by resolution of the Township Board.

- (c) Such fees and charges shall be paid to the Township Treasurer and shall be deposited into the cemetery fund for the Township cemetery in which the burial spaces are located. By subsequent resolution, the Township Board may periodically alter such fees and charges.

69.005 [Opening and closing of burial spaces.]

Sec. 5.

No burial space shall be opened or closed except under the direction and control of authorized Township personnel; provided, however, that this provision shall not apply to properly conducted proceedings for the removal and reinterment of previously interred remains, under the lawful supervision of the County Health Department or other agency having jurisdiction, or by court order.

69.006 [Burial vaults; cremated remains.]

Sec. 6.

- (a) All casket burials shall be within a standard concrete burial vault installed or constructed in a burial space before interment.
- (b) All cremated remains shall be placed in a durable container.
- (c) The Township shall have sole authority and responsibility to determine the depth and size of each burial space.

69.007 [Grave markers.]

Sec. 7.

- (a) For purposes of this section, a grave marker shall consist of a monument, marker, tablet, tombstone or headstone, placed for the purpose of permanently marking an individual or family burial space.
- (b) Except as provided in subsection (e) of this section, all markers must consist of stone or other material that is equally durable.
- (c) All markers shall have a generally flat surface.
- (d) The Township shall have sole responsibility for the placement of markers at burial sites. The following requirements apply to the placement and construction of markers:
 - (i) Markers shall be placed firmly on the ground, but they may project above the ground surface.
 - (ii) A marker must be placed on and be supported by a footing or foundation that is at or below ground level.
 - (iii) No marker shall be placed on the area of the burial space beneath which the burial vault is located.
- (e) Only one marker shall be permitted for each burial space; provided, however, that each marker may be accompanied by a single bronze plate mounted on stone or equally durable footing or foundation. The plate shall be mounted flush with the surrounding ground surface, within one foot of the accompanying marker.
- (f) All costs for the purchase and delivery of markers or plates, together with footings or foundations, shall be paid directly to the monument company by the family of, or other

person acting in behalf of, the deceased person. The Township shall have no responsibility for the payment of the costs thereof.

69.008 [Regulations for interment.]

Sec. 8.

- (a) Only one person or two cremations may be buried in a burial space, except that a parent and an infant may be buried therein or two children buried at the same time may be buried therein, or 4 cremations may be buried therein.
- (b) The Township Clerk shall be notified at least 36 hours in advance of the time of any funeral, so as to allow sufficient time for the opening of the burial space.
- (c) Prior to interment, the burial space certificate for the burial space, together with appropriate identification of the person to be buried, shall be submitted to the Township Clerk. Where the burial space certificate has been lost or destroyed, the Township Clerk may consult the Township cemetery records and if the Clerk thereupon determines that the person proposed to be buried in the burial space is properly authorized, then the Clerk may authorize the opening of the burial space and the interment.
- (d) Each grave shall be located in an orderly manner and shall be within the boundaries of the burial space.

69.009 [Maintenance of cemetery grounds.]

Sec. 9.

- (a) The Township shall be responsible for the care and maintenance of cemetery grounds. This general care shall in no case mean the maintenance, repair, or replacement of any memorial, or tomb; nor the doing of any special or unusual work in the cemeteries. Nor does it mean the reconstruction of any marble or granite work on any section or plot, or any portion of portions thereof in the cemeteries caused by the elements, an Act of God, thieves, vandals, unavoidable accidents, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
- (b) No grading, leveling or excavating of any burial space, or any other portion of a cemetery lot, shall be permitted, except upon prior approval of the Township Clerk.
- (c) Mounds of earth which would impede or interfere with the efficient use of lawnmowers or other gardening apparatus are prohibited.
- (d) Any person acting on behalf of the Township in the maintenance of a cemetery reserves the right to remove or trim any tree, plant or shrub located within the cemetery, so as to maintain the appearance and promote the convenient use of the cemetery.
- (e) The Casnovia Township Board, in the interest of maintaining proper appearance and use of the cemeteries, reserves the right to remove from within the cemeteries, flowers, displays, containers or emblems which have become unsightly, a source of litter, a maintenance problem or are deemed by the Township Board to be inappropriate.

69.010 [Use of cemetery lots and burial spaces.]

Sec. 10.

- (a) Benches, fences, railings, walls, lights or similar landscaping accessories shall not be placed or installed on cemetery lots or burial spaces.
- (b) No permanent plants, shrubs, bushes or trees shall be placed or planted on cemetery lots or burial spaces. No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn. Any of the foregoing items planted without Township approval will be removed by the Township or the Township Sexton.
- (c) Live or artificial flowers and plants may be planted in urns **ONLY**. Potted plants and flowers may be placed on a cemetery lot not earlier than May 1st each year and must be removed not later than October 1st of the same year. All such flowers and plants, whether artificial or live, must be placed within one foot of a burial space marker. Decorations will be permitted for holidays, but only for one (1) week prior and one (1) week following the holiday. Items planted without Township approval will be removed by the Township or the Township Sexton.
- (d) The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery
- (e) Funeral flowers shall be removed when they become unsightly.
- (f) Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
- (g) The Township may remove and dispose of all artificial or live plants or flowers, emblems, displays, containers and any other objects that have become unsightly, a source of litter or a hindrance to proper ground maintenance within the cemetery, or which have been left on a cemetery lot at times not permitted by this Ordinance.
- (h) All refuse of any kind, including dried flowers, wreaths, flower containers, papers and other debris must be fully and promptly removed from the cemetery ground by the persons who placed such materials within the cemetery, or by other persons who may be caring for the burial spaces where any such materials have been placed.
- (i) The Township is not responsible for lost, stolen, or destroyed items left on gravesites.
- (j) No glass containers or items allowed.

69.011 [Repurchase of cemetery lots or burial spaces.]

Sec. 11.

The Township will repurchase cemetery lots or burial spaces for the original amount paid to the Township by the purchaser, upon written request of the owner thereof or the owner's heirs at law or other legal representatives or assigns.

69.012 [Forfeiture of lots or burial spaces.]

Sec. 12.

- (a) Cemetery lots and burial spaces that remain unused for burial purposes 40 years after the date of sale shall automatically revert to Township ownership, and thereafter the

Township shall be the sole owner of all rights and interest therein, but only upon the occurrence of the following:

- (i) Written notice shall be sent by the Township Clerk by regular first-class mail to the last known address of the owner of the lot or burial space, as shown in the Township cemetery records, informing such owner of the expiration of the 40-year period and stating that all rights to and interest in such lot or burial space shall be forfeited permanently to the Township if such owner does not, within 60 days of the mailing of such notice, inform the Township Clerk in writing that such owner desires to retain his or her rights to such lot or burial space, and does not desire to relinquish the same to the Township; and
- (ii) Such owner does not, within said 60 days, respond to such notice or, if such owner does respond within 60 days, the owner states that he or she does not desire to retain the lot or burial space. A response by the owner's heirs at laws, next of kin or other authorized legal representative or assign of the owner shall be deemed to be a response by the owner.

69.013 [Cemetery records.]

Sec. 13.

The Township Clerk shall maintain records of all sale and transfer of burial spaces, all burials, burial permits, funds provided for the perpetual care of cemetery lots or burial spaces and other matters concerning burials and burial spaces within Township cemeteries. Such records shall be maintained separate and apart from other Township records. They shall be available for public inspection during Township office hours, in accordance with the requirements of the Michigan Freedom of Information Act.

69.014 [Cemetery hours.]

Sec. 14.

Township cemeteries shall be open to the public only during daylight hours. Visitors and others shall not enter into or remain in the Township cemeteries during any other time, except upon the prior approval of the Township Board.

69.015 [Violations.]

Sec. 15.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500, in addition to all other costs, damages, expenses, attorney fees and other remedies provided by law.

69.016 [Severability.]

Sec. 16.

The provisions of this Ordinance are hereby declared to be severable. Should any provision of this Ordinance be declared invalid, the other provisions shall remain in full force and effect.

69.017 [Repeal.]

Sec. 17.

All Casnovia Township ordinances governing Township cemeteries which are in effect at the time of adoption of this Ordinance are hereby repealed in their entirety. In addition, all other ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed, to the extent of such conflict.

69.018 [Publication; effective date.]

Sec. 18.

The undersigned Supervisor and Clerk of the Casnovia Township hereby certify that the Cemetery Ordinance was duly adopted by the Township Board at a meeting held on the 9th day of May, 2022 and shall take effect 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

Kelli Ashbaugh, Township Supervisor

Jodie Railling, Township Clerk