

**CEMETERY ORDINANCE
COLUMBIA TOWNSHIP-TUSCOLA COUNTY, MICHIGAN
A NON-PERPETUAL CARE CEMETERY
EFFECTIVE July 30, 2004,
Amended April 28, 2014**

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 Columbia, 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 COLUMBIA, COUNTY OF TUSCOLA MICHIGAN
ORDAINS:**

Section 1: TITLE

This ordinance shall be known and cited as the Columbia Township Cemetery Ordinance and shall be governed by the Columbia Township Board

SECTION 2: CEMETERY BOARD

Elected officials only of Columbia Township with individual voting rights shall make up the Cemetery Board. "Official" identified as Supervisor, Clerk, Treasurer, and (2) two Trustees.

Duties:

- A. The Board may act as the need requires.
- B. Set charges for lots and services.
- C. The Board delegates duties as needed for the care of the grounds.
- F. Sets Compensation for the Sexton

Section 3: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACE

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to two burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- C. Up to three (3) cremation burials are permitted per grave site.
- D. One (1) Burial & one (1) Cremation Burial is permitted per grave site

Section 4: SALE OF LOTS OR BURIAL SPACES

- A. Hereafter, cemetery lots or burial spaces shall be sold only to residents of the Township for the purpose of the burial of such purchaser or his or her heirs at law of 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.

- B. 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.
- C. Cemetery lots shall be regarded as conveyed when paid for in full. Lot owners shall understand that the title to the land is vested in the township and that the person(s) Burial Permit grants to the person(s) the exclusive use of the grave site(s) for burial purposes only.
- D. The Burial Permit shall extend the right of burial in the listed grave sites to the person(s) and members of the person(s) family. The Burial Permit shall not be assigned or transferred to any other person except family members or to the Township of Columbia; Family members are defined as parents, spouses, children, grandchildren and siblings of the lot owner of the Burial Permit.
- E. 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 effected 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 5: PURCHASE PRICE AND TRANSFER FEES

- A. Each adult burial space shall cost the sum of \$150.00 for residents and the sum of \$400.00 for non-residents.
- B. The foregoing charges shall be paid to the Township Treasurer and shall be deposited into the General Operating Fund.
- C. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs for cemetery maintenance and acquisition.

Section 6: GRAVE OPENING CHARGES

- A. 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 Funeral Director and the Grave Opener.
- B. 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.
- C. The Sexton shall record burial date and location in the township cemetery records.
- D. Interments may be restricted between November 15 and April 15 during inclement weather at the discretion of the Township Sexton. Any additional cost required for winter burials will be the responsibility of the family.

Section 7: MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition
- B. Any monument must be located upon suitable solid foundation that extends at least four inches beyond the marker and is flush with the ground. The

foundation shall be constructed by the sexton at cost to the owner of the burial right.

- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. Columbia Township Cemetery is a non-perpetual care cemetery, thus if any such marker, memorial, or foundation becomes damaged or destroyed, it is the expense of the owner to repair/replace the condition.
- E. Should any monument or memorial become unsightly, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner, to correct the condition or remove same.

Section 8: INTERMENT REGULATION

- 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; or, ashes of a family member.
- B. 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.
- C. The appropriate permit for the burial space involved, together with the appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the Township Clerk prior to interment. (This also applies to the burial of ashes). Where such permit has been lost or destroyed, the township Clerk is 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.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 9: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the Township Clerk. The Township or the cemetery sexton may remove any of the foregoing items planted without such approval.
- C. 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.
- D. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The cemetery sexton or the Township Board 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.
- F. Surfaces other than earth or sod are prohibited.
- G. 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.

- H. Grave blankets and flowers should be off by April 1st. No flowers or decorations shall be placed on graves in the month of April. Summer flowers should be off by October 15th.

Section 10: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. 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 notice his desire to retain said burial rights.
- B. 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.
- C. It is the responsibility of the lot owner to notify the Board of any change of address.

Section 11: RE-PURCHASE OF LOTS OR BURIAL SPACES

- A. The Township will re-purchase any cemetery lots or burial space from the owner for the original price paid the township upon written request and proof of purchase of said owner or his legal heirs or representatives. The burden of proof of amount of fees falls on the person(s). If no burden of proof exists the reimbursement will be \$25.00.

Section 12: RECORDS

- A. 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 13: PENALTIES

- A. 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.

Section 14: SEVERABILITY

- A. The provisions of the within Ordinance are hereby declared to be sever able 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 of 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 15: EFFECTIVE DATE; REPEAL.

- A. This Ordinance shall take effect on July 30, 2004. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED: JUNE 21, 2004.

AMENDED

April 28, 2014

- Section 2: Cemetery Board responsibilities – entire section description added
- Section 3: Definition of Cemetery Lot and Burial Space- addition of item C & D
- Section 4: Sale of Lots or Burial Spaces- Change to item A to 1 to 2 burial spaces, additions of item C & D
- Section 5: Purchase Price and Transfer Fees – change item A to current lot purchase price
- Section 6: Grave Opening – additions of item C & D
- Section 7: Markers or Memorials – addition of item D
- Section 9: Ground Maintenance - item H change
- Section 11: Repurchase of Lots or Burial Spaces – changes to item A