

# **IOSCO TOWNSHIP CEMETERY ORDINANCE**

## **IOSCO TOWNSHIP**

**Livingston County, Michigan**

### **Ordinance No. 30**

An Ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945 as amended and Act 191 of the Public Acts of 1939.

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 Iosco, Livingston 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 Iosco, County of Livingston, State of Michigan, ordains:**

#### **Section 1: Title**

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

#### **Section 2: Definitions of Cemetery Lots and Burial Spaces**

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to five burial spaces.

A burial space shall consist of a land area four (4) feet wide and eight (8) feet in length in the Wright Cemetery and four and one quarter (4.25) feet wide and nine (9) feet in length in Munsell Cemetery.

#### **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 through previous residence in 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 affected 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.

#### **Section 4: Purchase Price and Transfer Fees**

Each adult burial space shall cost the sum of \$400.00 for Iosco Township Residents who have lived in the Township longer than six (6) months and \$2000.00 for non-residents.

Each burial space for infants and children under the age of two (2) years or stillbirths, shall be provided to Iosco Township residence at no charge.

Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$20.00.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund.

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 by the gravedigger and payable to that entity.

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 re-interment 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.

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

The footing or foundation upon which any monument, marker or memorial must be placed, shall be constructed by the Vault Company at cost to the owner of the burial right.

### **Section 7: Interment Regulations**

Only one (1) body along with two (2) cremains or up to four (4) cremains 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.

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 upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

No, shrubs, trees or vegetation 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, emblems, displays or containers therefor 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.

### **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 them 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/her desire to retain said burial rights.

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/her 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, to the Township upon written request of said owner or his/her legal heirs or representatives.

### **Section 11: Records**

The Township Clerk and Treasurer 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 burial space before interment.

### **Section 13: Cemetery Hours**

The cemetery shall be open to the general public from dawn to dusk each day.

### **Section 14: Penalties**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a civil infraction and shall be subject to the penalties defined in Municipal Civil Infractions Ordinance #29 Iosco Township, Michigan.

### **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 8/30/2021. All ordinances or parts of ordinances in conflict herewith are hereby repealed.