

**PRESQUE ISLE TOWNSHIP
CEMETERY ORDINANCE
Effective Date: February 1, 2022**

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 full burial and up to two cremations in one cemetery burial plot. Please ***Note: A full burial must be interred before cremations can be added to the cemetery burial plot.***

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 Old Sections 1 and 2 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 reserved by current and former property owners of the Township for the purpose of the burial of such reservation of his or her immediate family members to include parents, children, stepchildren, grandchildren and grandparents. Former residents are required to show proof of their former property ownership. 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 available.

3. Complete one (1) burial reservation form, per person, per plot.

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

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).

5. A maximum of one (1) full burial and two (2) cremation burials per plot are allowed in the Original Section and in Sections A and C. ***Please Note: The full burial MUST be interred before the cremation(s).***

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 reservation fee 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 four-inch apron around the grave marker base at ground level to facilitate maintenance.

5.2 All markers must contain a prefabricated 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 full burial and two cremations may be buried in a burial space or up to four cremations in Sections A and C.

6.2 Not less than 36 hours' notice shall be given in advance of any funeral to allow for the opening of the burial space(s).

6.3 The appropriate Township Burial Transit Permit for the burial space involved, together with appropriate identification of the person to be buried therein, shall be presented to the Sexton 36 hours prior to

interment. When such permit has been lost, the Cemetery Sexton shall be satisfied from his or her records that the papers are in order before interment is commenced or completed.

6.4 A maximum of two (2) cremations may be buried in one burial space in the Original Section on top of a full burial and four (4) cremations may be buried in one burial space in all other sections. **Please Note: A full burial MUST be interred before cremation.**

6.5 Winter interments during extreme weather conditions will be at the discretion of the Sexton.

6.6 Arrangements for interments may be made any day except Sundays, Memorial Day, Independence Day, Thanksgiving Day, Christmas Day and New Year's Day.

6.7 All full 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, steps, or structures of any kind are not allowed, with the following exceptions of benches (see B which follows) when individually approved by the cemetery sexton.

A. At-grade concrete fencing, or similar durable material, located within the plot boundaries.

B. Concrete benches are to be integrated with 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 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 the designated area located within the cemetery.

7.9 All plantings and decorations (other than grave blankets) shall be contained within an area ten inches wide on the graveside of the headstone by the width of the grave. All grave blankets and wreaths must be removed by April 15th for spring clean-up.

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 flagpole 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 on designated roadways.

Section 8: Forfeiture of Vacant Cemetery Plots or Burial Spaces

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

- A. Notice shall be sent by the Administrative Assistant by first class mail at a 20-year period to the last known address of the last owner of record informing him/her of the expiration of the forty 40- year reservation period. All rights, with respect to said plots or spaces, will be forfeited if the owner does not affirmatively indicate in writing to the Administrative Assistant within sixty (60) days from the date of mailing of the written notice of the owners' desire to retain said burial rights.

Section 9: Repurchase and Exchange of Plots or Burial Spaces

9.1 The township will repurchase any vacant cemetery plot from the owner for 50% of the 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

12.1 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."

12.2 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 are 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. The Township Zoning Administrator and/or Township Supervisor has authority to issue a citation for a municipal civil infraction directing the defendant to appear in court.

G. A citation shall be issued and served by an 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 13: Effective Date

A synopsis of this ordinance shall be published once 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.