

**OID TOWNSHIP
CLINTON COUNTY, MICHIGAN**

CEMETERY ORDINANCE

Ordinance No. 2019-02

At a regular meeting of the Ovid Township Board, held in the Ovid Township Hall on the 8th day of August, 2019, at 7 p.m., Township Board Member Trustee Arlene Pesik moved to adopt the following Ordinance, which motion was seconded by Township Board Member Trustee Jennings West:

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; to achieve a peaceful and respectful setting for the burial of the dead while permitting reasonable opportunities for persons to care for, beautify, adorn and improve gravesites within the Township's cemeteries; to provide penalties for the violation of said ordinance, and to repeal all prior ordinances or parts of ordinances in conflict herewith.

OID TOWNSHIP, CLINTON COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and cited as the Ovid Township Cemetery Ordinance.

SECTION 2. DEFINITION OF TERMS. The following terms, when used in this Ordinance, shall have the following meanings unless otherwise suggested by context:

- A. "Burial Space" means the space intended for the Interment of one (1) deceased person. A burial space shall consist of a land area as established by the Township Board.
- B. "Cemetery Sexton" means the person appointed by the Township Board to be responsible for the maintenance of the cemetery grounds, ground preparation before and after Interment, setting or coordinating Gravestone Foundations or enforcement of this Ordinance or any cemetery rules and regulations.
- C. "Cremains" means cremated human remains.
- D. "Cremains Area" means an area in which Cremains are laid to rest.
- E. "Family Monument" means a single Gravestone used to identify multiple, contiguous Burial Spaces which are all owned by the same family.
- F. "Foundation" means a concrete structure that supports a Gravestone.
- G. "Gravestone" means a marker, memorial or monument, either flush to or above the ground, indicating the given and/or family name(s) of the deceased.

- H. "Interment" means the burial of the remains of one (1) deceased person.
- I. "Lot Marker" means a marker used by cemetery personnel to locate corners of a lot.
- J. "Principal Residence" means a person's true, fixed and permanent home to which he or she has the intention of returning whenever he or she is absent and where he or she exercises his or her voting rights.
- K. "Township," "Township Clerk," or "Township Board" shall refer to Ovid Township, the Ovid Township Clerk or the Ovid Township Board, respectively.

SECTION 3. SALE OR TRANSFER OF BURIAL SPACES. The Township may sell one or more Burial Spaces in a cemetery to grant the purchaser the right of Interment of human remains within the cemetery. The sale of a Burial Space grants only a right of Interment and does not convey absolute title to the Burial Space or any other interest in real property.

- A. 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 disinterment and reinterment of bodies and remains which are under the supervision of the local health department.
- B. All Burial Spaces, Interments and other activities within a cemetery shall be subject to this Ordinance and any rules or regulations adopted by the Township Board.
- C. Due to the small number of Burial Spaces remaining in the South Ovid Cemetery, Burial Spaces in that Cemetery shall be sold only to family members of persons currently Interred in that Cemetery. No sale of Burial Spaces shall be made to funeral directors or others than as set forth herein. Individuals are restricted to purchasing not more than eight plots, commonly known as a family lot. Any person purchasing a family lot shall designate the name of the family members for whom each lot is reserved, without vacancies.
- D. All such sales shall be made on a burial permit form approved by the Township Board, which shall grant a right of Interment only and does not convey any other title to the Burial Space. Each burial permit form shall be executed by the Township Clerk.
- E. The right to be Interred in either a Burial Space may only be transferred to a mother, father, brother, sister, son, daughter, adopted son, adopted daughter, grandson, granddaughter, or person eligible to be an original purchaser of a Burial Space. Transfer may be effected only by the Township Clerk's endorsement of an assignment on the original burial permit, which shall be entered upon the Township's official records by the Clerk. Upon such assignment, endorsement and record, the Township Clerk shall issue a new burial permit to the assignee and shall cancel and terminate the original burial permit thus assigned. If the original owner is deceased, a court order or other proof of authority will be necessary for any transfers of any particular plot or lot.

- F. A transfer fee, the amount of which shall be set by resolution of the Township Board, shall apply to any transfers, and must be paid prior to the issuance of a Burial Space certificate. This fee may be waived by the Township Clerk, with the Township Board's approval.
- G. Burial Spaces may only be resold back to the Township for the price of half the original purchase price of a Burial Space. This Section shall not be construed to require the Township to repurchase Burial Spaces.

SECTION 4. FEES. All fees related to the administration of this Ordinance, including without limitation the fees for a Burial Space, Interment, burial permit, transfer, opening, foundation, cremation, or disinterment, shall be established by resolution of the Township Board. The Township Board, by resolution, may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition. The purchase of a Burial Space assumes one burial in that space. The fees shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the cemetery involved in the sale or transfer.

SECTION 5. GRAVESTONES. All Gravestones must be of stone or other equally durable composition. Any large upright Gravestones must be located upon a suitable foundation to maintain the same in an erect position. All upright Gravestones shall be placed on the west end of a Burial Space; additional Gravestones may be permitted, but such Gravestones must be flush with the ground.

- A. The Foundation upon which any Gravestone must be placed shall be approved and provided by the Township at the cost of the owner of the Burial Space. Gravestone Foundations shall have at least a four (4) inch overlap around the base at ground level, to facilitate maintenance.
- B. The Cemetery Sexton shall oversee the placement of all Gravestones.
- C. Notwithstanding any regulation to the contrary contained herein, military service Gravestones may be placed at the head of the grave.
- D. Gravestones shall not be altered or removed without the consent of the Sexton.
- E. Gravestones shall not be smaller than sixteen (16) inches wide by eight (8) inches deep in base size.
- F. Gravestones up to thirty-six (36) inches high by sixteen (16) inches wide by eighteen (18) inches deep shall be permitted on any Burial Space.
- G. Family Monuments shall be permitted pursuant to approval by the Cemetery Sexton. Only one Family Monument shall be permitted for each family lot, with said Monument placed at the center of the family lot. Any costs associated with placement shall be at the expense of the party(s) who own(s) the right to be Interred in that lot.
- H. The face area (length x height) of a Family Monument shall not exceed fifteen (15) percent of the square footage of the area of the lot, while its width shall not exceed sixty (60) percent

of the average width of the lot. All Family Monuments shall conform to the requirements of the following table:

Side Lots	Lot Dimensions	Max Base Width (60%)	Lot Area	Max Face Area (15%)
2 Graves	10' x 8'	4'10''	80 sq. ft.	12 sq. ft.
3 Graves	10' x 12'	7'2''	120 sq. ft.	18 sq. ft.
4 Graves	10' x 16'	9'7''	160 sq. ft.	24 sq. ft.
6 Graves	10' x 24'	14'3''	240 sq. ft.	36 sq. ft.

- I. Waivers from any of the requirements of this Section may be granted at the discretion of the Township Board.

SECTION 6. INTERMENT REGULATIONS.

- A. Only one person may be buried in a Burial Space, except for a parent and infant, or two children buried at the same time.
- B. Up to six (6) cremations may be buried in one Burial Space as long as no other type of Interment has been made in that space.
- C. One headstone shall be permitted per grave site, except for when more than one cremation has been Interred; then, a Gravestone for each cremation, flush to the ground, is allowed per cremation urn.
- D. All burials shall be within a standard funeral-director-approved durable vault installed or constructed in each burial space before Interment, and all cremations shall be in approved, permanently-sealed containers.
- E. All funerals and Interments within the cemetery shall be under the direction of the Cemetery Sexton.
- F. Arrangements may be made for any day except Saturdays, Sundays, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, New Year's Day and Election Days. This restriction may be waived at the discretion of the Cemetery Sexton. If such a waiver is granted, an additional fee will be imposed.
- G. Arrangements during extreme weather conditions will be at the discretion of the Cemetery Sexton.

- H. Not less than a 48-hour notice shall be given to the Cemetery Sexton in advance of any funeral to allow for the opening of the Burial Space.
- I. The appropriate burial permit for the Burial Space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Cemetery Sexton and 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.
- J. All Interments shall be made in an orderly and neat manner within the confines of the Burial Space involved.

SECTION 7. CEMETERY MAINTENANCE.

- A. No grading, leveling or excavating upon a Burial Space shall be allowed without the permission of the Cemetery Sexton.
- B. Seasonal lot decorations:
 - a. Summer lot decorations are permitted from May 1st through October 1st. Summer lot decorations are limited to one floral arrangement per Burial Space, in approved cemetery-type stand.
 - b. Winter lot decorations are permitted from November 1st through April 1st. Winter lot decorations are limited to one evergreen blanket or wreath per grave.
 - c. If decorations are not removed by these dates, they will be disposed of.
- C. No flowers, shrubs, trees, or vegetation of any type shall be planted in a cemetery without the approval of the Cemetery Sexton. Any flowers planted must be within twelve (12) inches of the Gravestone. All urns and decorations must also be within twelve (12) inches of the Gravestone. Any of the foregoing items planted without approval, or planted outside of the permitted distance, may be removed by the Township or the Cemetery Sexton.
- D. Urns may be placed and maintained at Gravestones by the plot owner.
- E. Artificial flowers may be removed by the Cemetery Sexton at his or her discretion.
- F. Only planted or potted flowers are allowed in the Cremains Area; no trees or shrubs are permitted.
- G. The Township reserves the right to remove or trim any tree, plant, or shrub located within a cemetery in the interest of maintaining the proper appearance and use of the cemetery.
- H. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.

- I. The Cemetery Sexton shall have the right and authority to remove and dispose of all growth, emblems, displays or containers that through decay, deterioration, damage, or otherwise become unsightly, a source of litter, or a maintenance problem. Surfaces other than earth or sod are prohibited, including, but not limited to: edging; aluminum stripping, marble chips, cinder, tile, terracotta, gravel, wood, or wood chips.
- J. All refuse of any kind, including without limitation dried flowers, wreaths, papers, and flower containers must be removed or deposited in trash containers located within the cemetery.
- K. No lights or objects requiring a source of power are permitted in the cemetery (including, but not limited to, solar lights).
- L. Ornaments such as statues, boxes, toys, glass bottles, balloons, jars, cans and the like are prohibited.
- M. Materials used for ground covering such as stone, brick, bark, gravel, glass, woodchip, plastics, or concrete are prohibited.

SECTION 8. GENERAL RULES.

- A. Vehicle entrance and exit to the cemetery shall be made at established drives only. Vehicles are to use established roads and not to be driven on the lawn. Parking shall be on the roads and not on the grassy areas.
- B. Speed limit within the cemetery shall be ten (10) miles per hour. Excessive speeds and unsafe or reckless driving within the cemetery is prohibited.
- C. All labor and work performed in conjunction with maintenance, construction, repairs and improvements upon the grounds of the cemetery of any kind and nature shall be performed by employees of the Ovid Township Board or otherwise authorized by them.
- D. The Township shall not be liable for any personal or property damage caused by any person or vehicle, including damage caused because of the regular course of cemetery care, maintenance, or subsequent Interments. Damage caused by persons or vehicles within the cemetery shall be the responsibility of the person, driver and/or owner of the vehicle and such person may be subject to prosecution. The Township shall not be responsible for the theft of, or damage to, anything placed on Burial Spaces.
- E. Recreational vehicles, such as snowmobiles, go-carts, all-terrain vehicles, or dirt bikes shall not be permitted within the cemetery at any time.
- F. Animals, other than service animals, are not permitted in the cemetery, unless they are confined within a vehicle. Interment of animals is prohibited.

- G. The consumption or use of intoxicating beverages or mind-altering drugs within the cemetery is prohibited.
- H. Profanity or boisterous language that disturbs the quiet and peaceful atmosphere of the cemetery is prohibited.
- I. There shall be no hunting or the use of firearms in the cemetery, except where firearms are used in conjunction with Township-authorized cemetery ceremonies.
- J. Picking, mutilating, or disturbing flowers, trees, shrubs, or anything of a memorial nature is prohibited, except as required by, or under the direction of, the Cemetery Sexton.
- K. Advertising in any form, either on Gravestones or otherwise within the cemetery, shall be prohibited, except for a monument company insignia on the base of Gravestones.
- L. Chairs, settees, and benches on Burial Spaces are prohibited except during a burial ceremony.
- M. The Township reserves the right to maintain all Burial Spaces, including, but not limited to filling settled areas and reseeding.
- N. Permanent benches, chairs, and similar items, as well as toys, ornaments, metal designs, ceramic figurines, and home-made markers are prohibited.
- O. No plantings of any sort may take place before the foundation and Gravestone are permanently in place.

SECTION 9. FORFEITURE OF VACANT BURIAL SPACES. 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 by the Township Clerk by certified mail to the last known address of the last owner of record, informing him or her of the expiration of the 40-year period and that all rights with respect to said Burial Spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within 90 days from the date of mailing of the notice his or her desire to retain said Burial Spaces.
- B. If no written response to said notice indicating a desire to retain the Burial Spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or from his or her mother, father, brother, sister, son, daughter, adopted son, adopted daughter, grandson, or granddaughter, within 90 days from the date of mailing of said notice, the Burial Spaces shall automatically revert to the Township, and any and all rights of the original owner, or his or her heirs or legal representatives, shall be forfeited and extinguished.

SECTION 10. REPURCHASE OF BURIAL SPACES. The Township may, at its discretion, repurchase any vacant Burial Space from the owner for half of the original price for a Burial Space, paid upon written request of said owner.

SECTION 11. RECORDS. The Township Clerk shall maintain records concerning all Interments, issuance of the burial permits, and any perpetual care fund, separate and apart from any other records of the Township, and those records shall be open to public inspection at all reasonable business hours. It is the responsibility of the burial right holder to notify the Township Clerk of any change in address.

SECTION 12. CEMETERY HOURS. The cemetery shall be open to the public from the hours of sunrise to sunset each day. No person shall be permitted in a cemetery at any time other than the foregoing hours, except upon permission of the Township Board or the Cemetery Sexton.

SECTION 13. PENALTIES. Any person, firm, or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation. This Section shall not prevent the Township from enforcing this Ordinance in any other manner permitted by law, including, but not limited to, a misdemeanor prosecution or civil action.

SECTION 14. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provision, section, or part involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days following its publication as required by law.

SECTION 16. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

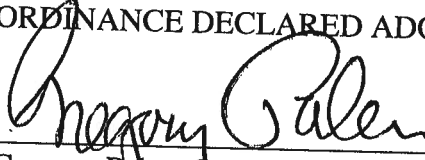
On a roll call vote: 9-12-19 cap

YEAS: Nancy J. Hughson, Jennings West, Arlene Pesik, Claudia Barrett Pluger, Gregory Palen

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED:



Gregory Palen, Supervisor
Ovid Township, Clinton County