

Chapter 18 CEMETERIES*

***Cross references:** Administration, ch. 2; fees for cemetery services, app. B.

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Sec. 18-1. Purpose and scope of chapter.

This chapter is for the purpose of providing for the health, safety and welfare of the people of the township in the matter of all township cemeteries by the adoption of proper rules and regulations therefor, and all township cemeteries in the township are subject to this chapter and any and all amendments hereto, and to any fees and charges established by the township board, as provided for in this chapter. Reference to any township rules and regulations in any document affecting any township cemetery shall have the same force and effect as are set forth in this chapter.

(Ord. No. 131, § 2, 5-10-76)

Sec. 18-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assignee means any person to whom any lot, plot, grave site, or burial unit has been assigned by the township. Any and all rights of such assignees shall be defined in this chapter and by state statute.

Burial unit means a lot or any portion of a lot.

Cemetery means any cemetery owned or operated by the township, and, where appropriate to the context, the word shall include the officials in charge of the cemetery, and/or the township board.

Family means one person or group of two or more persons related by bonds of matrimony, consanguinity or legal adoption.

Interment means the permanent disposition of the remains of a deceased person by cremation and interment, entombment or burial.

Lot, plot or burial unit. Such terms shall be used interchangeably, and shall apply with like effect to one, or more than one, adjoining graves; to one, or more than one, adjoining crypts or vaults; to one, or more than one, adjoining niches.

Memorial means a monument, marker, tablet, headstone, private mausoleum or tomb for family or, individual use, tombstone, coping, or enclosure, surface, burial vault, urn and crypt and niche plates.

Monument means a tombstone or memorial of granite, or other approved stone, which shall extend above the surface of the ground.

Registrar means township clerk, or such other person as the township board may designate from time to time.

Resident means a person living in the township, either owning or renting a dwelling unit, or who resided in the township at the date of his death. A resident shall also include any person who has resided in the township for a minimum of ten years, and any person who has lived in the township more than one-half of his lifetime, determined at the date of his death.

(Ord. No. 131, § 3, 5-10-76)

Cross references: Definitions generally, § 1-2.

Sec. 18-3. Penalty for violation of chapter.

Any person who violates any provision of this chapter shall be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each day that a violation continues shall be deemed a separate offense.

(Ord. No. 131, § 21, 5-10-76; Ord. No. 2000-03, 8-28-2000)

Sec. 18-4. Interments and disinterments.

- (a) *Subject to laws.* Besides being subject to these rules and regulations, all interments, disinterments and removals are made subject to the orders and laws of the properly constituted authorities of the township, county and state.
- (b) *Perpetual care provisions.* No interments may be made in any lot or grave without perpetual care provisions.
- (c) *Time and charges.* All interments and disinterments and removals must be made at the time and in the manner and upon such charges as fixed by the township board, as provided in this chapter.
- (d) *Holidays.* No interments, disinterments, removals, cremation or interment service shall be permitted on Sundays, or on any of the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Christmas Day, and when any of the above mentioned holidays falls, or is legally observed, on a Saturday or Monday, except by approval of the cemetery registrar.
- (e) *Notice.* The registrar shall have the right to insist upon at least 36 hours' notice prior to any interment and at least 48 hours' notice prior to any disinterment or removal.
- (f) *Application for interment.* The registrar shall have the right to refuse interment in any plot, and to refuse to open any burial space for any purpose, except on written application by the plot assignee on record made out on blanks provided by the cemetery and duly filed in the office of the registrar.
- (g) *Interment enclosure materials.* Every earth interment shall be made enclosed in a concrete box or a box of acceptable metal.
- (h) *Interment of cremated remains.* The cremated remains must be permanently interred within a period of four weeks. If the arrangements for this interment are not made within the specified time, the cemetery shall in no way be liable for rental space occupied by the remains pending the time they are permanently interred. The cemetery shall be in no way liable or held responsible for any cinerary container, receptacle or urn placed in any plot, other than that constructed of cast bronze of standard specification.
- (i) *Authorization of one plot assignee sufficient.* The registrar shall have the right to make an interment of any member of the immediate family of any one of several plot assignee's

upon the latter's authorization. No other person may be interred in any plot without the written consent of all those assignees of the plot who are recorded as such on the books of the cemetery.

- (j) *Location of interment space.* When instructions regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened, where specified, the registrar may, in his discretion, open it in such location in the plot as he deems best and proper, so as not to delay the funeral, and the cemetery shall not be liable in damages for any error so made.
- (k) *Orders given by telephone.* The cemetery shall not be held responsible for any order given by telephone, or for any mistakes occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment is desired.
- (l) *Correction of errors.* The registrar shall have the right to correct any errors that may be made either in making interments, disinterments or removals, or in the descriptions, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment in a similar location so far as possible, or as may be selected by the registrar, or, in the sole discretion of the registrar by refunding the amount of money paid by the subject assignee. If such error shall involve the interment of the remains in such property, the registrar shall have the right to remove and/or transfer such remains so interred to such other property in a similar location as may be substituted and conveyed in lieu thereof. The registrar shall also have the right to correct any errors made by placing an improper description, including the name or date, either on the memorial or on the container for cremated remains.
- (m) *Delays in interments caused by protests.* The township and township officials shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with; and, further, the township reserves the right, under such circumstances, to place the body in the receiving vault until the full rights have been determined. The township shall be under no duty to recognize any protests of interments unless they are in writing and filed in the office of the registrar.
- (n) *Responsibility for embalming or for identity.* The township shall not be liable for the interment permit for the identity of the person sought to be interred or cremated; nor shall the township be liable in any way for the embalming of the body, unless such embalming is done by the township, and then only for negligence in performing the embalming.
- (o) *Interment not permitted unless all fees and charges are paid.* No interment shall be permitted or memorial placed in or on any grave not fully paid for except by special consent of the registrar in writing in each and every case, and if such consent is given, any and all interments or memorials placed in or on the plot shall be considered as temporary, and a note shall not be considered as payment. No rights shall be acquired by the plot assignee of the interment until such charges and fees are fully paid for in cash,

including principal and interest; and in case the assignee of the plot shall fail to meet all payments within 30 days after the same are demanded by the cemetery, then the cemetery may reenter the property and hold the same as of its former estates. The township, thereupon, shall be released from all obligations thereunder, and it may retain such payments as may have been made toward the assignment of such property as liquidated damages. The township reserves the right, and shall have the right immediately or at any time thereafter, without notice, at its discretion, to cremate, or to remove to single graves, to be chosen by the township, each of the remains then interred in the plot. The township, further, shall have the right to remove any memorial that may have been placed on the property.

- (p) *Classification of burial boxes.* Burial boxes over four feet in length will be classed as adult size.
- (q) *Disruptions and strangers at funerals.*
 - (1) A person shall not picket or engage in other protest activities, and an association, corporation, or other firm or legal entity shall not cause picketing or other protest activities to occur, within 500 feet of the property line of any residential property, cemetery, funeral home, church, synagogue, or other establishment where a funeral, memorial service, burial, or viewing of a deceased person is being conducted or within 500 feet of a funeral procession in the hour immediately before, during, or in the two hours immediately following such funeral, burial service, viewing, or memorial service.
 - (2) No person shall engage in any of the following within a cemetery:
 - a. Make loud and raucous noise and continue to do so after being asked to stop by a township official or police officer.
 - b. Make any statement or gesture that would make a reasonable person under the circumstances feel intimidated, threatened, or harassed.
 - c. Engage in any other conduct that the person knows or should reasonably know will disturb, disrupt, or adversely affect the funeral, memorial service, viewing of the deceased person, funeral procession, or burial involved.
 - (3) Persons who are not invited to a funeral, memorial service, burial, or viewing of a deceased person shall not attend such ceremony, viewing, or event.
 - (4) When deemed reasonably necessary by the township or the registrar, a funeral zone may be established and properly marked around a gravesite and no one except persons invited to the funeral or burial will be permitted to trespass within the boundaries of the funeral zone.

- (r) *Burial rights; number.* The number of burial rights assigned on any lot will be recorded on the burial certificate when lots are assigned.
- (s) *Care in removal.* The township shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket or burial base or urn incurred in making removal.
- (t) *Access to burial plots and space needed for funerals and burials.* It is sometimes necessary for persons visiting a particular cemetery plot or burial unit to walk over or around other cemetery plots or burial units. Furthermore, during burials or funeral services on site, it is sometimes necessary for workers or visitors to cross or temporarily stand on nearby occupied cemetery plots or burial units. So long as these activities are done in a reasonable fashion, such pedestrian use, standing, and similar conduct is permissible.

(Ord. No. 131, § 4, 5-10-76; Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-5. Sale, purchase, and repurchase of plots or burial spaces.

- (a) All lots sold by the township shall include provisions for perpetual care, and provisions for perpetual care may be purchased by the owner of any lot which was previously purchased without such perpetual care provisions.
- (b) The charges and costs for the purchase of a lot, perpetual care provisions, grave openings, cremations and other cemetery costs shall be adopted from time to time by the township board, by resolution.
- (c) The township may repurchase any vacant cemetery plot or burial unit from the owner for a price set by the township board, upon the written request of said owner or his or her legal heirs or representatives.
- (d) Any lot, cemetery plot, burial unit, or the equivalent sold by the township to a person or held by any person in a township cemetery involves a right of burial only and does not constitute title or similar ownership in such person to the lot, cemetery plot, or burial unit involved. The township retains title to all lands and property comprising any township cemetery.

(Ord. No. 131, § 5, 5-10-76; Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-6. Recordkeeping.

The township clerk shall keep a record in his office of certificates and receipts for perpetual care of burial units, and a record of burials so reported to him by the registrar, and such other records as deemed necessary by the township board. He shall also maintain complete

records of all assignments, receipts, burial records, and all other matters affecting township cemeteries.

(Ord. No. 131, § 6, 5-10-76)

Sec. 18-7. Service charges and past due indebtedness.

- (a) The charges for the cemetery services must be paid at the time of the issuance of the order of interment or disinterment and removal.
- (b) Arrangements for the payment of any and all indebtedness due the township must be made before interment will be made in any plot.

(Ord. No. 131, § 7, 5-10-76)

Sec. 18-8. Control of work and improvements.

- (a) All grading, landscape work and improvements of any kind, and all care of plots shall be done; all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or removed; all openings and closings of plots; and all interments and removals shall be made only by the cemetery.
- (b) All improvements or alterations of individual property in the cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the registrar; and, should they be made without his written consent, he shall have the right to remove, alter or change such improvements or alterations at the expense of the plot assignee, or in any event, at any time, in his judgment, they become unsightly to the eye.
- (c) Cutting into or otherwise disturbing the turf by any person, except the cemetery employees, is forbidden and automatically releases the township from all obligations of resodding or reseeded of same.

(Ord. No. 131, § 8, 5-10-76)

Sec. 18-9. Lots without perpetual care provisions.

- (a) Care and maintenance. The owner of any unused burial space, grave or cemetery lot in the township cemetery which is not covered by a perpetual care contract or agreement, whether purchased at time the lot is purchased or purchased any time thereafter, shall be responsible for the care and maintenance of the lot or burial space and for the annual cost for the care and maintenance of the lot, which is hereby to be determined by the township board on an annual basis.
- (b) Address and payment by owner. The township shall send a statement to the owner of each lot at his last known address at least annually for the cost and care of maintenance of the burial space, which statement shall be payable within 30 days

from the date of billing. It shall be the responsibility of the owner of any unused lot or burial space to keep the township informed of his last known address.

- (c) Forfeiture of rights. Whenever any owner of any unused cemetery plot or burial unit shall have failed or neglected for a period of seven (7) years or more to care for and maintain the space, and shall have failed to pay the annual maintenance fee (if any) for the care and maintenance of the burial unit or cemetery plot for a period of seven (7) years or more, the township shall have the right to commence a court action pursuant to Michigan law to have the rights and interest of the owner terminated and forfeited.

(Ord. No. 131, § 9, 5-10-76; Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-10. Decoration of plots.

- (a) *Grave decorations.* A metal basket, with handles and feet, is the only permitted container allowed. Statues, shepherd hooks, flower pots and vases are not allowed and will be removed without notice. Metal baskets may be placed on graves beginning May 15, depending on weather. All baskets and grave decoration must be removed by October 15. All baskets and decorations not removed by October 15 will be removed by cemetery personnel without notice. Winter wreaths are allowed by tripod stands, but not before November 15 and must be removed by April 15. The cemetery shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind, from the cemetery as soon as, in the judgment of the registrar, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to standards maintained. The cemetery shall not be liable for floral pieces, baskets or frames in which or to which such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services to be held in the cemetery. The cemetery shall not be liable for lost, misplaced or broken flower vases. The cemetery shall not be responsible for frozen plants, or herbage of any kind, or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control. The cemetery reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. The cemetery reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, or plants, or herbage of any kind, unless the registrar gives his consent.
- (b) *Plantings on burial units.* No plantings of any sort are allowed on any burial plot.
- (c) *Fences, railings, and enclosures of any kind.* No fence, railing, coping, wall, hedge, or enclosure of any kind or nature shall be placed or erected around or on any burial unit.
- (d) *Removal of offensive structures.* If any decoration permissible under subsection (a) above shall be determined to be improper or offensive by the cemetery, it shall

be the right and duty of the cemetery to remove such offensive decoration in accord with the terms of the notice given by the cemetery.

(Ord. No. 131, § 10, 5-10-76; Ord. No. 2009-06, 8-10-09; Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-11. Roadways and replanting.

(a) *Right to replant, regrade and use property.* The right to enlarge, reduce, replant and/or change the boundaries or grading of the cemetery or of a section, from time to time, including the right to modify and/or change the locations of or remove or regrade roads, drives and/or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines and/or gutters for sprinkling systems, drainage, lakes, etc., is also expressly reserved, as well as is the right to use cemetery property, not assigned to individual plot owners, for cemetery purposes including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto, a perpetual right or ingress and egress over plots for the purpose of passage to and from other plots.

(b) *No right granted in alleyways.* No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery or buildings as long as the cemetery devotes it in that purpose.

(Ord. No. 131, § 11, 5-10-76)

Sec. 18-12. Conduct of persons within the cemetery.

(a) *Use of walks.* Persons within the cemetery grounds shall use only the avenues, walks, alleys and roads, and no person shall enter the cemetery except through an established gate.

(b) *Trespassers on cemetery plots.* Generally, only cemetery plot or burial unit assignees (or owners) and their relatives or friends shall be permitted on a cemetery plot or burial unit. Any other person thereon shall be considered a trespasser and the township cemetery owes no duty whatsoever to such trespasser to keep the cemetery plot or burial unit (or memorials) involved in a reasonably safe condition. Notwithstanding the preceding, it is sometimes necessary for persons visiting other cemetery plots or burial units or attending funerals or burials on site to cross or temporarily stand on nearby occupied cemetery plots or burial units. So long as such crossings and activities are done in a reasonable fashion, such pedestrian use, standing, and similar conduct is permissible.

(c) *Children.* Children under 18 years of age shall not be permitted within the cemetery or the buildings, unless accompanied by proper persons to take care of them or unless special permission is granted.

- (d) *Gathering flowers, breaking plants, and feeding or disturbing animals.* All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants, or feeding or disturbing the birds or fish or other animal life.
- (e) *Refreshments.* No person shall consume refreshments or liquors on a cemetery or carry same on the premises.
- (f) *Lounging on grounds.* Strangers shall not be permitted to sit or to lounge on any of the grounds, graves or monuments in the cemetery, or in any of the buildings.
- (g) *Loud talking.* No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services.
- (h) *Smoking.* Smoking within any building is prohibited.
- (i) *Rubbish.* The throwing of rubbish or debris on the drives and paths, or on any part of the grounds, or in the buildings, is prohibited. Receptacles for waste materials are located at convenient places.
- (j) *Automobiles.* Automobiles shall not be driven through the grounds at a greater speed than ten miles per hour, and must always be kept on the righthand side of the cemetery roadway. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in attendance at the funeral. Automobiles must not:
 - (1) Drive off the established roads unless permission is given in writing by the registrar of cemeteries.
 - (2) Make a U-turn on a cemetery road.
 - (3) Use a cemetery road as a public thoroughfare.
- (k) *Bicycles and motorcycles.* No bicycles or motorcycles shall be admitted to the cemetery except such as may be in attendance at funerals or on business.
- (l) *Peddling or soliciting.* Peddling of flowers or plants or soliciting the sale of any commodity, other than by employees of the cemetery, is prohibited within the confines of the cemetery.
- (m) *Firearms.* No person other than a law enforcement officer or other person authorized by state law shall possess or transport any firearm or weapon within any township cemetery. In addition, no person shall discharge a firearm or weapon within a township cemetery. This section shall not apply to any gun, firearm, or rifle discharged in lawful self-defense as defined by the laws of the State of Michigan, nor shall this section apply to any police officer who is

authorized to possess, carry, or discharge a gun or firearm in carrying out their lawful law enforcement duties. Finally, this section shall not apply to the otherwise lawful use of firearms pursuant to a funeral or memorial service within a township cemetery by a state or nationally-recognized veterans group or the members of any of the armed forces of the United States of America.

- (n) *Notices and advertisements.* No signs or notices or advertisements of any kind shall be allowed in the cemetery, unless placed by the cemetery.
- (o) *Dogs.* Dogs shall not be allowed on the cemetery grounds or in any of the buildings.
- (p) *Improprieties.* It is of the utmost importance that there should be strict observance of all of the properties of the cemetery, whether embraced in these rules or not, as no improprieties shall be allowed, and the registrar shall have power to prevent improper assemblages, and adherence to all commonly known proprieties.
- (q) *Registrar to enforce rules.* The registrar is hereby empowered to enforce all rules and regulations, and to exclude from the property of the cemetery any person violating the same. The registrar shall have charge of the grounds and buildings, and at all times, shall have supervision and control of all persons in the cemetery, including the conduct of funerals, weddings, traffic, employees, plot owners and visitors.

(Ord. No. 131, § 12, 5-10-76; Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-13. Fees, gratuities and commissions.

No person, while employed by the cemetery, shall receive any fee, gratuity or commission, except from the township, directly or indirectly, under penalty of immediate dismissal.

(Ord. No. 131, § 13, 5-10-76)

Sec. 18-14. Disclaimer of township liability and responsibility.

Every person who enters, remains in and travels within a township cemetery does so at their own risk. The township is not responsible for any injury, accident or other calamity that might occur to any person present in a township cemetery. Furthermore, the township is not responsible for any loss or damage caused by the elements, acts of God, floods, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, riots or any order of any military or civil authority whether the damage be direct or collateral. Furthermore, the township is not responsible for any damage or vandalism to, theft of or deterioration regarding any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a township cemetery. The purchaser or transferee of any cemetery

plot, burial unit or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot, burial unit or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall benefit not only to the township, but also as to the township registrar and any township employee, officer, official, contractor or agent.

(Ord. No. 131, § 14, 5-10-76; Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-15. Change in address; transfer of plot assignees.

- (a) It shall be the duty of the plot assignee to notify the cemetery of any change in his post office address. Notice sent to an assignee at the last address on file in the office of the registrar shall be considered sufficient and proper legal notification.
- (b) It shall be the duty of the plot assignee or heirs to notify the township office of any transfer of any grave deed between assignees. Perpetual care must be paid upon receipt of any deed transfer. Transfer of deed cost shall be those set by the township board from time to time by resolution.

(Ord. No. 131, § 15, 5-10-76)

Sec. 18-16. Perpetual and special care.

- (a) *Perpetual care of burial units.* The term "perpetual care" used in reference to burial units shall be held to mean the cutting of grass upon the burial units at reasonable intervals, the raking and cleaning of the burial units at reasonable intervals, the pruning of shrubs and trees, meaning and intending the general preservation of the burial units and grounds, walks, roadways, boundaries and structures, other than the structures excepted or exempted by this section; to the end that the grounds shall remain and be reasonably cared for as cemetery grounds.
- (b) *Perpetual care exceptions.* The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any gravestone or monumental structures or memorials placed or erected on burial units; nor the planting or cost of flowers or ornamental plants; nor sprinkling the burial units with water; nor the maintenance or doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any burial unit in the cemetery, or other buildings or structures, made necessary by injuries caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, riots, insurrection, or by the order of any

military or civil authority, whether the damage be direct or collateral, other than provided for in this section.

- (c) *Investment of perpetual care funds.* All funds paid for perpetual care shall be placed by the township treasurer to the credit of a fund known as the perpetual care fund to be administered by the township board, and to be held in trust and invested by the township board, as provided by law, and the interest thereon shall be used for the care and maintenance of burial units entitled to perpetual care.
- (d) *Perpetual care fee schedule.* Fees payable for perpetual care shall be those as set by the township board from time to time by resolution.
- (e) *Private memorials.* Before any vault, tomb, sarcophagus, private mausoleum and/or columbarium is erected, the assignee shall furnish a \$25,000.00 bond to the cemetery registrar.
- (f) *Perpetual care certificate.* Upon certificate by the township treasurer that perpetual care and additional charges, if any, have been paid to the township treasurer, the township clerk shall issue a certificate, which shall guarantee perpetual care of the burial unit in the following form:

CERTIFICATE OF PERPETUAL CARE

State of Michigan

Georgetown Charter Township

\$ _____

This is to certify that _____ has paid to the Georgetown Charter Township the sum of _____ dollars, and that in consideration of said payment, _____ Lot Number (Block Letters) _____ Cemetery, is entitled to Perpetual Care, in accordance with the provisions of Ordinance Number _____, and the amendments thereto, relative to Perpetual Care of burial units in _____ Cemetery. In Witness Whereof, I have unto set my hand and the official seal of Georgetown Charter Township, this _____ day of _____, A.D., 19_____.

Georgetown Charter Township

By Township Clerk

If payment for perpetual care is made at the time the burial unit is assigned, receipt shall be acknowledged on the certificate by the township clerk, as provided in certification of burial units. (Ord. No. 131, § 16, 5-10-76)

Sec. 18-17. Rules for memorial work.

- (a) *Marker materials.* All permanent markers, headstones, monuments, mausoleums, memorials and mementos to be erected or placed in the cemetery shall be recognized durable or recognized hard marble or United States standard bronze, except by permission of the registrar.
- (b) *Foundations for markers.* All foundations for the setting and placing of markers shall be erected by the cemetery upon such type or size of foundation as shall be specified by the registrar of the cemetery, the cost and expense thereof to be borne by the assignee of the burial unit and paid in advance in accord with prices established by the township board.
- (c) *Erection or placement upon approval of registrar.* No person shall erect or place in the cemetery any permanent memorials or memorial work of any kind or character until plans and specifications therefor shall have been submitted to and approved by the registrar of the cemetery.
- (d) *Number and size limitations.* Not more than one upright memorial or headstone shall be allowed above the ground or at ground level on any one grave space or double grave space. Maximum memorial or headstone sizes shall be as follows:
1. East Addition Lots 191--423, 434--438, 449--453, 464--468, 479--483, 500--504, 515--519:
 Single grave30" × 12" × 6" high
 Adjacent (double) graves36" × 12" × 6" high
 2. West Addition and East Addition Lots 1--190, 424--433, 439--448, 454--463, 469--499, 505--514:
 Same as above but allow duplication of any existing headstone in West or East Addition.
 3. North Addition:
 Single grave30" × 12" × 16" high
 Adjacent (double) graves36" × 12" × 16" high
 4. Babyland:
 Baby grave16" × 8" flush
 5. Potters Field:
 Single grave24" × 12" flush
 6. Lots in East Section (Wooded Area) #783--811 and 1127--1155 will remain natural wooded area.

- (e) *Excavation, grading, and removal of earth and rubbish.* All excavations, grading or removal of earth or rubbish shall be excavated, graded or removed in such manner as the registrar may direct, and no burial unit or drive shall be graded in shape, or in any manner altered from the general plan of the cemetery, without first obtaining the consent of the registrar.

(Ord. No. 131, § 17, 5-10-76; Ord. of 11-22-93; Ord. No. 2005-10, 12-12-05)

Sec. 18-18. Exceptions, suspensions or modifications.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The township board, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations of this chapter when, in its judgment, the same appears advisable; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule.

(Ord. No. 131, § 18, 5-10-76)

Sec. 18-19. Assignment of graves.

- (a) Graves will be assigned only at the time of need, when a death occurs in the family of the applicant.
- (b) A maximum of four graves will be assigned to any applicant, except by permission of the township board.

(Ord. No. 131, § 19, 5-10-76)

Sec. 18-20. Fees and refunds.

Fees and refunds for grave assignments and opening and closing graves, and refunds in cases where application is made therefor shall be as the township board shall establish from time to time by resolution.

(Ord. No. 131, § 20, 5-10-76)

Sec. 18-21. Disinterments.

- (a) No disinterment or the digging up of an occupied grave shall occur without a township disinterment permit having been issued before any digging occurs.
- (b) No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or the digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the township.

(c) The registrar or the township board shall each have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and the authority to refuse to issue a township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

(d) No disinterment permit shall be issued by the township until the township disinterment application form (as authorized by the township board) has been fully completed (and signed by a properly authorized person) and filed with the township.

(Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-22. Forfeiture of vacant cemetery plots or burial spaces.

Cemetery plots or burial units sold after the effective date of this chapter and remaining vacant for thirty (30) years or more from the date of their sale shall automatically revert to the township upon the occurrence of the following events:

(a) Notice shall be sent by the registrar by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 30-year period and that all rights with respect to said plots or burial units will be forfeited if he/she does not affirmatively indicate in writing to the registrar within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and

(b) No written response to said notice indicating a desire to retain the cemetery plots or burial units in question is received by the registrar from the last owner of record of said plots or burial units, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

(Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-23. Interpretation/appeals to the township board.

(a) The township board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this chapter and any rule or regulation adopted pursuant to this chapter, as well as their applicability. The township board (or its designee) is also authorized to waive application of the strict letter of any provision of this chapter or any rules or regulations promulgated under this chapter where practical difficulties in carrying out the strict letter of this chapter or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this chapter.

(b) Any party aggrieved by any interpretation or decision made by the registrar or any township official, agent or contractor pursuant to this chapter, as well as any matter relating to a township cemetery, rights to a cemetery plot or burial unit, or other matter

arising pursuant to this ordinance, shall have the right to appeal that determination/decision or matter to the township board. Any such appeal shall be in writing and shall be filed with the township within thirty (30) days of the date of the decision, determination or other matter being appealed from. The township shall give the aggrieved party who filed the written appeal with the township at least ten (10) days prior written notice of the meeting at which the township board will address the matter unless an emergency is involved, in which case the township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the township board at which the matter will be addressed. Pursuant to any such appeal, the decision of the township board shall be final.

(c) The township board may set a fee or fees for any such appeal from time to time by resolution.

(Ord. No. 2011-06, § 1, 4-25-11)

Sec. 18-24. Authority of the township to remove unauthorized or unlawful items from a township cemetery.

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), landscaping, structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any township cemetery in violation of this chapter, any township rule or regulation regarding township cemeteries, or any county, state or federal law, statute or regulation may be removed by the township from the township cemetery at any time and destroyed or disposed of by the township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the township cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, landscaping, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a township cemetery unless expressly authorized by this chapter or a written rule or policy of the township. Even if such an item is authorized to be installed, kept, maintained or left in a township cemetery, the township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a township cemetery.

(Ord. No. 2011-06, § 1, 4-25-11)