

MUELLER TOWNSHIP BLANEY PARK CEMETERY ORDINANCE

SCHOOLCRAFT COUNTY MICHIGAN

ORDINANCE No. 2019-07-8

Adopted: July 8, 2019 Effective: July 31, 2019. 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 Mueller in Schoolcraft County, Michigan, to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

TOWNSHIP OF MUELLER, COUNTY OF SCHOOLCRAFT, MICHIGAN ORDAINS:

SECTION I TITLE This ordinance shall be known and cited as the Muller Township Blaney Park Cemetery Ordinance.

SECTION II PURPOSE AND INTENT The Mueller Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery owned or controlled by the Township is an important function the government of the Township. It is also important that burials, disinterment and other matters associated with the municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this ordinance is in the best interests of the property owners and residents of the Township.

SECTION III DEFINITIONS OF BURIAL SPACES

- a. A cemetery plot shall consist of an area in the Blaney Park Cemetery sufficient to accommodate one burial space for one deceased person or two cremains in separate burial spaces within the same plot. It shall consist of a land area at least five (5) feet wide and ten (10) feet in length. Exceptions may be made with the Township permission to accommodate infant burial.
- b. "Township" means Mueller Township.
- c. "Township Cemetery" or "cemetery" means any cemetery owned, operated and/or controlled by the Township.

SECTION IV SALE OF CEMETERY PLOTS

- a. Cemetery plots shall be sold by the Township for the purpose of burial for the purchaser of the plot or his/her immediate family. No sale shall be made to funeral directors or others, except those acting as an agent for an eligible purchaser.

b. All sales and transfers of cemetery plots shall be made on a form approved by the Township Board and signed by the designated Township official, which grants a right of burial only and does not convey any other title or right to the cemetery plot of burial space sold. Such forms shall be signed by the Township Clerk or Deputy Township Clerk and shall constitute a permit when approved.

c. Cemetery plots may be sold by the Township to any resident or taxpayer of the Township. The Township Clerk 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 resident in the Township or relations to persons interred in the Township cemetery involved. Any such decision by the Township Clerk may be overturned by the Township Board.

d. At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. Each such person must either be a resident or taxpayer of the Township or be a member of the immediate family of a qualified purchaser. If the owner of a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, that person must sell the cemetery plot back to the Township and repurchase that space.

e. Cemetery plots are non-transferrable, but may be sold back for the original purchase price to the Township for resale by the Township.

f. The Township Board shall have the authority to place a limit on the number of plots sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery plot or plots will be sold to a specific person and where such cemetery plot or plots will be located within the Township cemetery. Such decision shall be based upon reasonable factors including, but not limited to, the number of vacant cemetery plots available and whether family or relatives of the person seeking to purchase a cemetery plot or plots are buried adjacent or nearby the cemetery plot or plots requested.

g. The Township shall have the right to correct any errors that may be made concerning interments, disinterment, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.

h. The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

SECTION V PURCHASE PRICE FOR CEMETERY PLOTS; INDIGENT BURIALS

- a. The cost of each cemetery plot shall be determined by resolution by the Township Board.
- b. All charges shall be paid to the Township Treasurer.
- c. The Township Board may waive some or all of the fees for the burial of indigent persons. Furthermore, the Township Board may set aside a portion of the Township cemetery for the burial of indigent persons.
- d. The Township Board may by resolution alter the foregoing fees to accommodate increased costs and the needed reserved funds for cemetery maintenance and acquisition.

SECTION VI GRAVE OPENING AND GRAVE OPENING/CLOSING CHARGES

- a. The Township fee schedule for grave openings will be set yearly or as needed during regular Township Board meetings. The Township will charge reasonable fees for opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes (cremains).
- b. No cemetery plot shall be opened or closed except under the direction and control of the Township Sexton or such other individual designated by the Township Board except in the case of a valid court order or direction and control of local or state health department officials. In this case, the Sexton shall be given at least twenty-four (24) hours' notice of said opening or closing.

SECTION VII MARKERS OR MEMORIALS; NO MONUMENTS

- a. All markers and memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them. The footing or foundation of any marker or memorial shall be approved by the Sexton prior to installation. From ground level, the maximum height of any marker or memorial shall be thirty (30) inches, the maximum width of any marker or memorial shall be thirty (30) inches and the maximum length shall be forty-eight (48) inches. Only one marker or memorial shall be permitted per cemetery plot or one marker or memorial in total where two adjoining plots share that marker or memorial.
- b. Except for the monuments that existed before the effective date of this ordinance, no monuments will be allowed or erected in the cemetery. For the purposes of this ordinance, "monument" shall be defined as any marker, memorial, statue or similar item that exceeds thirty (30) inches in height from ground level, exceeds thirty (30) inches in width, or exceeds forty-eight (48) inches in length.
- c. The Township Board shall have the right, at the expense of the owner of the cemetery plot, to remove or repair any monument, marker or memorial that has become damaged, unsightly, broken, dilapidated, has moved from its proper sight or has become a safety hazard. The

Township shall make reasonable attempts to contact the owner of the cemetery plot prior to commencing any such work.

d. The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

SECTION VIII INTERMENT REGULATIONS

a. Only one (1) person shall be buried in a cemetery plot except for a parent and infant child or two (2) children buried at the same time when approved by the Township Board.

b. Two (2) cremains may be buried in the same cemetery plot in separate openings.

c. The Township shall be given not less than thirty-six (36) hours' prior notice of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Township or such person(s) designated by the Township.

d. The appropriate permit or form issued by the Township for the cemetery plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the health department shall be presented to either the Township Sexton or the Township Clerk (or other designated Township official) prior to interment. Where such permit or form has been lost or destroyed, the Township Clerk must be satisfied, from his/her own records, that the deceased person to be buried the cemetery plot is an authorized and appropriate person for that space before any interment commences.

e. The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved.

SECTION IX DISINTERMENTS

a. No disinterments 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 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.

b. The Township has the authority to refuse to allow a disinterment or digging up of an occupied grave if there is no reasonable basis or court order.

SECTION X WINTER BURIALS

a. There shall be no winter burials. Burial shall be from May to late Autumn as weather and unfrozen ground permit. This shall be at the discretion of the Township Sexton, the Township Clerk, or other designated Township official.

- b. All winter storage costs of the deceased shall be paid by the estate of the deceased person or the person's next of kin.

SECTION XI CREMAINS

- a. Cremains may be buried in a container approved by the Township in a cemetery plot.
- b. No cremains shall be scattered or dispersed within the Township cemetery.
- c. Two (2) cremains may be buried in the same cemetery plot in two separate openings.

SECTION XII GROUNDS MAINTENANCE

- a. Flower pots, urns and grave blankets may be placed and maintained at head stones of graves from May 1 to October 1 of each year. Decorations will be permitted for holidays falling outside these dates for one (1) week prior until one (1) week following the holiday. Veterans flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
- b. No grading, leveling or excavating within the cemetery shall be allowed nor landscaping, planting of any tree, shrub, or bush without prior permission from the Sexton or Township Clerk.
- c. No flowers, shrubs, bushes, trees or vegetation of any kind shall be planted outside an urn. Anything planted or placed without the Township approval will be removed.
- d. The Township reserves the right to trim or remove any existing trees, shrubs, bushes or other vegetation within the cemetery.
- e. Mounds, bricks, blocks and other borders are prohibited.
- f. The Sexton or Township Clerk shall have the right and authority to remove and dispose of any and all items that become unsightly, are a source of litter or decay, or are a maintenance problem.
- g. Surfaces other than sod and earth are prohibited.
- h. All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, plastic flower containers, etc. must be removed from the cemetery within ten (10) days after a burial.
- i. No glass containers of any kind are allowed in the cemetery.

SECTION XIII DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY

Every person who enters, remains in and travels within the Township cemetery does so at his/her own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in the Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial

monument, headstone, flower urn anywhere in the Township cemetery. The purchaser or transferee of any cemetery plot 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 involved. Such waiver, release and hold harmless provisions shall apply not only to the Township, but also the Township Sexton, Township Clerk and any Township employee, officer, or agent.

SECTION XIV FORFEITURE OF VACANT CEMETERY PLOTS OR BURIAL SPACES

- a. Cemetery plots or burial spaces sold after the effective date of this ordinance and remaining vacant for forty (40) years or more from the date of their sale shall automatically revert to the Township unless written notice is received indicating a desire to retain the cemetery plots or burial spaces in question.
- b. Notice of expiration will be sent via certified return-receipt-requested mail to the last known address of the owner of record with a waiting period of sixty (60) days from the post marked date of the notification. If no written response is received by the Township within the waiting period, the cemetery plot or burial space will revert to the Township. A response shall extend the burial rights for ten (10) years.

SECTION XV INTERNMENT REGULATIONS

- a. All internments shall conform to Michigan laws.
- b. All burials shall be within a standard concrete vault installed and constructed in each cemetery plot before interment. Vaults of other suitable material may be allowed at the discretion of the Township.
- c. Cremains shall be in a container approved by the Township.

SECTION XVI RECORDS

- a. The Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the Township related to the Township cemetery and the same shall be open to public inspection at all reasonable business hours.

SECTION XVII CEMETERY HOURS

- a. The Township cemetery shall be closed during the hours of 9 p.m. until 7 a.m. the next morning unless otherwise posted as "Closed" by the Township.
- b. The Sexton, Township Clerk, any Township official and/or any law enforcement or firefighting official may request any person to vacate the cemetery for unbecoming behavior or during any period in which the cemetery is closed. State and County law enforcement officials shall enforce any and all trespassing laws.

SECTION XVIII PROHIBITED USES AND ACTIVITIES

- a. No person shall destroy, deface, apply graffiti to or otherwise injure any grave site, marker, monument, statue, sign, tree, or other lawful item located with the Township cemetery.
- b. There shall be no destruction of cemetery property.
- c. There shall be no disturbing of the peace, engaging in any loud or boisterous conduct or harassment of any other person lawfully present in the cemetery.
- d. There shall be no motorcycles, dirt bikes, snowmobiles, ATV's or four-wheelers, or similar vehicles in the cemetery.
- e. Authorized vehicles shall drive only on designated roadways.
- f. There shall be no music, playing of any radio or the use of any amplification device or similar items except pursuant to a military ceremony or a funeral.
- g. There shall be no littering or dumping.
- h. There shall be no possession or consumption of alcoholic beverages.
- i. There shall be no picnicking or consumption of food without prior Township approval.
- j. There shall be no unlawful interference or disruption of a lawful funeral and funeral procession.
- k. There shall be no fires, candles, or open flames.
- l. There shall be no domestic animals or pets of any kind on cemetery grounds with the exception of dogs assisting handicapped persons.
- m. No firearms, archery arrows or other weapons are allowed except as allowed by law for military or veteran funerals.
- n. There shall be no solicitation or peddling of any kind and no placards advertising any goods or services.
- o. There shall there be no political signs or promotion of political candidates of any kind.
- p. There shall be no littering or dumping.
- q. There shall be no unlawful interference or disruption of any funeral or funeral procession.
- r. There shall be no lights, private signs, or moving displays.
- s. There shall be no children under twelve (12) years of age present in the cemetery unless accompanied and properly supervised by an adult.

SECTION XIX AUTHORITY OF TOWNSHIP SEXTON

- a. The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton may be an employee or independent contractor at the discretion of the Township Board.
- b. The Township Sexton shall assist other Township officials with the enforcement and administration of this ordinance.
- c. The Township Sexton shall have such duties and obligations with regard to the Township cemetery as may be specified from time to time by the Township Board.

SECTION XX FEES

- a. The Township fee schedule will be set yearly or as needed during regular Township Board meetings. Fees can include, but are not limited to, burial or disinterment permits, grave opening, grave closing, setting of foundations, and other matters.

SECTION XXI APPLICABILITY OF THIS ORDINANCE

- a. This ordinance shall apply only to the Mueller Township Blaney Park Cemetery.
- b. The provisions of this ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of the Township cemetery.
- c. The provisions of this ordinance shall not apply to police officers, firefighting officials, or officers involved in carrying out their official duties.

SECTION XXII INTERPRETATION/APPEALS

- a. The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this ordinance and any rule or regulations adopted pursuant to this ordinance, 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 ordinance or any rule or regulations promulgated under this ordinance where practical difficulties in carrying out the strict letter of this ordinance 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 ordinance.
- b. Any party aggrieved by an interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this ordinance, as well as any matter relating to the Township cemetery, rights to a cemetery plot, 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 matter. The Township shall give the aggrieved party filing the written appeal at least ten (10) days prior written notice of the meeting at which the Township Board will address the matter unless an emergency 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 on the Township Board at which the matter will be addresses. Pursuant to any such appeal, the decision 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.

SECTION XXIII REMOVAL OF UNAUTHORIZED OR UNLAWFUL ITEMS

a. The Township has the right and authority to remove any item from the cemetery that is unlawful under state, federal or local law, is unauthorized, is an eyesore/blight, or which is in violation of this ordinance without prior consent from or liability to the person or persons who installed, maintained, or left such item in the Township cemetery.

SECTION XXIV PENALTIES

a. A violation of this ordinance or any rule or regulation adopted pursuant to this ordinance constitutes a municipal civil infraction and is punishable.

SECTION XXV ENFORCEMENT OF THIS ORDINANCE

a. Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the right and authority to enforce this ordinance and issue municipal civil infraction citations/tickets pursuant to this ordinance:

-Township Supervisor

-Township Clerk

-Township Sexton

-Any Sheriff or Deputy Sheriff at the County Sheriff's Department

-Any State Police Officer

SECTION XXVI SEVERABILITY

a. The provisions of this ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be 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 this ordinance, which shall continue in full force and effect.

SECTION XXVII EFFECTIVE DATE

a. This ordinance shall take effect on July 31, 2019. All ordinances or part of ordinance in conflict are hereby repealed.

The "Mueller Township Blaney Park Cemetery Ordinance" was offered for adoption by Township Board Member Jerry Glasscock and was supported by Township Board Member Mary Lee. The vote being as follows:

Supervisor Glasscock Yea

Clerk Pfeiffer Yea

Treasurer Lee Yea

Trustee Hamill Yea

Trustee Hendrickson Yea

ORDINANCE DECLARED ADOPTED



MARTHA PFEIFFER, CLERK
MUELLER TOWNSHIP, MICHIGAN

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Mueller Township Board at a regular meeting at the Township Hall on July 8, 2019 pursuant to the procedures required by law.



MARTHA PFEIFFER, CLERK
MUELLER TOWNSHIP, MICHIGAN