

TOWNSHIP OF ST. CHARLES
COUNTY OF SAGINAW, MICHIGAN
CEMETERY ORDINANCE # 85-5
NEW ADMENDENTS ADOPTED: May 4th, 2015
EFFECTIVE: June 4th, 2015

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 St. Charles, Saginaw County, Michigan: to provide penalties for the violation of said Ordinance: and to repeal all ordinances or parts of ordinances in conflict therewith.

TOWNSHIP OF ST. CHARLES
COUNTY OF SAGINAW, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the St. Charles Township Cemetery Ordinance.

SECTION II

DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
- B. An adult burial space shall consist of a land area four feet wide and ten feet in length.
- C. An infant or stillborn burial space shall consist of a standard burial space (four feet wide and ten feet long) except by special permission of the Cemetery Regulations Committee.

SECTION III

SALE OF LOTS OR BURIAL SPACES

A. No sale shall be made to funeral directors or others purchasing lots for profit.

B. All sales shall be made on a Township Receipt form. It should be understood that the purchaser is buying a right of burial only and does not convey any other title to the lot of burial space sold.

C. Burial rights may be transferred; however, any transfers of burial rights must be recorded with the Township Clerk in order to be recognized as a legal transfer. A transfer fee will be charged.

SECTION IV

PURCHASE PRICE AND TRANSFER FEES

A. The cost for each adult burial space shall be set by the Township Board. A lower fee will be set for township residents or taxpayers and a higher fee for non-residents.

B. Any transfer of burial spaces from an original purchaser to a qualified assignee shall cost \$10.00 per deed if transferring to a taxpayer or resident of our township, and \$100.00 per burial space if transferring to a non-taxpayer of our township.

C. 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.

D. The Township Board by Resolution may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

E. Cemetery lots must be paid in full at time of purchase for immediate burial, and other lots must be paid in full within 90 days, or they will be returned to the Township. Cash or Money Order only.

SECTION V

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 determined by the Township Board and payable to the Township or the independent contractor employed by the Township Board for this service.

B. No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton, or his representative, the independent contractor employed by the Township Board for burials. (The word "sexton" also refers to the word caretaker and/or custodian.)

SECTION VI

MARKERS OR MEMORIALS

A. All markers or memorials must be of stone or other equally durable composition.

B. All monuments must be located upon a suitable solid foundation to maintain the same in a erect position.

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

D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township at a cost to the owner of the burial right for a fee to be set by the Township Board.

E. Footings or foundations will be constructed only from April 1 thru October 15.

F. Unauthorized or incorrectly placed markers or monuments will be removed by the Township.

G. Foundations or footings will be required to have a 3" border completely around the marker. Pillars (underground) will be an integral part of the foundation, the number of pillars required will be at the discretion of the sexton.

SECTION VII

INTERMENT REGULATIONS

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. Four Cremains may be buried with one single size headstone in one burial space. One Cremains may be buried on top of an existing vault. An individual marker for this Cremains shall be flush with the ground and shall be no more than twelve inches by twenty-four inches.

B. Not less than 36 hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.

C. 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 cemetery sexton, his representative, 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 a 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 VIII

GROUND MAINTENANCE

A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.

B. No shrubs or trees of any type shall be planted without the approval of the cemetery sexton or the Township Clerk. ***Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.*** Flower pots must be placed within 12" of the marker. Only one flower pot or statue will be allowed per burial space.

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 use of the cemetery.

D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

E. *The cemetery sexton or Township Board shall have the right and Authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.*

Artificial flowers may not be placed directly into the ground. They must be placed in a pot on the ground or in a pot on a shepherd's hook.

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. *No fences or boarders of any kind will be permitted. In order to ease maintenance at the cemetery the board has authorized removal of all overgrown and dead growth around headstones. All individual artificial flowers will be discarded (if not in vases or container) as they are a maintenance problem and in violation of the cemetery ordinance.*

Lot owners must remove plantings in front of Headstones with boarders around them since borders are not allowed and the ground in front of the Headstone does not belong to their lot.

All excess statues must be removed from lots since the Cemetery Ordinance only allows one monument marker or memorial per burial space.

I. All flowers in pots, including artificial flowers in pots, must be removed by October 15th of each year. Grave blankets and wreaths may be placed after November 1st and must be removed by March 15th of each year. If not removed by these dates, the township or its authorized representatives, has the right to remove and dispose of these items. This refuse may be deposited in waste containers located within the cemetery.

J. Benches are prohibited.

SECTION IX

FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces that are still vacant after 100 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 of the expiration of the 100 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.

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.

SECTION X

REPURCHASE OF LOTS OR BURIAL SPACES

The Township may repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon the written request of said owner or his legal heirs or representatives. The decision to repurchase will be at the discretion of the Township Board.

SECTION XI

RECORDS

The Township Clerk shall maintain records concerning all burials, and issuance of burial permits, 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 XIII

VAULT

All burials shall be within a standard concrete vault installed in each burial space before interment.

SECTION XIII

CEMETERY HOURS

A. The cemetery shall be open to the general public from sunrise to sunset of each day.

B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the sexton of the cemetery.

SECTION XIV

PENALTIES

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 XV

The Township assumes no responsibility for damage to markers or monuments whatsoever, including regular maintenance. Perpetrators' will be prosecuted.

SECTION XVI

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 XVI

EFFECTIVE DATE

This Ordinance shall take effect on June 4th, 2015 (30 days after publication).

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ST. CHARLES TOWNSHIP

CLERK