

AKRON TOWNSHIP CEMETERY ORDINANCE

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 Akron, Tuscola 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 AKRON, COUNTY OF TUSCOLA, MICHIGAN ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

Demorest Cemetery: A cemetery lot shall consist of burial spaces sufficient to accommodate from one or as many spaces as needed.

Hickory Island: A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.

A burial space shall consist of a land area 44 inches wide and 10 feet in length.

Section 3: Sale of Lots or Burial Spaces

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 or relationship to persons interred therein.

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 lot or burial space sold. Such form shall be executed by the Township Clerk.

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 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.

Section 4: Purchase Price and Transfer Fees

Each burial space shall cost the sum of \$50.00 for township residents and taxpayers, \$100.00 per grave and \$100.00 perpetual care fee for non-residents.

Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$50.00 for residents or taxpayers or \$100.00 plus \$100.00 perpetual care for non-residents.

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.

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. Opening and closing cost is \$325.00 for burials from April 1st through November 30th; \$375.00 for burials from December 1st through March 31st; and \$125.00 for a cremation burial.

No burial spaces 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 reinterment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: Markers or Memorials

All markers or memorials must be of stone or other equally durable composition. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right. All cement work must be done under the supervision of cemetery employees.

Only one monument, marker or memorial shall be permitted per burial space.

Section 7: Interment Regulations

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

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

The appropriate permit 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 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. The Funeral Director appoints a witness of the burial.

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

Graves that have been opened the evening before interment must be covered for safety purposes.

Section 8: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

No flowers, shrubs, trees or vegetation (including moss) of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

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, 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 flowers containers must be removed or deposited in containers located within the cemetery. All winter wreaths will be removed after April 1st.

All vehicles must stay on roadway.

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 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him/her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

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.

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 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 12: Vault

All burials shall be within a standard concrete vault installed or constructed in each space before interment. No plastic or metal vaults will be allowed.

Section 13: Cemetery Hours

The cemetery shall be open to the general public during daylight hours 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

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 \$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

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 June 23, 2010. All ordinances or parts of ordinances in conflict herewith are hereby repealed.