

**PRESQUE ISLE TOWNSHIP  
CEMETERY ORDINANCE  
Effective Date: December 22, 2018**

**Section 1: Title**

This ordinance shall be known and may be cited as the "**Presque Isle Township Cemetery Ordinance**" and is 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 Presque Isle, Presque Isle, Michigan; and to repeal all previous Presque Isle Township Cemetery Ordinances or parts of Ordinances in conflict herewith.

**Section 2: Definitions**

- 2.1 A cemetery plot shall consist of one adult burial space; except as listed in **Section 6**.
- 2.2 The terms 'cemetery plot', 'burial space', 'burial plot', and 'plot' are identical as used in this document.
- 2.3 The 'Original Section' refers to the cemetery section utilized prior to the effective date of this ordinance, excluding **Section A** as shown on the cemetery map.
- 2.4 One burial space plot size is 4' x 8' in the 'Original Section' and 4' x 10' in all other sections.

**Section 3: Reservation of Plots or Burial Spaces**

3.1 Reservations of cemetery plots or burial spaces may be purchased by current property Owners of the Township for the purpose of the burial of such purchaser, or his or her heirs at law or next of kin. Human remains only may be buried (**no pets**). No sale of reservations shall be made to funeral directors.

A. Each property owner or joint owner of one or more parcels of the Township, may reserve up to (4) burial plots for a fee established by the Board of Trustees.

B. Procedure for reserving burial plot(s).

- 1. Visit the cemetery and select an available site(s). (A map is available at the Township Office.)
- 2. Contact the Township Office to confirm that the selected site(s) is, are available.
- 3. Complete one (1) reservation form per plot.

4. Return form(s) to the Township Office together with a check made payable to '**Presque Isle Township**' for one reservation fee per plot reserved. The reservation form and fee will reserve your 'right to burial' in the selected plot(s).

3.2 All such sales shall be documented on a form approved by the Presque Isle Township Board of Trustees (Board) which grants a right for burial only and does not convey any other title to the plot or burial space sold. The plot reservation may not be sold or transferred, except by the Township.

#### **Section 4: Grave Opening Fees**

4.1 The charges for the opening and closing of a burial space, prior to and following a burial, including the interment of ashes, shall be established by the Board.

4.2 The Board, by resolution, may alter the fees to accommodate increased costs for cemetery maintenance and acquisition.

4.3 No burial spaces shall be opened or closed except under the direction and control of the Cemetery Sexton or assigned representative of the Township. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains under the supervision of the local health department.

4.4 The Board reserves the right to waive the cost of a burial plot or plots.

#### **Section 5: Markers and Memorials**

5.1 The Sexton shall oversee the placement of all markers. The grave marker foundations shall have at least a 4 inch apron around the grave marker base, at ground level to facilitate maintenance.

5.2 All markers must contain a pre-fabricated foundation and be of stone, cast bronze or other equally durable composition and placed at the head of the grave within 90 days of burial.

5.3 Military Service markers may be placed at the foot of the grave.

5.4 Grave markers shall not be altered or removed.

5.5 Grave markers on single plots shall be allowed up to 24 inches high, 48 inches wide and 16 inches deep.

5.6 Grave markers on family plots with one or more adjoining plots, shall be allowed up to 3 feet high, 5 feet wide and 16 inches deep.

## **Section 6: Interment Regulations**

- 6.1 Only the remains of one person may be buried in a burial space except for the remains of a parent and infant or two children buried at the same time.
- 6.2 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 space(s).
- 6.3 The appropriate Township permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Sexton prior to interment. When such permit has been lost, the Administrative Assistant shall be satisfied from his or her records that the papers are in order before interment is commenced or completed.
- 6.4 Two (2) cremations may be buried in one burial space in the 'Original Section' and Four (4) cremations may be buried in one burial space in all other sections.
- 6.5 Winter interments during extreme weather conditions will be at the discretion of the Sexton.
- 6.6 Arrangements for interments may be made for any day except Sundays, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas and New Year's Day.
- 6.7 All burials shall be within a standard funeral director approved durable vault installed or constructed in each burial space before interment.
- 6.8 All cremations shall be in an approved permanently sealed container(s).

## **Section 7: Ground Maintenance and Perpetual Care**

- 7.1 The general care of the cemetery such as grass mowing, cleaning the grounds, and pruning trees and shrubs will be under the Supervisor or Facilities/Manager.
- 7.2 No build-up, grading, leveling, or excavating upon the burial space shall be allowed without the permission of the cemetery Sexton or the township board. Surfaces other than the earth or sod are prohibited without prior approval from the cemetery Sexton or the township board.
- 7.3 No trees or invasive shrubs shall be planted in the cemetery. Any of the foregoing items planted may be removed by the Sexton in the interest of maintaining proper appearance.
- 7.4 Fencing, curbing, benches, steps or structures of any kind are not allowed, with the following exceptions when individually approved by the township board.
- A. At-grade concrete fencing, or similar durable material, located within the plot boundaries.

B. Concrete benches attached to a interracial part of the headstone.

7.5 The township board reserves the right to remove or trim any tree, plant, or shrub located within the cemetery in the interest of maintaining the proper appearance and the use of the cemetery.

7.6 Fencing and/or landscaping of any kind, that impedes the excavation process for a burial, will be removed. Replacement of any fencing or landscaping will be required to conform to the standards of this ordinance, at the expense of the family.

7.7 The cemetery Sexton 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.

7.8 All refuse of any kind, including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

7.9 All plantings and decorations (other than grave blankets) shall be contained within an area 10 inches wide on the graveside of the headstone by the width of the grave. All grave blankets, wreaths, etc...Must be removed by April 15<sup>th</sup> For spring clean-up weather permitting may be returned or replace by June 1.

7.10 One solar light per plot is allowed in the cemetery provided the illumination of the light does not exceed 10 watts or 20 lumens and the height of the light does not exceed 36 inches. The exception is the flag pole with the solar light at the top for the veteran's memorial. The flag will be displayed in conformity with laws relating to flag etiquette.

7.11 Motorized vehicles (golf carts, ORV's, etc ...) Are prohibited on the cemetery grounds, other than designated roadways.

## **Section 8: Forfeiture of Vacant Cemetery Plots or Burial Spaces**

8.1 Cemetery plots or burial spaces sold after the effective date of this ordinance and remaining vacant forty (40) years from the date of the sale shall automatically revert to the township upon occurrence of both of the following events:

A. Notice shall be sent by the Sexton by first class mail to the last known address of the last owner of record informing him/her of the expiration of the forty (40) year period and that all rights with respect to said plots or spaces will be forfeited if the owner does not affirmatively indicate in writing to the Sexton with sixty (60) days from the date of mailing of the written notice of the owners desire to retain said burial rights.

B. No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Sexton from the last owner of

record of said plots or spaces, or the owner's heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

## **Section 9: Repurchase and Exchange of Plots or Burial Spaces**

9.1 The township will repurchase any vacant cemetery plot from the owner for original price paid upon the written request of said owner or his or her legal heirs or representatives.

9.2 The township will allow a one-time exchange of plot location for any owner upon written request to the Administrative Assistant.

## **Section 10: Records**

10.1 The township Sexton or other person designated by the township board shall maintain records concerning burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township.

10.2 These same records shall be open to public inspection at all reasonable Township Hall business hours.

## **Section 11: Cemetery Hours**

11.1 The cemetery shall be open to the general public during daylight hours as established and posted by the Township Board for the purposes of burials, grave visitations or historical research.

11.2 No person shall be permitted in the cemetery after dark except by permission of the Sexton.

## **Section 12: Violations, Legal Actions**

### **Section 13:**

13.1 Violations and Legal Actions – "If, after investigation, the Sexton or Facilities/Manager finds that any provision of the Ordinance is being violated, the Zoning Administrator shall give notice to the owner and/or his or her legal heirs or representatives on record and may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this ordinance and to collect the penalties for such violations."

### 13.2 Enforcement and Penalties

A. The violation by any person, corporation, or association of any provision of this ordinance is hereby designated as a municipal civil infraction.

B. "The Facilities/Manager, Sexton and Zoning Administrator is designated authorized local officials who shall administer and enforce this Ordinance. The Zoning Administrator is authorized to issue Municipal Civil Infraction Citations."

C. "Municipal Civil Infraction" means a civil infraction as defined by Section 113 of the revised Judicature Act of 1961, being Act No. 236 of the Public Acts of 1961, as amended (the "Act"), involving a violation of this ordinance.

D. "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person, corporation, or association cited (the "defendant").

E. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a Municipal Civil Infraction.

F. A Municipal Civil Infraction may be commenced upon the issuance by the Zoning Administrator of a citation directing the defendant to appear in court.

G. A citation shall be issued and served by authorized local official in accordance with the provisions of Sections 8707 and 8709 of the Act.

H. A citation shall contain the information required under Section 8709 of the Act.

I. An authorized official may issue a citation, the legal procedures for enforcement of the Citation shall be those specified in Chapter 87 of the Act. Enforcement shall be administered by the Zoning Administrator with the advice from the Township Attorney.

#### **Section 14: Effective Date**

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Presque Isle Township, and qualified under state law to publish legal notices, within 15 days after its adoption, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signature of the Township Clerk. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

This ordinance shall become effective 30 days after its publication as required by law.