

**ORDINANCE 2011 NO. 2**  
**DECATUR TOWNSHIP CEMETERY ORDINANCE**

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 DECATUR, VAN BUREN 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 DECATUR, COUNTY OF VAN BUREN, MICHIGAN ORDAINS:

**Section 1: TITLE**

This Ordinance shall be known and cited as the Decatur Township Cemetery Ordinance.

**Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES**

- A. A Cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- C. An infant or stillborn burial space (when the burial is to be in an area specifically set aside for such burials) shall consist of a land area three (3) feet wide and three and one-half (3-½) feet in length.

**Section 3: SALE OF THE USE OF LOT AND BURIAL SPACES**

- A. The "Use of the Lot and Burial Spaces" is being sold, not the property. The Township retains ownership of all land in the Cemeteries.
- A. Hereafter, use of cemetery lots or burial spaces shall be sold as "resident" or "non-resident". A "Resident" is defined as: Any person who is permanently residing in Decatur Township, Van Buren County, Michigan for a period of at least 6 months immediately preceding date of death or a person residing in a nursing home, adult foster care facility or hospital who previously permanently resided in Decatur Township for a period of 6 months immediately preceding relocation to said facilities. "Non-resident" is defined as: Any other person other than the above.
- B. All fees paid for lot use or transfers shall be receipted and a "Cemetery Lot Certificate" issued by the Sexton.
- C. Burial rights may be transferred (with a "Site Transfer Fee") to non-family members of the original purchasers of "Cemetery Lot Certificate". Any "family" transfer must be submitted in writing to the Sexton, with signatures of all "owners" of the burial space and will not require a "Transfer Fee". The survivors shall equally own any burial sites available after death of original owners.
- D. Veteran burial sites are specifically designated in Cemetery Records in all cemeteries. Qualified Veterans shall receive a "reduced fee" as set by the Decatur Township Board for designated spaces. Full fee shall be charged for Veteran burials in un-designated spaces.

**Section 4: CEMETERY FEES: LOT USE FEES, TRANSFER FEES, GRAVE OPENING FEES, MONUMENT FOOTING FEES, AND MISCELLANEOUS CHARGES**

- A. All Cemetery fees shall be established by the Township Board and adopted by Resolution.

**Section 5: GRAVE OPENINGS**

- 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 to time by Resolution of the Township Board, and payable to Decatur Township prior to burial.
- B. No burial spaces shall be opened and/or closed except under the direction and control of the Cemetery Sexton(s). This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

**Section 6: MARKERS OR MEMORIALS**

- A. All monuments, markers or memorials must be of stone or other equally durable composition.
- B. All markers, memorials or monuments must be placed on a "footing" which shall be constructed by the Township at cost to the owner of the burial right. Monument companies are responsible for collecting footing fees and forwarding them to the Township prior to placement of monument. The Township Board shall determine footing fees.
- C. Only one monument, marker or memorial shall be permitted per burial space unless specifically permitted by the Sexton(s).
- D. No mausoleum or structure for the entombment of a body above ground level will be permitted. Cremains entombed in a monument are permitted with a burial permit and fees paid.
- E. No monument, marker or memorial will be permitted that is wider than 60% of the width of the grave space and it may be placed only as a "Headstone" or "Footstone", and not be placed in the center of the lot, so as to obstruct a burial. Sexton's authorization must be obtained for any exceptions (i.e. large family marker that will take a burial space).
- F. The Township will not be responsible for any kind of memorial left at the gravesite before a proper footing has been installed.
- G. The Township will take reasonable precautions to protect the property rights at all burials within the Cemetery, but disclaim any responsibility for loss or damage from causes beyond its control, such as damage from the elements, thieves, vandals, etc.

**Section 7: INTERMENT REGULATIONS**

- A. One person may be buried in a burial space with the following exceptions:
  - 1. Parent and infant (one casket)
  - 2. Two cremains
  - 3. One cremains on a gravesite where there is an interment of a full size vault, if space is available
- B. No gravesite shall be used for other than burial of human remains.
- C. Burials may be arranged for any day except Sundays, Memorial Day, July 4<sup>th</sup>, Thanksgiving Day, Christmas Day or New Years Day. (Exception: If authorized by the Sexton(s) and charges shall be twice normal amount.)
- D. No grave will be opened for a burial except on arrangement by a responsible member of the deceased person's family or by order of a funeral director or his agent to the Township Sexton.
- E. 48 hours time for the preparation of the grave must be given. Exceptions are granted at the discretion of the Sexton(s).
- F. If immediate burial is required by the laws of the State or by the regulations of a Health Department, double opening fee will be charged and entrance to the Cemetery will be restricted to hearse and cars in the funeral procession.
- G. Vault use shall follow Michigan Occupational Code, Public Act 299 of 1980. Vaults are normally used, with few exceptions, to prevent burial space and monument settling.
- H. Funeral directors or their agents will present the burial permit as required by law before proceeding with the committal service. Full payment for grave opening plus any other charges incurred in preparing for the burial shall be paid prior to committal service (funeral directors are responsible for making this payment). Decatur Township Sexton(s) or Assignees will be present at all committals. This includes full burial and cremains.
- I. No funeral director may open a casket inside the Cemetery without the consent of a member of the deceased's family or an order of a Court.
- J. The Township will not be responsible for any order by telephone or otherwise, occurring from the lack of precise and proper instructions as to the correct grave, size of grave needed and correct lot.
- K. No trucks, trailers, or vault carriers will be allowed to park, or be left near, gravesite during services.
- L. Disinterment may be made only after all legal permits are presented to the Sexton(s) or on an order from a coroner who directs a disinterment for the purpose of an inquest. Exhumation charge is double the charge of a regular opening.
- M. An additional fee will be charged for any funeral procession arriving at the cemetery after 4 p.m. unless prior arrangements (in writing) have been made.

- N. Vault suppliers and monument setters will furnish their own carts or other suitable equipment to carry materials from driveways to gravesites. If equipment must enter Cemetery grounds, wood must be placed under wheels to prevent damage to turf and gravesites. Anyone damaging lawns or turf by violation of this rule will be billed for labor and material to repair same.
- O. All workmen employed by outside firms are subject to Cemetery regulations while inside the Cemetery and should consider themselves under the authority of the Township Board. This includes burial vault installers, monument installers, monument lettering and dating, workmen and morticians or their employees or drivers. All trucks and cars will keep on driveways at all times, unless otherwise directed.
- P. Winter Burials – When weather conditions prevent an immediate interment and storage is necessary, the Sexton(s) shall obtain written authorization for delayed interment signed by the next of kin or authorized agent. The authorization shall specify the approximate hour and date of interment and place of temporary storage. This storage is not considered interment (disinterment and re-interment permit is not required).

**Section 8: GROUND MAINTENANCE**

- A. The general care of the Cemeteries is assumed by the Township, such as cutting grass, trimming, cleaning grounds, and pruning shrubs and trees. In no case will this mean repair or replacement of a memorial, extra work on any individual lot such as sowing grass seed or fertilizer. No special watering of gravesites with Township water supply is allowed. The Township Board allows no special plowing or shoveling of driveways or pathways without written permission. Lot owners may manually trim around monuments and decorations, however no power mowing or trimming is allowed, due to liability concerns. Any lot owners who wish additional care of their lots may arrange for such care with the Township Board and a charge to cover cost of labor and material will be made.
- B. Shrubbery or trees may not be planted on any Cemetery grounds. No placement of metal edging or crushed stone around memorials. No use of glass or Styrofoam containers. No curbing such as cement or other material may be installed around a lot. This includes any other obstruction that interferes with regular cemetery mowing and trimming.
- C. Cemetery assignees may remove any item that interferes with the ordinary care of the grounds, as well as any trees, shrubs or containers that are not permitted, or plants of any kind as soon as they become unsightly or diseased. All decorations (including shepherd hooks, iron works, etc.) must be removed for Spring Clean-up (prior to Memorial Day decorating) and Fall Clean-up (prior to holiday decorating) as directed by Decatur Township published notices. Rubbish containers located throughout the Cemeteries are for disposal of unwanted cemetery decorations, etc., not for the use of personal trash, garbage or yard waste.
- D. Any decorations that become unsightly may be removed by the Cemetery assignees. The Township is not responsible for any decorations placed in the Cemetery. Grievance time decorating is limited to 30 days and any excessive decorating after this time may be removed. The Cemetery Sexton(s) may contact families of the deceased if excessive decorating is evident. Decorations of any kind (including live and artificial) shall not be placed in front of any monument so as to obstruct the reading of the monument. Information on monuments must be visible to the general public at all times. The Township retains the right to remove any decorations that violate reasonable sensitivities of excessive. The recommended decorating should be held to two types of decoration per monument.
- E. Flag etiquette designates that flags must be illuminated if flown (displayed) after dark. The only exception to this is during special veteran's recognition dates and/or Memorial Day placing of flags for a one-week period.
- F. Vehicular traffic may be excluded from driveways inside the Cemeteries if deemed necessary, as on Memorial Day, or other days when large crowds might be expected, or if weather conditions warrant restrictions. Loud or boisterous language, idling, or loafing will not be permitted. Picnics, parties, or serving any refreshments will not be allowed. Snowmobiles shall not be allowed in the Cemetery. Use of firearms in a Cemetery is limited to Military tribute only.

**Section 9: FORFEITURE OF CEMETERY LOTS OR BURIAL SPACES**

- A. If, at any time, it appears that a vacant burial site has been abandoned, the Township Board shall authorize the Sexton(s) to take necessary steps to reclaim said site. State guidelines shall be used for this purpose.

**Section 10: REPURCHASE OF LOTS AND BURIAL SPACES**

- A. The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives.

**Section 11: RECORDS**

- A. The Township Sexton(s) shall maintain records concerning all burials. These records shall be in the form of "computer records" as well as "hard copy records". Burial permits are permanent records.
- B. Any records or information are open to public inspection during reasonable business hours – by appointment only.
- C. Requests for burial/genealogy information shall be provided upon request. Excessive reproduction of any records may require a charge for services and/or printing costs.

**Section 12: CEMETERY HOURS**

- A. The Cemeteries will be open to visitors from 8:00 a.m. to dusk. Cemetery driveways are not public streets. No use of bicycles, motorcycles (under 250 cc), golf carts, snowmobiles, or the like, at any time. All vehicles must stay on driveways or designated parking areas.
- B. No person shall be permitted in the Cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Sexton(s) of the Cemeteries.

**Section 13: 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 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 offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

**Section 14: SEVERABILITY**

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. In addition to the within Ordinance, Decatur Township Cemeteries adheres to all Michigan Cemetery Laws.

**Section 15: ORDINANCE DISTRIBUTION AND FEE SCHEDULE DISTRIBUTION**

A copy of this Ordinance (and any future updates) will be sent to local Funeral Directors, Monument Companies and Vault Companies. The current Fee Schedule will be included with this mailing. "Township Cemetery Contact Information" will be indicated on the Fee Schedule. A copy of the Cemetery Ordinance will be distributed with all cemetery correspondence requests, as well as lot use purchases.

**Section 16: EFFECTIVE DATE**

This Ordinance shall take effect on July 1, 2011. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance duly adopted on May 10, 2011 at the regular meeting of the Decatur Township Board and will become effective July 1, 2011.

Signed on May 10, 2011:

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Janet Abshagen, Clerk of the Township of Decatur

Attested on May 10, 2011:

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Michael Alaga, Supervisor of the Township of Decatur

