

**SOUTH BRANCH TOWNSHIP
CRAWFORD COUNTY**

Cemetery Ordinance No.16B, as amended by
Ordinance No. 16B of 2006,
Ordinance No. 16C of 2009,
Ordinance No. 2 of 2015,
Ordinance No. 3 of 2015, and
Ordinance No. 4 of 2015

TOWNSHIP OF SOUTH BRANCH, COUNTY OF CRAWFORD, STATE OF MICHIGAN
ORDAINS:

Section 1: TITLE

This Ordinance shall be known as the South Branch Township Cemetery Ordinance.

Section 2: DEFINITIONS

- A. A burial space in a cemetery lot shall consist of a land area as indicated by the specific area survey drawing. (As amended by Ordinance No. 16C of 2009, effective November 19, 2009.)
- B. A cremains burial space in the Memorial Gardens shall consist of a land area five (5) feet wide and five (5) feet in length. These are blocks 99, 100, 101, and 102. (As amended by Ordinance No. 4 of 2015, effective August 20, 2015.)
- C. Cremains are the ashes of cremated human remains.
- D. The terms "heirs at law" and "next of kin", as they are used in this ordinance, shall be defined in accordance with the State of Michigan's statutes on intestate succession.

Section 3: SALE OF BURIAL RIGHTS

- A. Burial rights in cemetery lots shall be sold to residents of the Township for the purpose of burial of such purchaser. Persons who are not residents of the Township may purchase burial rights at an increased cost to be determined from time to time by resolution of the Township Board. The interment of non-residents in a burial space purchased at the resident rate shall be subject to a non-resident interment fee which shall be determined by the difference between the current fee for a non-resident burial right at the time of interment and the actual cost of the burial right fee paid by the initial purchaser. The purchase of more than two burial spaces by an individual must be approved by

the Township Board. Only after an individual seeking to purchase two or more burial spaces identifies the persons to be interred and their relationship to the purchaser may the Township Board consider the request. The Township Clerk, Treasurer, or other Board designee is granted the authority to determine residency for the purpose of this section.

No commercial sales shall be made to funeral directors. The Township Clerk is hereby granted the authority to vary the aforementioned restrictions on sales where the purchaser disclosed sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein. (As amended by Ordinance No. 16C of 2009, effective November 19, 2009.)

- B. All 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 or treasurer or other board designee. All previously issued forms for unused burial spaces shall be replaced by the current adopted form.
- C. Burial rights may only be transferred to heirs or next of kin of original purchasers, and may be effected only by request and approval of the township clerk or treasurer or other board designee. Upon verification of the above requirements, the clerk or treasurer or other board designee shall issue a new burial permit to the assignee and shall cancel and terminate the original permit.

Section 4: PURCHASE PRICE AND TRANSFER FEES

- A. The purchase of a burial space, including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township. Such purchase must be made prior to interment and erection of the monument.
- B. Any transfer of one or more burial rights from an original purchaser to a qualified assignee shall cost \$30.00 for each lot transferred.
- C. The above charges shall be paid to the township treasurer and shall be deposited in the cemetery fund.
- D. The township board, by resolution, may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5: REPURCHASE OF LOTS OR BURIAL SPACES

- A. Resale of cemetery burial spaces is prohibited. The township will repurchase any cemetery burial space from the owner for the original price paid the Township upon written request of the owner or his legal heirs or representatives.

Section 6: GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township.
- B. No burial spaces shall be opened and dosed except under the direction and control of the cemetery sexton or assistant sexton.

Section 7: MARKERS OR MEMORIALS

- A. All markers or memorials must be of granite or other equally durable composition. Exceptions may be made by Board approval.
- B. Any monuments or memorials not placed in the Memorial Gardens must be located upon a foundation to maintain them in an erect position, and will be placed in the proper place by the cemetery sexton or monument company. The foundation must extend a minimum of four (4) inches completely around the stone, and the top of the footing must be level with the surrounding ground. An exception is made for the government veteran markers, requiring they have the foundation extend a minimum of two (2) inches completely around the stone, and the top of the footing must be level with the surrounding ground. (As amended by Ordinance No. 2 of 2015, effective June 19, 2015.)
- C. The foundation upon which any marker or monument is placed shall be erected pursuant to the township rules and regulations contained in this ordinance.
- D. Only one monument or marker shall be permitted per burial space, except where a government bronze flat marker is also desired to honor a military veteran. All monuments and markers shall be placed at the head of the burial space with names facing the center north/south road of the cemetery, except in the third addition to Pioneer Cemetery, where all monuments and markers shall face the east. Family names may be inscribed on the back side of the marker or memorial.

- E. Only one marker per burial space shall be allowed in the Memorial Gardens. All markers in the Memorial Gardens shall be set so that the top of the marker is flush or level with the ground. No materials except granite or standard bronze shall be used for flush markers in the Memorial Gardens. Flush markers of granite shall not be less than four (4) inches in depth. Bronze markers must be firmly attached to a granite base before flush installation. Markers in the Memorial Gardens must be a minimum of twenty-four (24) inches in length and twelve (12) inches in width and a maximum of thirty-six (36) inches in length and twenty-eight (28) inches in width. No bronze vases shall be allowed. (As amended by Ordinance No. 16B of 2006, effective August 14, 2006.)

Section 8: INTERMENT REGULATIONS

- A. These regulations shall be subject to alterations or amendments adopted by the Township Board.
- B. No cemetery lot shall be used for any other purpose than for the burial of the human dead.
- C. Except for cases involving special needs or unusual religious beliefs, notice of 48 hours/3 days before the announced time of the funeral is requested for grave openings. Grave openings and closings will be contracted by the South Branch Township Board with an individual contractor of their choice.
- D. Burial in a cemetery lot shall be limited to one (1) adult human burial and two (2) cremains, except for a parent and an infant. A maximum of four (4) cremains in one burial space shall be allowed. (As amended by Ordinance No. 16B of 2006, effective August 14, 2006 and further amended by Ordinance No. 2 of 2015, effective June 19, 2015.)
- E. Burial shall not be done, except as provided below, after frost is in the ground or if the accumulation of snow on the ground makes it difficult to locate the exact corners of the burial site. When the above soil or weather conditions prevent an immediate burial of a dead body and storage is necessary, the Sexton or Assistant Sexton shall attempt to obtain written authorization for the delayed burial signed by the next of kin or an authorized agent. If such written authorization cannot be obtained, burial shall still be delayed until the burial can occur under the provisions of this Ordinance. (As amended by Ordinance No. 16B of 2006, effective August 14, 2006.)
- F. The cemetery sexton, or other Board designee, shall be responsible for making a determination as to the presence of frost in the ground or the presence of too

much snow to accurately locate the corners of the burial site. The determination shall be final.

In the event there are only a few inches of frost, or the snow may be shoveled or plowed so the site may be located, the cemetery sexton, or other Board designee, may at their sole discretion agree to a burial for an additional fee to cover the extra services required. (As amended by Ordinance No. 16C of 2009, effective November 19, 2009.)

- G. The appropriate burial right permit for the burial space involved shall be required prior to interment. Where such permit has been lost or destroyed, the township clerk or treasurer or other board designee shall be satisfied, from the records of the Clerk, that the person to be buried in the burial space is the authorized and appropriate person to be buried before any interment is commenced or completed. No liability shall attach to the township, its officers, agents or employees for any errors in identification.
- H. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- I. When a removal is to be made from one grave to another, the removal must be arranged with the South Branch Township Board. An application for a removal permit must be signed by the next of kin and properly notarized.

Section 8a: CREMATION INTERMENT

- A. Only one fee will be charged for a burial right notwithstanding the initial interment of multiple cremains. The price for the burial right will be determined pursuant to Section 3 A above. A grave opening and closing fee shall be charged when an additional cremain is interred in a single burial space. When multiple cremains are interred at one time, only one opening and closing fee shall be charged.
- B. Markers or memorials for cremains shall be subject to Section 7, above.
- C. All other sections of the Cemetery Ordinance not inconsistent with the provisions in this section shall apply to the interment of cremains.

Section 9: OUTER BURIAL CONTAINER

- A. All burials shall be within an outer burial container constructed of concrete, steel, or fiberglass, installed or constructed in each burial space before interment. All cremains must be interred in a sturdy container.

Section 10: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the assistant sexton.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton, or other Board designee. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton. (As amended by Ordinance No. 16C of 2009, effective November 19, 2009.)
- C. The township board reserves the right to remove or trim any trees, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds which hinder the free use of a lawn mower or other gardening tool are prohibited.
- E. 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.
- F. Surfaces other than earth or sod are prohibited. No fences, plastic edging, curbing, shrubs, trees, stone, fieldstone or material of any kind is to be allowed on any lot except for one urn or vase of medium size that can be removed readily for mowing.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed at the close of the season. Holders containing flowers and other decorations will be removed as the flowers fade and wither and the right is reserved by the South Branch Township Board to make such removal. Winter decorations, wreaths and grave blankets must be removed by May 1, and summer decorations by November 1, or such other times as is specified by the South Branch Township Board.
- H. No advertisements of any kind shall be allowed on cemetery grounds.

Section 11: FORFEITURE OF BURIAL RIGHTS

- A. Burial spaces remaining vacant 40 years from the date of their sale shall automatically revert to the township upon the occurrence of the following events:
 - 1. 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 or her of the

expiration of the 40 year period and that all rights with respect to said spaces will be forfeited if he or she does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his or her desire to retain said burial rights.

2. No written response to said notice indicating a desire to retain the cemetery burial spaces in question is received by the township clerk from the last owner of record of the spaces or his or her heirs or legal representative within 60 days from the date of mailing of the notice.

Section 12: RECORDS

- A. 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 13: CEMETERY HOURS

- A. All township cemeteries shall have posted hours of operation from sunrise until sunset or other hours established by board resolution. Except for township employees, including the sexton, no person shall enter upon cemetery grounds unless during posted hours of operation, or unless they have received written consent from the township clerk or treasurer or other board designee.

Section 14: PENALTIES

- A. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.
- B. The Township Zoning Administrator or other person designated by the Township Board is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. (As amended by Ordinance No. 3 of 2015, effective July 24, 2015.)

Section 15: SEVERABILITY

- A. The provision of the Ordinance are declared to be severable and should any provision, section or part be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision,

section or part involved in such decision and shall not affect or invalidate the remainder of the Ordinance which shall continue in full force and effect.

Section 16: EFFECTIVE DATE

This Ordinance shall take effect upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ordinance No. 16B, effective June 5, 2005)