

ORDINANCE NO. 24-22-93

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF A CEMETERY OWNED BY THE TOWNSHIP OF REPUBLIC, MARQUETTE 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 REPUBLIC, COUNTY OF MARQUETTE, MICHIGAN ORDAINS:

SECTION 1: TITLE

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

SECTION 2: DEFINITIONS

- 2.1 The term cemetery is hereby defined as a burial park for earth interments.
- 2.2 A cemetery lot shall consist of burial plots sufficient to accommodate four (4) burial spaces for adult interment.
- 2.3 An adult burial plot shall consist of a land area four (4) feet wide and ten (10) feet in length.
- 2.4 An infant, stillborn or cremation urn burial space shall consist of a land area three (3) feet wide and three and one half (3½) feet in length in areas set aside specifically for such burials.
- 2.5 The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, or burial.
- 2.6 The term Memorial shall include a monument, marker, tablet or headstone for family or individual use.
- 2.7 The term Monument shall include a tombstone or memorial of granite or marble which shall extend above the surface of the ground.
- 2.8 The term Marker means a memorial flush with the ground, placed on the head end of the plot. The only exception is for uniformity in rows where footstones are presently used.
- 2.9 The term Lot Marker refers to any means used by the cemetery to locate corners of the lot.
- 2.10 The term certificate of ownership shall apply to the original conveyance given by the cemetery to the original purchaser.

- 2.11 The term Management shall mean the person or persons duly appointed by the Township board for the purpose of conducting and administering the cemetery.
- 2.12 The term Cemetery Office shall mean the main office maintained at the Republic Township Hall.

### **SECTION 3: SALE OF LOTS OR PLOTS**

- 3.1 Hereafter, cemetery lots or burial spaces shall be sold only to 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 previous residence in the township or relationship to persons interred therein.
- 3.2 All such sales shall be made on a form approved by the Township Board, which grants a right to burial only and does not convey any other title to the lot or burial space sold. Such forms shall be executed by the township clerk.
- 3.3 Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces 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, approved by said clerk, and entered upon the official records of said clerk. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.
- 3.4 The Township Board shall set the cost of each burial lot for residents, and those non-residents permitted burial by waiver of the township clerk. Such costs shall be reviewed by the Township Board, from time to time, and such costs shall be adjusted as need be. Such costs shall be listed in Appendix A of this Ordinance.

### **SECTION 4: CONDUCT IN CEMETERY**

- 4.1 No person shall enter the cemetery except through the entrance gate.
- 4.2 Pedestrians within the cemetery shall walk only on the roads and walkways between the cemetery lots and no one is permitted to walk upon or across grave plots unless it be necessary to do so to gain access to one's own lot. The cemetery expressly disclaims liability for any injuries by anyone violating this rule.
- 4.3 Persons visiting the cemetery are prohibited from picking flowers, wild or cultivated, breaking any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fence or other structure within the cemetery grounds.
- 4.4 Loud or boisterous talking is prohibited within the cemetery grounds.

- 4.5 Littering within the cemetery grounds is prohibited.
- 4.6 The consumption of refreshments or alcoholic beverages on cemetery grounds is prohibited.
- 4.7 Dogs are not permitted within the cemetery.
- 4.8 Soliciting or peddling any commodity within the cemetery grounds is prohibited.
- 4.9 Bringing firearms into the cemetery is prohibited except by a military escort accompanying a veteran's funeral or attending memorial services.

#### **SECTION 5: TRAFFIC REGULATIONS**

- 5.1 All traffic laws of the State of Michigan that are applicable to the operation of vehicles in the cemetery shall be strictly observed.
- 5.2 A person driving in the cemetery shall be responsible for any damage done by such vehicle.
- 5.3 Driving any motor vehicle across or upon any grave or plot is prohibited.
- 5.4 A vehicle speed limit of 15 miles per hour is hereby set and enforced.
- 5.5 Cemetery traffic shall be one-way traffic, to the right. Traffic direction signs are posted.

#### **SECTION 6: INTERMENT REGULATIONS**

- 6.1 No interment shall take place without a burial permit, nor until all laws, ordinances, and regulations relative to burials have been complied with. Such burial permit, together with appropriate identification of the person to be buried therein, where necessary, must be presented to the Township employee/sub-contractor upon arrival at the cemetery.
- 6.2 No grave shall be opened unless the grave plot has been paid in full, with the exception of indigent cases, or unless the undertaker assumes the responsibility for such grave plot. Undertakers making arrangements for burials shall be responsible for all interment if not paid for by the owner or their agent.
- 6.3 Only Republic Township employees, or sub-contractors specifically authorized by the Republic Township Board, shall be permitted to open graves, with the following exceptions:
  - a) When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Township.
  - b) When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Township his signed authorization to release the body to himself and his lawful agents. In such case the disinterment must be made by the coroner or his lawful agents. Cemetery employees will not be permitted to assist the coroner or his agents.

- 6.4 Republic Township shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners. Orders from undertakers shall be construed as orders from lot owners. Under no circumstances shall the Township assume responsibility for error in opening graves when orders are given by telephone.
- 6.5 Lot owners shall not allow interments in their lots in return for remuneration of any kind.
- 6.6 No interment of two or more bodies shall be made in one grave except in the case of mother and child or two infants buried in one casket.
- 6.7 In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wood boxes, it is required that all burials must be made in outside containers made of natural stone or of metal, or a standard concrete vault.
- 6.8 Disinterment and removal of a body shall not be made without the permission of the Township, the lot owner and the next of kin of the deceased. Graves shall not be opened for inspection except for official investigation.

#### **SECTION 7: CHARGES FOR SERVICES**

- 7.1 All charges for interment or services in connection therewith, shall be paid to Republic Township who will issue a receipt therefore upon request.

#### **SECTION 8: GROUNDS MAINTENANCE**

- 8.1 No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the township clerk or the Department of Public Works foreman.
- 8.2 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 the use of the cemetery.
- 8.3 Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- 8.3 The Township 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.
- 8.4 Surfaces other than earth or sod are prohibited.
- 8.5 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 9: REPURCHASE OF LOTS**

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

## **SECTION 10: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES**

- 10.1 Cemetery lots or burial spaces sold after the effective date of the Ordinance and 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 first class mail to the last known address of the last owner of record informing them of the expiration of the 40 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 within 60 days from the date of mailing of the said notice, the 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 their heirs or legal representative within 60 days from the date of mailing said notice.

## **SECTION 11: RECORDS**

- 11.1 The township clerk shall maintain records concerning all burials and burial permits separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable hours.

## **SECTION 12: CEMETERY HOURS**

- 12.1 The cemetery shall be open to the general public from the hours of 9:00 A.M. to 9:00 P.M. daily, from May 1 to September 30.

## **SECTION 13: CORRECTION OF ERRORS**

- 13.1 The cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the cemetery reserves, and shall have the right, to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

**SECTION 14: PENALTIES**

14.1 Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of misdemeanor and shall be subject to a fine of up to \$100.00 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 15: SEVERABILITY**

15.1 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 effect.

	yea	nay
Supervisor Johnson .....	X	
Clerk Skogman .....	X	
Treasurer Mattila .....	X	
Trustee Allain .....	X	
Trustee Oja .....	X	

Approved this 22 day of April, 1993

I, Vickie Skogman, Clerk of the Township of Republic, do hereby certify that this ordinance was published in the Mining Journal on \_\_\_\_\_, 1993

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Vickie Skogman, Township Clerk

APPENDIX A: CURRENT RATES AND CHARGES

- A. Each adult burial space shall cost the sum of \$50.00. for residents
- B. Each child burial space (when available) shall cost the sum of \$25.00 for residents.
- C. Each adult burial space for burial of non-residents granted waivers by the Township Clerk shall cost the sum of \$150.00.
- D. Each child burial space (when available) for burial of non-resident children shall cost the sum of \$75.00.
- E. The cost of interment, to include grave opening, setting of the vault, covering and leveling of the grave shall be \$150.00.