

Blumfield Township Cemetery Ordinance Ord. #2007-2

At a regular meeting of the Township Board of Trustees for Blumfield Township held on October 9, 2007, at the Township Hall beginning at 7:30p.m., Township Board Member Danezer made a motion to adopt this Ordinance, which motion was supported by Township Board Member Huber.

THE TOWNSHIP OF BLUMFIELD (the "Township"), SAGINAW COUNTY, MICHIGAN ORDAINS:

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 Blumfield, Saginaw County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of one burial space.

An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length. A standard grave may be used in the following ways:

- One adult interment
- One adult interment and one inurnment with urn vaults
- Two inurnments with urn vaults
- Up to two infant interments

An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.

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 only convey to the purchaser the right of interment and shall be held subject to the provision of the ordinance, existing rules and regulations, and any rules and regulations which may hereafter be adopted by the Township Board.

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. Upon the death of the owner of the last to die of joint or multiple owners of a grave space, title to said grave space shall be governed by the disposition as set forth in the last will and testament, in the case of a testate estate, or by the laws of descent and distribution of the State of Michigan in the case of an intestate estate. It shall be the responsibility of anyone claiming ownership of a grave space under these provisions or as a result of any transfer of ownership to provide the Township with such proof, as shall be satisfactory to the Township, of said person's legal ownership of said grave space.

Neither the purchase price nor the perpetual care agreement contemplates the repair or replacement of any monument, marker or memorial. Likewise, it does not contemplate the repair of damages to any monument, marker or memorial resulting from or otherwise caused by the elements.

Section 4: Purchase Price and Transfer Fees

Each cemetery lot shall cost the sum of \$50, plus \$200 for perpetual care.

Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$20.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall be subject to a fee established periodically by the resolution of the Township Board.

Section 5: Grave Opening Charges

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.

The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be \$600 on weekdays and Saturday AM, \$1200 on Saturday PM and Sunday, \$1500 on holidays. Holidays are designated as New Years Eve , New Years Day, Good Friday, Easter

Sunday, Memorial Day, July Fourth, Labor Day, Thanksgiving Day and the Friday immediately following, Christmas Eve, and Christmas Day.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs.

Section 6: Markers or Memorials

All markers or memorials must be of granite or cut stone from recognized monument quarries or standard bronze. Bronze may be used for markers extending above the grade only if attached to a granite base. Standard metal markers of the type used by Veteran's organizations or Fire Departments may be used when placed adjacent to the marker or monument. or other equally durable composition. Markers for military graves shall be the Federal Government issued types only.

All monuments and markers, including those installed ahead of burials, must be placed on foundations of solid masonry. Except for flush markers, foundations will be constructed with a four-inch wash around the base of the marker or monument.

All markers will be placed at the west end (head) of the grave space, facing the nearest cemetery road.

Only one raised marker will be allowed per grave space. Additional markers on spaces used for multiple burials must be installed flush with the ground.

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

Section 7: Interment Regulations

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.

No grave will be opened unless the grave space has been paid for.

Section 8: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of Cemetery Personnel.

No flowers, 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 Clerk, Cemetery Sexton, or other such designated person 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.

Cemetery Personnel shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers thereof that through decay, deterioration, damage or otherwise have 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.

Potted plants and wreaths are permitted and are to be placed on the marker. They are to be removed when they die. Cemetery Personnel has the authority to remove if they become unsightly.

Cut or artificial flowers in flush vases may be placed at any time. Vases and receptacles of a suitable type shall be permitted if properly installed and maintained. A suitable container is a container designed for flowers or plants, which does not rust or shatter, nor is easily breakable. Failure to use a suitable container or properly place them or maintain them will be cause for their removal.

On or about April 1st, spring cleaning will be done by Cemetery Personnel.

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 him of the expiration of the 40-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 60 days from the date of mailing of the within notice his desire to retain said burial rights.

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. Said notice shall also be published in a newspaper of general circulation within the Township of Blumfield

Section 10: Repurchase of Lots or Burial Spaces

The Township may repurchase any cemetery lots or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives.

Section 11: Records

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 12: Vault

All burials shall be in vaults or concrete rough boxes or HIP urn vaults. Cremation vaults over 6" in height shall not be allowed if cremation burial is over an existing adult burial.

A casket or alternative container, at a minimum, shall be of strong, thick, particle board with sufficient strength to support a human body and a minimum of four exterior handles for carrying, with a cover not easily dislodged. Cardboard, pressed paper, or similar materials are not acceptable.

Section 13: Cemetery Hours

Cemetery hours shall be established and maintained from time to time by resolution of the Township Board.

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 Cemetery Sexton.

Section 14: Penalties

The Township reserves the right to bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of the ordinance as well as the right to enforce the provisions of the ordinance via a municipal civil infraction. 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 prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

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 30 days after the date that it (or a summary thereof) is published in the newspaper as provided by the laws of the state of Michigan.

YEAS: Daenzer, Huber, Kerns, Reinbold, Roethlisberger

NAYS: 0

ABSENT / ABSTAIN : 0

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I herby certify the above to be a true copy of an ordinance adopted by the Township Board of Trustees for Blumfield Township at the time, date, and place mentioned above, pursuant to the required statutory procedures.

Dated: October 9, 2007

Respectfully Submitted,

Lisa Roethlisberger
Blumfield Township Clerk

Summary Notice of Publication
Blumfield Township
Ordinance #2007-2

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 Blumfield, Saginaw County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

This Ordinance was passed by the Blumfield Township Board of Trustees at a regular meeting held on October 9, 2007. Effective date will be November 15, 2007. A complete copy of the full text of this ordinance is available at the Blumfield Township Office, 1175 W. Vassar Rd, Reese, MI 48757

Published October 17, 2007