

ORDINANCE NO. 07-11
CEMETERY ORDINANCE
GRAND BLANC CHARTER TOWNSHIP
GENESEE COUNTY, MICHIGAN

PREAMBLE

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 CHARTER TOWNSHIP OF GRAND BLANC, GENESEE COUNTY, MICHIGAN; TO ESTABLISH RATES AND SCHEDULES OF FEES IN CONNECTION THEREWITH; TO PROVIDE PROCEDURES FOR THE PERPETUAL CARE AND MAINTENANCE OF THE CEMETERIES; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND AMEND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Charter Township of Grand Blanc, Genesee County, Michigan, ordains:

SECTION 1: TITLE

This Ordinance shall be known and cited as the Grand Blanc Charter Township Cemetery Ordinance.

SECTION 1.1 CEMETERY OWNERSHIP:

The Grand Blanc Charter Township is the legislative body of owning or controlling a Cemetery or burial grounds may by resolution or ordinance provide for the perpetual care and maintenance of a cemetery or burial lot upon payment by the owner of the lot or another person of the agreed upon sum, and in consideration may bind itself to perpetually care for and maintain the lot.

The Board of Trustees of Grand Blanc Charter Township is the legislative body of a municipality owning and controlling a Cemetery. The Trustees have assigned the advisory duties of oversight and management of their cemetery to the Township Clerk, or designee.

SECTION 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

BOARD: Wherever Board is used in this Ordinance, it shall mean the Township Board.

CEMETERY: A burial ground for earth interments.

CREMAINS: The container and incinerated body of the deceased person.

GRAVE/LOT OWNER: The owner(s) of burial rights. Such rights are limited to a burial privilege as evidenced by a Burial Rights Certificate. The interest created by purchase or transfer of any plot is a personal contract right and not an interest or estate in real property. Spouses or no more than two unrelated persons may be joint owners with rights of survivorship to any burial space.

IMMEDIATE FAMILY: The immediate family is defined as follows: spouse, parent, stepparent, grandparent, child, stepchild, grandchild and spouse of the aforementioned, of the owner(s), and shall include "great-" to the above where applicable.

INTERMENT: The term interment shall mean the disposition of the remains of a deceased human by earth interment.

LOT: A cemetery lot shall consist of numbered divisions as shown on the recorded Plat sufficient to accommodate from two to ten burial plots.

LOT MARKER: The term lot marker refers to any means used by the cemetery to locate and mark corners of the lot.

MANAGEMENT: The term management shall mean the person or persons duly designated by the Township Board for the purpose of managing the cemetery.

MARKER or MONUMENT: A marker or monument is a stone or plaque either flush or above the ground indicating the given and/or family name(s) and must be located on the West Side (head) of the plot. Only one marker is allowed per burial space or may be centered over two spaces.

PLOT: A burial space consisting of a land area 42" wide and nine feet in length, sufficient in size to accommodate one adult interment.

RESIDENT: The term resident shall mean any person who has legal or official ownership, individually or jointly with another, of any real property which is subject to assessment by the Township for ad valorem property taxes.

TRUSTEES: Wherever Trustees is used in the Ordinance, it shall mean the Township Board of Trustees.

SECTION 3: SALE OF LOTS OR BURIAL SPACES

PURCHASE OF BURIAL RIGHTS: Residents and non-residents of Grand Blanc Charter Township may purchase burial rights at a cost to be determined from time to time by resolution of the Township Board of Trustees.

TRANSFER OF BURIAL RIGHTS: A transfer of burial rights must be endorsed by and filed with the Township Clerk. Upon such transfer, the Clerk shall issue a new burial certificate to the assignee and shall cancel the original certificate thus issued. In addition, all transfers of burial rights are subject to the applicable transfer fee as stated in Section 4B. Burial rights may not be sold between private individuals or for speculative purposes.

METHODS OF PAYMENT: Gravesites must be paid-in-full at the time of purchase. The Board reserves the right to limit the sale to ten (10) burial spaces. Any variation from the five-space limit must be approved by action of the Board.

SECTION 4: PURCHASE PRICE AND TRANSFER FEES

RESIDENT AND NON-RESIDENT FEES: The Grand Blanc Charter Township Board of Trustees shall establish the fee for the purchase of a burial space by a resident and a separate fee for the purchase of a burial space by a non-resident. These fees may be revised from time to time by resolution of the Grand Blanc Charter Township Board of Trustees.

TRANSFER FEES: The transfer of one or more burial rights from the original purchaser to a qualified resident or family assignee shall require payment of a per plot transfer fee to the Township. These transfer fees may be revised from time to time by resolution of the Grand Blanc Charter Township Board of Trustees.

SECTION 5: MARKERS OR MEMORIALS

PERMITTED MATERIALS AND STYLES: All markers, memorials and monuments must be of quality granite or standard bronze. Marble may be permitted if it is of durable quality and finish. All other grades of marble, sandstone, slate, artificial stone, fieldstone, terra cotta, wood, iron or glass, in any form, shall not be permitted. Unsightly and ill-proportioned monuments or stone work are

prohibited. Appendages such as books, photos or glasswork are prohibited unless cast in bronze and used as a plate in the die of a marker, memorial or monument. The Clerk may cause a marker, memorial or monument to be removed, rebuilt or remodeled, at the owner's expense, where and when such is desirable for the proper and orderly development of the cemetery and to preserve the aesthetic value thereof. In the event that a marker, memorial or monument must be removed, rebuilt or remodeled, the Township will not be responsible for any loss thereof either to the lot owner or dealer.

TOWNSHIP'S LIABILITY: The Township assumes no responsibility for assuring that ordered markers, memorials or monuments are proper for the area and for name placement on the marker.

MONUMENT COMPANIES LIABLE FOR DAMAGE: Monument companies are responsible for all damages to cemetery grounds and surrounding markers, memorials or monuments that occurs during their installation of a marker, memorial or monument.

MARKERS, Monuments & MEMORIALS REGULATIONS: Only one marker, MONUMENT or memorial shall be permitted per burial space. All markers, MONUMENTS, and memorials shall be located on the West Side of the space.

The marker or monument foundation may not be more than 42 inches long, the width of a single burial space and 20 inches in depth. The marker or monument foundation for multiple spaces may not be more than 60 inches long and 20 inches wide. All monuments must face the East or West direction. The Township Clerk must approve any variations in size and/or location.

SECTION 6: INTERMENT REGULATIONS

INTERMENTS PER GRAVE SITE: 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 one infant when buried with an immediate family member when said family member had previously been interred*. The ash remains of one person may be interred in a grave wherein lie the remains of only one other person who was an immediate family member or joint owner at the time of initial purchase.

ADVANCE NOTICE REQUIRED: Not less than 36 hour notice shall be given in advance of the time of a funeral to allow for the opening of the burial space.

METHOD OF ORDERING GRAVE OPENING: The Township will not assume responsibility for errors in opening graves when orders are given by any means of communication other than in writing or in person. Orders submitted by funeral directors for the opening of graves will be considered as if coming from the plot owner.

REMOVAL OF FLOWERS AND EMBLEMS: Following an interment, all flowers or emblems used at the interment that have become unsightly will be removed and the management assumes no responsibility for their return to the owners.

INTERMENTS NOT PERMITTED ON SUNDAYS AND HOLIDAYS: Interments shall not be permitted on Sundays or Holidays, except as ordered by the County or State Health Department.

SECTION 7: GROUND MAINTENANCE

UNAUTHORIZED GROUNDWORK: No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery by the Township Clerk.

PLANTINGS: The Clerk reserves the right to direct the planting of trees and shrubs in the cemetery. Plot owners may obtain permission to plant dwarf evergreens on a plot and must be planted in line on either side of a marker, memorial or monument. All requests must be submitted to the Township Clerk.

CLERK AUTHORITY REGARDING PLANTINGS: The Township Clerk has the discretionary authority to trim and/or remove all trees, shrubs and plantings, which have become unsightly or overgrown. No unauthorized trimming, pruning or removing of a branch from any tree or shrub in the cemetery is permitted except under the supervision of the Township Clerk.

MOUNDS ARE PROHIBITED: Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.

CEMETERY SEXTON AUTHORITY: The Township Clerk 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.

REQUIRED SURFACE: Surfaces other than earth or sod are prohibited.

PROPER DISPOSAL OF REFUSE: 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.

URN REGULATIONS: An urn, defined as an open top, concrete or stone container for planting flowers, is permitted on lots which consist of two (2) plots. An urn must be set in line with the marker, memorial or monument on a lot. Urns not in use by June 1st may be marked and removed.

LOCATION OF FLOWER BEDS: Flower beds must be located directly in front of and adjacent to the marker, memorial or monument and extend not more than eight inches from the base of the marker, memorial or monument. Potted flowers placed above the ground are not allowed. Beds or urns set contrary to this ordinance may be removed without notice.

CUT FLOWER REGULATIONS: Cut flowers may be placed in a depressed metal vase set adjacent to and/or in line with a marker, memorial or monument and extend not more than eight inches from the base of the marker, memorial or monument.

ARTIFICIAL FLOWERS AND WREATH REGULATIONS: Artificial flowers, *grave blankets*, and artificial wreaths are permitted *at ground level* on lots only during Fall and Winter from November 1st to April 1st. They may be placed adjacent to the marker, memorial or monument or in urns or they may be placed in lieu of a marker, memorial or monument. The Township Clerk shall have all artificial flowers, wreaths and blankets remaining on the grave after April 1st removed.

SUMMER SEASON: April 2nd to October 31st, artificial flowers and/or wreaths are permitted only if placed in urns, or affixed to the marker in such manner so as not to interfere with general maintenance practices.

ITEMS NOT PERMITTED: Only a marker, memorial or monument shall be permitted on the gravesite. The following items shall not be permitted: chairs, settees, benches, hanging baskets, glass containers, glass covered boxes, photos and boxes for the preservation of flowers, wreaths, statutes, ornaments and flower pots. Other questionable items are subject to the discretion of the Township Clerk.

SECTION 8: REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase the burial rights to any cemetery lot or burial space from the owner for the original price paid the Township, upon request of said owner or his or her legal heirs or representative.

SECTION 9: RECORDS

The Township Clerk shall maintain records concerning sales of all burial rights, all burials, issuance of burial permits and transfers of burial rights, and shall have access to all cemetery funds, 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 10: VAULTS

All burials shall be contained within a standard concrete or steel vaults (or vaults made of other materials when standardized and accepted) constructed in each burial space before interment with the exception of infant burials and cremains. Burial vaults over four feet in length shall be considered as adult size.

This cemetery requires all burials shall be contained within a standard concrete or steel vaults (or vaults made of other materials when standardized and accepted) constructed in each burial space before interment with the exception of infant burials and cremains.

SECTION 11: CEMETERY HOURS

PUBLIC VISITATION HOURS: The cemetery shall be accessible by the public from dawn to dusk.

VISITATION DURING NON-VISITATION HOURS: No person shall be permitted in the Township cemetery at any time other than the foregoing hours, except upon permission of the Trustees of the Board or the Township Clerk/Sexton of the cemetery.

SECTION 12: PENALTIES

Any person, firm or corporation who violates any of the provisions within the Ordinance here within shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction, plus the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION 13: SEVERABILITY

The provisions of the Ordinance here within 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 14: EFFECTIVE DATE

This Ordinance shall take effect thirty days after publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 15: PERPETUAL CARE AND MAINTENANCE

The purchase price of every plot includes perpetual care and maintenance and such care is made a part and condition of each sale in order to provide for the essential services and requirements of a cemetery without further expense to the owner. Perpetual care and maintenance shall consist of mowing, reseeding and leveling all sunken graves at reasonable intervals. Anything other than the essential features of lot maintenance as herein outlined is not included, such as the repair, maintenance or replacement of any marker, memorial, monument or urn. Nor does it include the watering of plants, flower beds or cut flowers, except as such work is done on the normal care incidental to regular maintenance.

SECTION 16: DISINTERMENTS AND REINTERMENTS

DISINTERMENT REGULATIONS: Disinterment of a body once properly interred shall not be made without approval of the Clerk and is subject to the orders and laws of the properly constituted public authorities. Graves shall not be opened for inspection except for official investigation.

1. A permit for disinterment and reinterment is required before disinterment of a dead body. The local health department in whose jurisdiction the body is interred shall issue the permit.
2. The department shall prepare and furnish to local health department the forms for permits and applications therefore, which shall be used in the procedures prescribed by this section. The local health department shall retain an application for a disinterment and reinterment permit for not less than five (5) years. A duplicate copy of the permit shall

be maintained in permanent records of the cemetery from which the body was disinterred.

3. If a required consent cannot be obtained, a person may petition the circuit court of the county in which the cemetery is located for disinterment order.

B. NOTICE AND FEES REQUIRED: One week's notice is required prior to any disinterment or removal. All fees for disinterment and reinterment shall be prepaid.

SECTION 17: DAMAGE TO CEMETERY PROPERTIES

The Township shall not be responsible for any kinds of damage by the elements, vandals, and thieves or by other causes beyond its control. The defacement of markers, memorials, monuments, graves or cemetery appurtenances, whether intentional or otherwise, and the removal of flowers, urns or any of the cemetery equipment without proper authority will be considered a misdemeanor and the individual(s) will be liable for the damages. The operator of any vehicle will be liable for any damage caused by said vehicle, whether intentional or unintentional. The speed limit established on cemetery roads is ten (10) miles per hour.

Effective Date

This Ordinance shall take effect thirty (30) days after publication on the 16th day of December 2007.

Jeff Zittel, Supervisor

Linda Kingston, Clerk

Clerk's Certification

I, Linda Kingston, the duly elected, qualified and acting clerk of the township of Grand Blanc, Genesee County, do certify that the above Ordinance was adopted at a regular meeting of the Township Board held in the Government Center, 5371 S. Saginaw Street, Grand Blanc, Michigan on the 8th day of November, 2007 by a majority of the members of the board presenting and voting.

Linda Kingston, Clerk

Township Board First Reading: October 11, 2007

Township Board Second Reading and Adoption: November 8, 2007

Date of Publication: November 16, 2007

Effective Date: December 16, 2007