

Township of Norvell
County of Jackson, Michigan
Cemetery Ordinance no. 30

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 Norvell, Jackson 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 Norvell, County of Jackson, Michigan, Ordains:

Section I. Title

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

Section II. Definitions

A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to four (4) burial spaces depending on the location within the cemetery

B. An adult burial space shall consist of a land area four feet (4') wide and eight feet (8') in length.

C. Decorations on a burial space include all emblems, displays, religious symbols, plants, cut flowers or artificial flowers; anything other than the marker. A flag holder on a veteran burial space is considered part of the burial space marker.

Section III. Sale of Burial Rights

A. All burial sites are to be used only for human remains.

B. Hereafter, cemetery lots or burial rights shall be primarily reserved for residents of the Township for the purpose of the burial of such purchaser or his/her heirs at law or next of kin. The Township clerk, however, is hereby granted the authority to vary the aforesaid restrictions on sales where the purchaser desires burial within the Township because of previous residence in the Township or disclosed sufficient personal reason for burial therein

C. All such sales shall be made with Cemetery Lot Certificate, (a/k/a) a cemetery deed — from previous sales.

D. The Township Board reserves the right to sell only one lot to a family unless the family burials exceed the number of burials on one lot. The owner of a lot purchased by Cemetery Lot Certificate is not entitled to sell the lot to another person. The holder of a cemetery deed for a lot may sell but the new owner will be issued a Cemetery Lot

Certificate and the deed forfeited to the Township.

E. Burial rights may be transferred only be endorsement of an assignment of such Cemetery Lot Certificate upon the original Certificate 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 Cemetery Lot Certificate to the Assignee and shall cancel and terminate upon such records, the original Certificate thus assigned.

Section IV. Purchase Price And Grave Openings

A. The Township Board may by resolution establish the purchase price for burial spaces for township residents, former residents and non-residents who are permitted to purchase space in the cemetery.

B. The opening and closing of any burial space, prior to and following burial therein, and including the interment of ashes, shall be at cost to be determined from time to time by Resolution of the Township Board, payable to the Township.

C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost no fee.

D. The Township Board may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

E. No burial space shall be opened and closed except under the supervision of the Sexton under the direction of the Township Clerk. This provision shall not apply to proceedings for removal and re-interment of bodies and remains, which matters are under the supervision of the County Health Department.

Section V. Burial Spaces Markers

A. All burial space markers must be of stone, bronze or other equally durable composition.

B. Any upright markers must be located upon a suitable solid foundation to maintain the same in an erect position.

C. Only one marker shall be permitted per burial space. Multiple names are allowed on same marker. A bronze veteran plaque must be mounted on the same marker. A flag holder may be located next to the marker of a veteran. In addition to the one burial space may also be indicated by round or square

engraved marker of no more than 40 square inches which is mounted flush with the ground.

D. The footing or foundation upon which a burial marker is placed shall be constructed by the Township or Township representative with cost to the owner of the burial right.

All foundations shall extend at least three inches beyond the high point of the marker.

E. The Township has the right to bury broken or irreparable markers on existing grave site if persons or family show no sign to repair such. Township Clerk will record same. The broken marker will be buried flush with the ground with engraving showing, if possible.

F. All burials shall be made so as to allow sufficient room at the head for footings and marker.

G. All burial space markers are the property of the lot owners of record and any acts of defacement shall constitute vandalism and shall be the responsibility of the lot or stone owner of record and not the responsibility of the Township.

Section VI. Interment Regulations

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

B. Cremations are limited to ten per burial space.

C. Not less than 48 hours notice shall be given to Township Clerk in advance of any funeral to allow for the opening of the burial space.

D. 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 the cemetery 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.

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

Section VII. Ground Maintenance

A. All decorations shall be located on the burial space, within 12" of the marker, and in line with the marker.

B. During summer months, (April 1 thru October 31) all decorations shall be contained within a clay pot, concrete urn or metal vase. There shall be a limit of three decorations on each burial space. Glass

containers, or hanging baskets are prohibited.

C. During winter months (November 1 thru March 31) decorations may include a grave blanket and a wreath.

D. Hereafter the planting of shrubs, plants bushes or trees in the ground on a burial space is prohibited.

E. All summer decorations shall be removed by November 1st and all winter decorations shall be removed by April 1st, or they may be removed by the Sexton or Sextons's representatives.

F. 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.

G. The Sexton shall have the right and authority to remove and dispose of any and all growth, decorations, containers or other refuse which does not conform to the requirements above or which, through decay, deterioration, damage or otherwise, become unsightly, a source of litter, or a maintenance problem.

H. Use of hoses and sprinklers for watering burial sites is prohibited.

I. All mowing of burial sites shall be performed by Township employees or contractors.

Section VIII. Forfeiture of vacant cemetery lots or burial spaces.

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

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

B. 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 representatives within sixty days from the date of mailing said notice.

Section IX. Repurchase of lots or burial space

The Township will repurchase any cemetery

lot or burial space form the owner for one-half (1/2) the prevailing price paid by Township residents or the original purchase price, whichever is greater, upon the written request of said owner or his legal heirs or representatives.

Section X. Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, separate and apart from any other records of the Township and the same shall be open to public inspection during all reasonable business hours.

Section XI. Vault

All adult burials shall be within a standard concrete vault installed or constructed in each burial space before interment. Cremains may be buried in a hole a minimum of 30" deep. The space between the burial of cremains shall be minimum of 12".

Section XII. Cemetery hours

- A. The cemetery shall be open to the general public from the hours of daylight to dark.
- B. No person shall be permitted in the Township cemetery at any time other than the foregoing hours, except upon permission of the Township Board or the Sexton of the cemetery.

Section XIII. Cemetery conduct

- A. No alcohol or refreshments.
- B. No picking flowers or damage to shrubs.
- C. No firearms.
- D. No animals.
- E. Speed limit of 10 m.p.h.
- F. No children permitted without adult supervision.
- G. No snowmobiles, dirt bikes, ATV's or off road vehicles.
- H. No motor vehicle permitted off of driveways without permission of Sexton or Sexton's representative.
- I. The use of metal detectors is prohibited (except by Sexton or Township Clerk to locate grave corner markers in Section B).

Section XIV. Errors may be corrected.

The Township Clerk shall have the right to correct any errors that may be made, either in making interments, disinterments, or removals, or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible, or as

may be selected by the Township clerk, or by refunding the amount of money paid on account of the purchase.

In the event the error shall involve the interment of remains of any person in such property, the Township Clerk shall have the right to remove and reinter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Section XV. 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 prosecution hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section XVI. 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 or effect.

Section XVII. Effective date

This Ordinance shall take effect on September 30, 1992, 30 days after publication. All ordinances of parts of ordinances in conflict herewith are hereby repealed.

Date adopted: August 11, 1992

Board Members Present:

Supervisor Adam Ulbin
Clerk Gloria Hubbell
Treasurer Carol Brisbois
Trustee Cheryl Berry
Trustee Michael McGuire

Ayes: All

Nays: None

I certify this is a true and correct copy of an ordinance passed at a regular meeting of the Norvell Township Board.

Gloria Hubbell, Clerk