

**CLAM LAKE TOWNSHIP  
CEMETERY ORDINANCE  
Ordinance No. 22 of 1999**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND  
GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE  
OPERATION, CONTROL, AND MANAGEMENT OF THE TOWNSHIP'S  
CEMETERIES AND TO PROVIDE PENALTIES FOR VIOLATIONS

THE TOWNSHIP OF CLAM LAKE HEREBY ORDAINS:

**Section 1. Title.**

This Ordinance shall be known and cited as the Clam Lake Township Cemetery Ordinance.

**Section 2. Definitions.** As used in this Ordinance,

- (a). "Adult burial space" means an area of land within a cemetery lot four (4) feet wide and ten (10) feet long.
- (b). "Cemetery lot" means an area of land within a cemetery sufficient to accommodate from one (1) to eight (8) adult or infant burial spaces.
- (c). "Heirs at law" means a person's spouse, natural and adopted children, natural and adopted grandchildren, parents, grandparents, brothers and sisters.
- (d). "Infant or stillborn burial space" means an area of land within a cemetery lot three (3) feet wide and three and one-half (3-1/2) feet long.

**Section 3. Sale of Lots or Burial Spaces.**

- (a). After the effective date of this Ordinance, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose burying the purchaser or his or her heirs at law. The Township Clerk may grant exceptions to this sales restriction, but only when the purchaser discloses sufficient personal reasons for burial in the township. In exercising the discretion granted in this section, the Township Clerk shall apply the following standards: (1) whether the prospective purchaser was a previous resident or taxpayer within the township, (2) the length of time the prospective purchaser was a resident or taxpayer within the township, (3) the length of time that has elapsed from when the prospective purchaser was a resident or taxpayer of the township and the application to purchase a cemetery lot or burial space, and (4) whether the prospective purchaser falls within the definition of an heir at law of any person interred within the cemetery.
- (b). All such sales shall grant a right of burial only and shall not convey title to the cemetery lot or burial space sold. The sale of a cemetery lot or burial space shall be documented on a form approved by the Township Board and shall be executed by the Township Clerk.
- (c). Cemetery lots and burial spaces may be transferred only to those persons eligible to be original purchasers of cemetery lots or burial spaces under this Ordinance. All such transfers shall be accomplished through the following procedures: (1) the owner of the

cemetery lot or burial space to be transferred shall complete and sign the assignment of cemetery lot or burial space on the original burial certificate issued by the Township Clerk, (2) the Township Clerk shall determine whether the assignee is qualified to hold a cemetery lot or burial space under this Ordinance, (3) if qualified, the Township Clerk shall approve the transfer and enter the assignee's interest in the cemetery lot or burial space in the official cemetery records, and (4) the Township Clerk shall cancel in the official cemetery records the burial certificate assigned and issue a new burial certificate to the assignee.

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

- (a). The Township Board shall from time to time by separate resolution establish the purchase price for cemetery lots and burial spaces and the fee for transferring one or more cemetery lots or burial fees to a qualified assignee.
- (b). The charges and fees established pursuant to subsection (a) above shall be paid to the Township Treasurer and deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

#### **Section 5. Grave Opening Charges.**

- (a). The Township Board shall from time to time by separate resolution establish the fee for the opening and closing of a burial space, prior to and following a burial therein, including the interment of ashes.
- (b). The fee established pursuant to subsection (a) above shall be paid to the Township Treasurer and deposited in the cemetery fund for the particular cemetery involved.
- (c). No burial space shall be opened and closed, except under the direction and control of the cemetery sexton. However, this provision shall not apply to proceedings for the removal and re-interment of bodies and remains that are under the supervision of the local health department.

#### **Section 6. Monuments, Markers or Memorials.**

- (a). Only one (1) monument, marker or memorial shall be permitted per burial space.
- (b). The base of a monument, marker or memorial shall be no larger than forty-eight inches by fourteen inches (48" x 14") in any township cemetery.
- (c). All monuments, markers and memorials shall be of granite, marble, or bronze and shall be placed on concrete footings or foundations that are no higher than ground level.

#### **Section 7. Internment Regulations.**

- (a). Only one (1) person may be buried in a burial space; provided, however, a mother and her child less than two (2) years of age and two (2) children ages ten (10) years or less may be buried at the same time in the same burial space.
- (b). Not less than thirty-six (36) hours advanced notice shall be given to the Township Clerk or cemetery sexton of the time for any funeral to allow for the opening of the burial space or spaces.

- (c). The burial certificate for the burial space involved, together with the identification of the person to be buried, shall be presented to the Township Clerk or cemetery sexton prior to interment. Where such burial certificate has been lost or destroyed, the Township Clerk shall be satisfied from a review of the official cemetery records that the person to be buried in the burial space is eligible for burial in that burial space 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 8. Ground Maintenance.**

- (a). No grading, leveling, or excavating upon a burial space shall be allowed without the prior written permission of the Township Clerk or cemetery sexton.
- (b). No flowers, shrubs, trees or vegetation of any type shall be planted without the prior written approval of the Township Clerk or cemetery sexton. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.
- (c). The Township reserves the right to remove or trim any tree, plant or shrub located within a township cemetery that hinders the use of a lawn mower or other gardening apparatus.
- (d). All mounds which hinder the use of a lawn mower or other gardening apparatus are prohibited.
- (e). The Township or 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 a source of litter or a maintenance problem.
- (f). Ground surfaces other than earth or sod, such as stones, bark, or wood chips, are prohibited.
- (g). All refuse of any kind or nature, including but not limited to dried flowers, wreaths, papers and flower containers must be removed from the cemetery or deposited in containers located within the cemetery for that purpose.

#### **Section 9. Forfeiture of Vacant Cemetery Lots or Burial Spaces.**

- (a). If a cemetery lot or burial space remains vacant for twenty (20) years after a burial certificate has been issued to an original purchaser or a qualified assignee, the Township Clerk shall send by certified mail to the last owner of record a written notice informing him or her that twenty (20) years have passed since purchase and that the Township wishes to repurchase any unused or unneeded cemetery lots or burial spaces at the original price. Response will be requested within 60 days. If no response is received in 60 days, the Township Clerk shall attempt to contact any known relative or acquaintance in an effort to locate the original purchaser or qualified assignee. If all attempts to locate the original purchaser or qualified assignee fails, no further action will be taken by the Township.
- (b). If at any time the Township receives written request of the original purchaser or qualified assignee of any cemetery lot or burial space, or the legal heirs or representatives of the

original purchaser or qualified assignee, the Township shall repurchase the cemetery lot or burial space from the owner at the original price paid to the Township for that cemetery lot or burial space. Funds shall be paid from the Cemetery Fund of the Township. The Township Clerk shall then cancel in the official cemetery records, the burial certificate issued and indicate in those records that the cemetery lot or burial space is eligible for resale under the terms and conditions of this Ordinance.

#### **Section 10. Cemetery Records.**

The Township Clerk shall maintain records concerning all burials, issuance of burial certificates, and any perpetual care fund separate and apart from other township records. These cemetery records shall be open to public inspection during reasonable business hours.

#### **Section 11. Family Independence Agency Burials.**

No person whose burial is paid by the Michigan Family Independence Agency shall be eligible for burial in any cemetery within Clam Lake Township, unless that person was a resident of the township at the time of his or her death.

#### **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 township cemeteries shall be open to the general public daily between the hours of 8:00 a.m. and 9:00 p.m. No person shall be permitted in the township cemeteries at any other time, except after receiving written permission from the Township Board or the cemetery sexton.

#### **Section 14. Municipal Civil Infractions.**

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

#### **Section 15. Enforcement.**

The Township Supervisor is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

#### **Section 16. Nuisance.**

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

**Section 17. Injunctive Relief.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 18. Repeal.**

The Clam Lake Township Cemetery Ordinance No. 11-A enacted May 4, 1988 is hereby repealed in its entirety.

**Section 19. Severability.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 20. Effective Date.**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

CLAM LAKE TOWNSHIP

By:   
Dennis L. Anderson

Its: Supervisor

By:   
Delores Peterson

Its: Clerk