

**TOWNSHIP OF BURT, COUNTY OF ALGER**  
**STATE OF MICHIGAN**  
**CEMETERY ORDINANCE**  
**ORDINANCE #1996-016**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of the cemeteries owned by the Township of Burt, Alger 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 Burt, County of Alger, Michigan, ordains:**

**Section 1: Title**

This ordinance shall be known and cited as the Burt Township Cemetery (aka Rose Hill Cemetery) Ordinance.

**Section 2: Definition of Cemetery Lots and Burial Spaces**

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to eight (8) burial spaces.
- B. An adult burial space shall consist of a land area at least four (4) feet wide and ten (10) feet in length – five (5) feet deep.
- C. Cremains spaces shall consist of a land area at least four (4) feet wide and four (4) feet in length.

**Section 3: Sale of Lots or Burial Spaces**

- A. Hereafter, cemetery lots or burial spaces shall be sold for the purpose of 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.
- B. 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.
- C. Transfer of burial or assignment of any lot, or interest therein, may only be made by the surrender of the deed or burial rights and perpetual care with assignment duly executed, attached thereto, or endorsed thereon to the township. The transferee or assignee, in such case, shall be entitled to be reimbursed only for the amount paid for such lot and perpetual care, as shown on the Certificate of Burial Rights. If any indebtedness remains any such lot due, the Township from the owner at the time of such transfer or assignment, such indebtedness shall first be deducted from the amount of the payment to the owner for the transfer or assignment.

Upon such transfer or assignment, such lot shall become the sole property of the township and subject to re-sale to others at such price including perpetual care, consistent with current schedules of rates and charges thereof.

**Section 4: Purchase Price**

- A. Each burial space shall cost the sum of

	Burial	Cremation
Resident	\$100.00	\$ 50.00
Non-Resident	\$200.00	\$100.00

NOTE: This fee does not include interment fees which are listed in Section 7.

- B. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### **Section 5: 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 to be determined from time by resolution of the Township Board, payable to the Township.
- B. No burial spaces shall be opened and closed except under the direction and control of the Township Supervisor. This provision shall not apply to proceedings for the removal and interment of bodies and remains, which matters are under the supervision of the local Health Dept. or by order of the court.

#### **Section 6: Markers and Memorials**

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in the 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~~, - **Removed June 14, 2005** - shall be constructed at the cost to the owner of the burial site.

#### **Section 7: Interment Regulations and Fees**

- A. Only one person may be buried in a burial space except for a mother and infant or two small children buried at the same time.
- B. Not less than thirty-six (36) hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space/s.
- 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 the Township Clerk or Supervisor prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his/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.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- E. Interment fees which include perpetual care shall be \$300 for burial with backhoe; or \$350 manually and \$75 for cremation (8:00 a.m. – 3:00 p.m., Monday-Friday), other than those times, fees will be \$400 for burial with backhoe; or \$450 manually, and \$100 for cremations. There is no additional fee for infants buried in the same burial space with a parent if done at the same time. **Modified June 14, 2005**

#### **Section 8: Ground Maintenance**

- A. No grading, leveling or excavating up on the burial space shall be allowed without the permission of the Township.
- B. No flowers, shrubs, trees or vegetation of any time shall be planted without the approval of the Township. Any of the forgoing items planted without such approval may be removed by the Township.
- 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 the use of the cemetery.

- D. Any obstruction which hinders the free use of a lawn mower or other gardening apparatus are prohibited, and will be removed by the Township.
- E. The Township 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 other cause become unsightly, a source of litter, or a maintenance problem.
- 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.

### **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 forty (40) 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/her of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of the 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/s of record of said lots or spaces or his heirs or legal representatives within sixty (60) days from the date of the mailing of said notice.

### **Section 10: Purchase of Lots or Burial Spaces**

The Township will repurchase any cemetery lot or burial space from the owner for the original price paid to 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 within a steel, concrete, fiberglass or recycled plastic vault installed in each burial space before interment.

### **Section 13: Cemetery Hours**

- A. The cemetery shall be open to the general public from dawn to dusk daily, May 1 to November 15, however the sexton may change these dates as weather permits.  
*Modified June 14, 2005*
- B. No person shall be permitted in the Township Cemetery at any other than the foregoing hours, except upon permission of the Township Board.

### **Section 14: 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 \$500 and / or imprisonment for up to ninety (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 offence. Any criminal prosecution hereunder shall not prevent civil proceedings for abatement and termination of the activity.

**Section 15: Severability**

The provisions of this 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 on June 16, 1996. All ordinances or parts of ordinances in conflict herewithin are hereby repealed.