

**CEMETERY ORDINANCE
#16-01**

(This ordinance #16-01 effective January 1, 2017 supersedes previous cemetery ordinances including #98-1 and #15-02.

(Prepaid fees regarding guidelines for customers prior to January 1, 2017 will be grandfathered to prior ordinances)

ATTAINING PROPER CEMETERY NEEDS IS A SENSATIVE MATTER, AND WITH ALL DUE RESPECT, HAYES TOWNSHIP ASSURES THAT THESE GUIDELINES ARE NECESSARY FOR MAINTAINING A QUALITY CEMETERY WHILE MEETING THE NEEDS OF OUR COMMUNITY.

**HAYES TOWNSHIP
CEMETERY ORDINANCE**

This is 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 Hayes, Clare 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 HAYES, COUNTY OF CLARE, MICHIGAN ORDAINS:

Section 1: Title

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

Section 2: Definitions of cemetery lots and PLOTS

A cemetery lot shall consist of 16 plots.

B. A plot shall consist of a land area four (4) feet wide and ten (10) feet in length.

Section 3: SALE OF BURIAL PLOTS

A. Hereafter, cemetery plots shall be sold to residents or taxpayers of the township for the purpose of 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 or designated township official, however, is hereby granted the authority to allow the sale of plots to non-residents for an adjusted fee. *Non-resident plot purchaser should disclose sufficient reason for burial within the township through previous residence in the township or relationship to persons interred therein.* When possible, purchaser shall provide intention of rights to burial plots and/or provide plot designations to prevent denial of use of said plots for heirs and dependents in their absence due to health or death of purchaser.

B. Certificate of Burial Rights form: 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 plots sold. Such form shall be executed by the township clerk or designated township official.

C. Burial Right Transfer: Burial right may only be transferred to those persons eligible to be original purchasers of cemetery plots within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk or designated township official, approved by said clerk or designated township official, and entered upon the official records of said clerk or designated township official. Upon such assignment, approval and record, said clerk or designated township official shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

D. Proof of eligibility is the responsibility of person(s) seeking to be named the holder of the Certificate of Burial Rights.

E. Maximum Purchase: Hayes Township shall limit sale of cemetery plots to two plots at any one time.

F. Reserving Burial Plots: No plots will be held or reserved without payment.

Section 4: Purchase price and transfer fees

A. Each plot shall cost the sum of \$200.00 for township residents. Fee for non-residents is \$300.00.

B. Any transfer of one or more plots from an original purchaser to a qualified assignee shall cost \$20.00 each.

C. The foregoing 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.

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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 PROCEDURES & charges

A. The opening and closing of any plot 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. Fees: Grave opening/closing for vault is \$500 in the summer; April 1 to November 30 and \$750 in the winter; December 1 to March 31. Grave opening/closing for cremains is \$125 in the summer; April 1 to November 30 and \$225 in the winter; December 1 to March 31. Grave opening/closing for cremains with a vault is \$250 in the summer; April 1 to November 30 and \$350 in the winter; December 1 to March 31. Grave opening/closing for baby caskets (these do not accommodate a vault) up to 36" in length is \$200 in the summer; April 1 to November 30 and \$300 in the winter; December 1 to March 31

C. No plots 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.

D. There shall be no double interment (stacking) allowed.

E. A vault is required for all burials other than cremations. There is an exception with baby caskets (length availability is 12", 24" and 36") because vaults are not made in these sizes. These caskets are made of a plastic that serves a dual purpose of casket/vault.

F. No loose ashes shall be interred in any Hayes Township cemetery.

Section 6: Markers or memorials & FOUNDATIONS

A. All markers or monuments must be of stone or other equally durable composition.

B. All monuments must be located upon a suitable foundation, placed only at the head of the plot and shall be constructed by the township at cost to the owner of the burial right or their representative. Exception to this is an upright veteran monument/marker. These do not require a foundation and are in lieu of other types of monuments or markers that do require a foundation. The fee for preparation to set these upright markers is \$150 and will only be processed when weather permits.

C. Only one monument or marker shall be permitted per plot. (See veteran's Section 9 for exception).

D. A foundation not to exceed 96 inches wide may be centered between 2 plots and may accommodate 2 markers or memorials.

E. Hayes Township is not responsible to replace any stone or decoration damaged due to natural phenomenon or acts of violence.

F. Foundations will be ordered through the Clerk's office or designated township official. Full payment of \$.25 per square inch is expected at the time of the foundation request. Foundations will be 48" x 20" for a single plot and 96" x 20" for a double plot.

G. Memorials will only be permitted on the foundation to allow mowing and maintenance procedures. No memorials shall be placed on any other area of the plot with the exception of grave blankets in the winter and veteran markers specified in Section 9.

H. Shepherd's hooks are permitted to accommodate items that will hang over the plot. Items may not hang outside the perimeter of the plot.

I. Veteran flags will be removed by cemetery maintenance staff after Veteran's Day to preserve condition and honor.

Section 7: Interment regulations

A. 2 baby caskets (not to exceed 36" each) and 1 cremains (size not to exceed space available)

B. Up to 3 cremations

C. 2 cremains and 1 standard vault

D. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the plots.

E. The appropriate permit (Burial Transit Permit required for Michigan deaths) for the plot 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 or designated township official prior to interment. Where such permit has been lost or destroyed, the township clerk or designated township official shall be satisfied, from his or her records, that the person to be buried in the burial space is an

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authorized and appropriate one before any interment is commenced or completed.

F. Winter burials may be postponed at the discretion of the township with regards to weather related complications.

G. Winter graveside services may be limited to family only and cars may need to park on the roadway in the event that snow removal becomes an issue.

H. Cemetery ordinance signature page will be pursued following the purchase of plots as well as during the burial request process, when transferring deeds and random other situations.

Section 8: Ground maintenance

A. No grading, leveling, or excavating upon burial space shall be allowed.

B. No flowers, shrubs, trees or vegetation of any type shall be planted. There has been a sign on the fence since around 2004 that displays this information.

C. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

E. Memorials will only be permitted on the foundation to accommodate mowing and maintenance procedures. Exceptions are grave blankets ~ in season, and Veteran stipulations specified in Section 9.

F. Surfaces other than earth or sod are prohibited.

G. 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.

H. Removal of seasonal memorials are as follows: summer items need to be removed by October 1st; winter items need to be removed by April 1st. The sexton may remove them if necessary.

I. Township will attempt to provide copies of the ordinance in a weather protective literature box near the entrances of the cemetery to provide information for all aspects of the cemetery.

Section 9: VETERANS:

A. Veteran Markers: Veteran markers are the responsibility of the family at www.va.gov or by contacting the local V.A. office in the county of the death, as are the fees for the foundation.

B. Marker Placement: Unless otherwise directed, veteran's markers will be set at the head of the plot. In such cases where a monument is already in place, the veteran's marker may be placed at the foot of the grave and flush with the ground or attached directly to the headstone/monument.

C. Veteran's Flag & Flag Holder: Upon notification to the sexton that the deceased is a veteran, a flag holder will be placed on the plot. The sexton will place American flags each Memorial Day and upon the burial of a veteran. Flag holders can be obtained by the family through the American Legion or V.F.W. organizations ~ they are not provided by the township. Veteran flags will be removed by cemetery maintenance staff after Veteran's Day to preserve condition and honor.

Section 10: Forfeiture of vacant cemetery lots or burial spaces

A. Cemetery plots sold after the effective date of this ordinance and remaining vacant 20 years from the date of the sale shall automatically revert to the township upon occurrence of the following event:

1. Notice shall be sent by the township clerk or designated township official by first class mail to the last known address (IF THERE IS ONE ON FILE) of the last owner of record. This notice is intended to inform them of the expiration of the 20 year period and that all rights with respect to said lots or spaces will be forfeited if they do not affirmatively indicate in writing to the township clerk or designated township official within 60 days from the date of the mailing of the within notice his desire to retain said burial rights.

Section 11: Repurchase of lots or burial spaces

The township will repurchase any cemetery plot from the owner for the original price paid to the township upon written request of said owner or his legal heirs or representatives.

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Section 12: CUSTOMER RESPONSIBILITY TO INFORM THE TOWNSHIP

Hayes Township shall be notified in writing by the bearer or their legal heirs or representative to: Hayes Township Clerk, P.O. Box 310, Harrison, MI 48625 of change of address, name, plot assignment, plot retention (every 20 years) and any other information relative to the burial plot(s).

Section 13: Records

The township clerk or designated township official 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 14: Vault

All burials shall be within a standard concrete vault installed or constructed in each plot before interment, cremains containers and baby caskets excepted.

Section 15: Cemetery hours

A. The cemetery shall be open to the general public from the hours of 7 AM to 9 PM each day.

B. No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.

Section 16: 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 \$500.00 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 17: Severability

The provisions within the 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 effect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 18: Effective Date

This ordinance shall take effect January 1, 2017. The required publication will occur on Wednesday January 4, 2017 after adoption on December 20, 2016. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 19: VERIFICATION OF RECEIPT OF ORDINANCE

The purchaser or other person(s) associated with proceedings of the cemetery must sign, date and return the final portion of the ordinance to the clerk or designated township official to assure compliance of cemetery guidelines.

This ordinance #16-01 effective January 1, 2017 supersedes previous cemetery ordinances including #98-1 and #15-02 (Prepaid fees regarding guidelines for customers prior to January 1, 2017 will be grandfathered to prior ordinances)

DEBRA L. HOYT, CLERK OR DESIGNATED TOWNSHIP OFFICIAL

CERTIFICATION:

I, Debra L. Hoyt, Clerk of Hayes Township, Clare County, Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Board of Hayes Township at a regular meeting held on December 20th, 2016.

Signed: 
DEBRA L. HOYT, CLERK OR DESIGNATED TOWNSHIP OFFICIAL

Effective Date: January 1, 2017

ADOPTED DECEMBER 20, 2016

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(This section is for office use only, after customer has completed the information)

My signature below is proof that I have been given a copy of the Pleasant Plains Cemetery Ordinance #16-01 adopted December 20, 2016. I agree to the guidelines stated in this ordinance that includes Lot # _____ Plot(s) _____. This includes Section 12: CUSTOMER RESPONSIBILITY TO INFORM THE TOWNSHIP - Hayes Township shall be notified in writing by the bearer or their legal heirs or representative to: Hayes Township Clerk, P.O. Box 310, Harrison, MI 48625 of change of address, name, plot assignment, plot retention (every 20 years) and any other information relative to the burial plot(s).

X _____ X _____
Signature Date

Printed name of certificate of burial purchaser: X _____