

Eaton Township Cemetery Ordinance

Ordinance 2010-01

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 Eaton, Eaton 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 EATON, EATON COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions

CEMETERY LOT: A cemetery lot shall consist of the number of burial spaces (plots) as shown on the plat of record, which consists of not more than eight.

PLOT: A burial space shall consist of a land area four (4) feet wide and ten (10) feet in length (the old portion of Center Eaton Cemetery consists of 4 feet by 8 feet). Cremain plots are two (2) feet by five (5) feet.

CREMAINS: Cremated human remains.

CREMAIN AREA: Sections Q, S, X, Z of Center Eaton Cemetery.

TOWNSHIP, TOWNSHIP BOARD, TOWNSHIP CLERK: Eaton Township or the Eaton Township Board or the Eaton Township Clerk respectively.

Section 3: Sale of Lots or Burial Spaces

Hereafter, cemetery lots or burial spaces shall be sold only to individuals 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.

Individuals are restricted to purchasing not more than eight plots. 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 burial space sold. Such form shall be executed by the Township Clerk.

Burial rights may only be transferred to legal heirs of the original owner and may be affected only by endorsement of an assignment of such burial permit upon the original cemetery lot certificate issued by the Township Clerk, approved by the current Township

Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new cemetery lot certificate to the assignee and shall cancel and terminate upon such records, the original certificate thus assigned. A transfer fee of an amount determined by the township board through resolution (*Appendix A*) will apply to any transfers, and must be paid before a new certificate is issued. The transfer fee may be waived by the clerk at his/her discretion. Cemetery lots and/or plots can only be resold back to the Township (*see Section 10*).

Section 4: Purchase Price and Transfer Fees

Each burial space shall cost the sum as determined by the Township Board through resolution. Purchases made by non-residents of the Township shall be three times (3X) the cost of resident purchase prices. Resident and non-resident plot prices and transfer fees are set through resolution and attached as Appendix A.

The purchase of a burial space assumes one burial in that space. Additional burials within that same space (if allowed under the ordinance), will result in an additional burial fee set by the Township Board through resolution and included in Appendix A.

The foregoing charges shall be paid in full to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer. All payments must be made in full and in advance of any burials.

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 Charges

The opening and closing of any burial space, 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 Treasurer (*see Appendix A*).

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton.

Section 6: Markers or Memorials

All markers or memorials must be of stone or other equally durable composition and placed upon a suitable foundation.

Headstones and markers must be placed on the west end of the lot. The maximum height for headstones or markers is 72". Additional markers are permitted, but must be flush with the ground. No headstones will be allowed in the cremain area, only flush markers will be permitted.

Up to two (2) flush markers will be permitted on any cremian plot. Up to six (6) flush markers, in addition to a headstone shall be allowed on a regular plot. On any plot, markers may not cover more than 50% of the plot area.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed under the supervision of the Township Sexton at the expense of the owner of the cemetery lot certificate or their legal heirs or representative.

Family monuments shall be allowed. Only one central or family memorial shall be placed on a family plot and must be approved by the Cemetery Sexton prior to placement. Placement will be at the expense of the family. The size of the family monument will be governed according to the ratio of its face area (length x height) to the square foot area of the lot. The face area should not exceed 15% of the square foot of the area of the lot and its width should not exceed 60% of the average width of the lot.

The following table shall be used for family markers and headstones:

Side by Side lots	Dimensions	Max Width	Area of	Max Area
<u>Side Lots</u>	<u>Of Lot</u>	<u>of Base (60%)</u>	<u>Lot</u>	<u>of Face (15%)</u>
2 graves	10' x 8'	4' 10"	80 sq ft	12.0 sq ft
3 graves	10' x 12'	7' 2"	120 sq ft	18.0 sq ft
4 graves	10' x 16'	9' 7"	160 sq ft	24.0 sq ft
6 graves	10' x 24'	14' 3"	240 sq ft	36.0 sq ft

Cremain benches will only be allowed to be placed on a regular 4' by 10' plot. No benches will be allowed in the cremain area.

Veteran's flags will be placed by the Township per the guidance and rules from the Veterans Administration.

Section 7: Interment Regulations

Only one human body may be buried in a burial space except for a father or a mother and infant or two children buried at the same time in a regular plot. Or up to eight cremains will be allowed in a regular plot and not more than two cremains may be buried in a cremain plot (additional burial fees apply- see Appendix A).

Not less than 24 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

The appropriate cemetery lot certificate for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Sexton or the Township Clerk prior to interment. Where such

certificate 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.

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

Section 8: Ground Maintenance

No grading, leveling, or excavating in the cemetery shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

No shrubs or trees shall be planted without the approval of the Township Sexton. Any flowers planted must be within twelve inches (12") of the headstone. All urns and decorations must also be within 12" of the headstone. Any items placed or planted outside of twelve inches without such approval may be removed by the Township or the Cemetery Sexton.

Urn may be placed and maintained at the head stones of graves by the plot owner. Artificial flowers may be removed by the Cemetery Sexton at his discretion.

No shrubs or trees are allowed in the Cremain Area. Planted or potted flowers are allowed in the cremain area.

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.

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

The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore 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.

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.

No lights or objects requiring any power are permitted in the cemetery (including, but not limited to solar lights).

No advertising of any kind is allowed on cemetery ground.

No alcoholic beverages, off-road-vehicles, dogs (except service dogs), or horses are permitted in the cemetery.

No maintenance or ground work shall be completed on Sundays without the approval of the Township Sexton or the Township Clerk.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 50 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- 1) 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 50-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 within notice their desire to retain said burial rights.
- 2) If 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 days from the date of mailing of said notice, the lots or burial spaces will revert back to the Township.

Section 10: Repurchase of Lots or Burial Spaces

The Township will repurchase any cemetery lots 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 11: Records

The Township Clerk shall maintain records concerning all burials, issuance of cemetery lot certificates, and any perpetual care funds, separate and apart from any other records of the township and the same shall be open for public inspection at all reasonable business hours.

Section 12: Vault

All burials shall be within a durable grave liner installed or constructed in each burial space before interment. Containers for cremains must be approved by the Sexton.

Section 13: Cemetery Hours

The cemetery shall be open to the general public from the hours of sunrise to sunset each day.

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 Cemetery Sexton.

Section 14: Penalties

A violation of this ordinance constitutes a municipal civil infraction. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a municipal civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, at the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Township may enforce this ordinance in any other manner permitted by law.

Section 15: 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 effect.

Section 16: Effective Date

This ordinance shall take effect on August 16, 2010. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Moved by: C. CLEARY

Seconded by: R. HUNT

Roll Call Vote as follows:

Aye: 5

Nay: 0

I hereby certify that the foregoing is true and complete copy of the ordinance adopted by the Township Board of Eaton Township, Eaton County, Michigan at a regular meeting held on July 1, 2010.

Adoption Date: July 1, 2010
Publication Date: July 17, 2010
Effective Date: August 16, 2010

Charamy Cleary, Eaton Township Clerk

Eaton Township Cemetery Ordinance
Appendix A

**Price of Cemetery Plots
Center Eaton Cemetery**

Regular cemetery plot (4'x10')

Resident price **\$250.00**

Non resident Price **\$750.00**

Cremain Plot (2'x5')

** Sections Q, S, X, and Z only*

Resident price **\$125.00**

Non-resident price **\$375.00**

Opening Closing Charges: Full Burial: \$400.00

Cremation: \$100.00

**** Weekend Surcharge for Opening/Closing (Saturday and Sunday) \$100.00**

Grave Capping: \$15.00/each

Grave Marker Footings: \$0.40/sq. inch

Winter Burial Charge: **\$100.00**

**** November 15 to April 15****

Payment is due in full before a cemetery lot certificate will be issued.

All checks will be made payable to the Eaton Township Treasurer.

A transfer fee of \$25.00 will apply for the transfer of cemetery lot certificates.

Approved July 1, 2010

Amended March 7, 2013

Amended February 6, 2014

Amended May 7, 2015

Amended October 1, 2015

Eaton Township Board