

FREEMAN TOWNSHIP ORDINANCE NO. 14

TOWNSHIP OWNED CEMETERIES

Township of Freeman County of Clare, Michigan Cemetery Ordinance

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

Township of Freeman, County of Clare, Michigan Ordains:

Section I. Title.

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

Section II. Definitions of Cemetery Lots and Burial Spaces.

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate single burial space.
- B. An adult burial space shall consist of a land area four feet wide and ten feet in length.
- C. An infant, stillborn or cremation burial space shall consist of a land area four feet wide and four feet in length in areas set aside specifically for such burials.
- D. Internment shall mean the permanent disposition of the remains of a deceased person by cremation and/or internment of burial.

Section III. Sale of Lots or Burial Spaces.

- A. Hereafter, cemetery lots of burial spaces shall be sold to only 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 pervious residence in the township or relationship to persons interred therein.

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- 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 of burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon original burial form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and records, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit assigned.**

Section IV. Purchase Prices and Transfer Fees.

- A. Each adult space shall cost the sum of \$250.00 (two hundred and fifty) dollars for residents or tax payers of Freeman Township. At the time of burial, \$400.00 (four hundred) dollars will be paid to Freeman Township; \$350.00 (three hundred and fifty) dollars of the \$400.00 will be paid to the Sexton by Freeman Township.**
- B. Each burial space for infants, stillborns or cremations located in an area especially set aside for such burials, shall cost \$100.00 (one hundred) dollars. At the time of burial, \$100.00 (one hundred) dollars will be paid to Freeman Township; \$75.00 (seventy five) dollars of the \$100.00 will be paid to the Sexton by Freeman Township.**
- C. Any transfer of one or more burial spaces from original purchaser to a qualified assignee shall cost \$30.00 (thirty) dollars.**
- D. The forgoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.**
- E. The Township Board by resolution may periodically alter the forgoing fees to accommodate increased cost and needed reserve fund for cemetery maintenance and acquisition.**

Section V. Grave Opening Charges.

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- A. The opening and closing of any burial space, prior to and following a burial therein, including the interment of ashes, shall be at a cost to be determined from time to time by agreement between the sexton and funeral director payable to the sexton.**
- B. No burial space 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 VI. Markers and Memorials.

- A. All markers and memorials must be of stone or other equally durable compositions.**
- B. Any large upright monuments must be located upon a suitable solid foundation to maintain the same in an erect position.**
- C. Only one monument, marker or memorial shall be permitted per burial space.**
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the sexton at cost to the owner of the burial right.**

Section VII. Internment 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. Two cremations per burial space.**
- C. Not less than 36 (thirty six) hour 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 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 authorized and appropriate one before any interment is commenced or completed.**

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- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.**

Section VIII. Ground Maintenance.

- A. No grading, leveling, or excavation upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.**
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.**
- C. Artificial grave decorations must be picked up and removed from the cemetery by October 1st or will be discarded. Winter wreaths or grave blankets are permitted between November 15th and March 15th. Any person wishing to save them must have them removed by March 15th. Flower pots/containers, not to exceed ten (10) inches in diameter, are encouraged, but not required and must be placed on the foundation of the monument or adjacent to the monument must be picked up and removed from the cemetery by October 1st.**
- 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. Grass shall be cut by sexton or maintenance man.**
- F. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or flower pots/containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.**
- G. Surfaces other than earth or sod are prohibited.**
- H. All refuse of 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 IX. Forfeiture of Vacant Cemetery Lots or Burial Spaces.

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Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant 40 (forty) 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 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 space will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 (sixty) days from the date of the 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 (sixty) days from the date of mailing of said notice.

Section X. Repurchase of Lots or Burial Spaces.

The township will repurchase any cemetery lot or burial space from the owner for the original price paid the township upon the written request of said owner or his legal heirs or representatives

Section XI. 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 the public inspection at all reasonable business hours.

Section XII. Vault.

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

Section XIII. Cemetery Hours.

- A. The cemetery shall be open to the general public from the hours of daylight to dusk of each day.
- B. No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the township Board, or of the sexton of the cemetery.

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Section XIV. 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 (one hundred) dollars and or imprisonment for up to 90 (ninety) days in jail as may be determined by the court of competent jurisdiction. Each day that 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 XV. Severability.

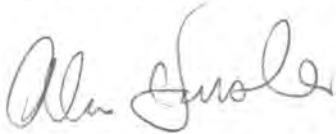
The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and affect.

Section XVI. Effective Date.


This ordinance shall take effect 30 (thirty) days after the effective date. All ordinances or parts of ordinances in conflict herein are hereby repealed.

Adopted by the Freeman Township Board: 08-10-2017

Effective Date: 09-10-2017



Al Housler, Freeman Township Supervisor, Clare County, Michigan



Julie Lightfoot, Freeman Township Clerk, Clare County, Michigan