

Township of Burt, Alger County
State of Michigan
Rose Hill Cemetery Ordinance
Ordinance #2024-001

This Ordinance shall take effect thirty days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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:

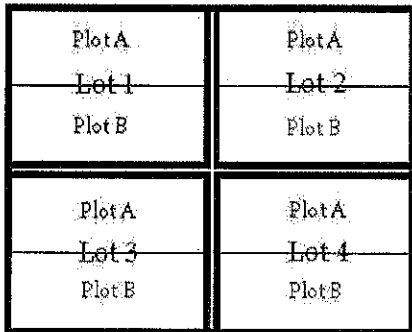
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Section 1: Title

This ordinance shall be known and cited as the Rose Hill Cemetery Ordinance of Burt Township, Alger County.

Section 2: Definition of Cemetery Blocks, Lots, Plots

- A. A cemetery Block consists of eight full burial spaces called Plots. Within each Block are four Lots (Lot 1, Lot 2, Lot 3, Lot 4). Each Lot contains two Plots (A & B). See diagram below. A single plot will accommodate one full burial or two cremation burials.



Block # Lot # Plot #

- B. Two separate cremations fit into a single Plot and should be labeled as Plot A1, Plot A2

- C. A full burial plot consists of a land area of 12x6x4.
- D. One cremation plot consists of a land a 6x6x2.
- E. Markers shall be defined as memorials used to identify individual graves.
- F. A primitive area cremation plot consists of a land area of 4x4x2 – any markers/headstones must fit withing the specified area.

Section 3: Pricing and Sale of Burial Plots

- A. View the **Burt Township Policy Sheet** for current pricing. (*NOTE: Burial plot pricing does not include interment fees.*)
- B. Burial plots are sold for the purpose of burial for purchaser or next of kin. Exceptions may be made on case-by-case circumstances.
- C. All sales of burial deeds are made by the cemetery manager and are approved by the Township Clerk. The deed grants a right of burial only and does not convey any other title to the plot or burial space sold.
- D. The township does not allow transfers, but will buy back a burial deed for the amount it was originally purchased.
- E. Burt Township reserves the right to correct any errors made during the sale of burial plots at any time.
- F. Cremation plots are sold in sets of two, unless located in the primitive area.

Section 4: Purchase Price

See **Township Policy Sheet** for current pricing information.

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 the Township Policy Sheet.
- B. No burial spaces shall be opened and closed except under the direction and control of the sexton. 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 Department or by order of the court.
- C. All burials must take place through the township, with authorization from a township official. **It is prohibited to access the cemetery for a burial (full burial or cremation burial) without prior township authorization!**

Section 6: Markers and Memorials

- A. All markers or memorials must be of stone or other equally durable composition.
- B. 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 plot. Sized no larger than 4 feet wide.
- D. The footing or foundation upon which any monument, marker or memorial is set, is constructed at the cost to the owner of the burial plots.

Section 7: Interment Regulations and Fees

- A. Only one person may be buried in a single burial plot, except for a mother and infant or two small children buried at the same time.
- B. Only one urn is to be buried in a single cremation plot.
- C. Five business days' notice should be given in advance of any funeral to allow for the opening of the burial plot.
- D. A deed is required prior to interment. If a deed has been lost or destroyed, the cemetery manager should be satisfied, with their records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial plots involved.
- F. Interment fees - See **Township Policy Sheet** for current pricing information.

Section 8: Ground Maintenance

- A. No grading, leveling or excavating on the burial space shall be allowed.
- B. No flowers, shrubs, trees or vegetation of any kind shall be planted, and no stone or concrete placed. Any of the forgoing items planted/placed may be removed by the sexton.
- C. The sexton 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 sexton.
- E. The 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 other cause become unsightly, a source of litter, or a maintenance problem. All decorations should be removed prior to closing.
- F. Surfaces other than earth or sod are prohibited.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

Burial lots sold after the effective date of the Ordinance and remaining vacant for 50 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. A notice is to be sent by the cemetery manager to the last known address of the last owner of record informing them of the expiration of the 50-year period and that all rights with respect to said burial plots will be forfeited if they do not contact the cemetery manager within 180 days.
- B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the cemetery manager from the last owner of record of said lots or spaces or heirs or legal representatives within 180 days from the date of the mailing of said notice.

Section 10: Transfer or Resale 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. Said owner must have original or copy of original certificate.

Section 11: Records

- A. A township official 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.
- B. The purchaser or owner of burial plots is responsible to update the township on mailing addresses – the township is not responsible for incorrect information (IE: updated ordinances etc...) not received.
- C. If purchased beforehand, a deed must be presented at the time of scheduling a burial.

Section 12: Vault

All burials are to be within a steel, concrete, fiberglass or recycled plastic vault installed in each full burial plot before interment.

Section 13: Cemetery Hours

The cemetery shall be open to the general public from dawn to dusk daily, May 15th - November 15th. A township official may alter these dates as weather permits. No person is permitted in Rose Hill Cemetery at any other time, except by permission of the Township Board.

Section 14: Penalties

Any person, firm or corporation who violates any of the provisions of the within ordinance are subject to legal action. Each day that a violation continues shall constitute a separate offence.

Section 15: Disclaimer of Township Liability, Responsibility & Severability

Every person who enters, remains in and travels within Rose Hill Cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in the cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in the cemetery. The purchaser of any cemetery plot or the equivalent (and all subsequent heirs or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

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 on July 1, 2024. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved by the Burt Township Board at a Regular Board Meeting held on May 14, 2024.

Motion made for approval by: McShane

Second: Dongvillo

Ayes: Dongvillo, McShane, Shafer, Lundquist, Lundquist

Nays:

Motion declared passed by the Burt Township Supervisor.

By: 

Lori McShane, Clerk Date: