

**AUGUSTA CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

Augusta Township Cemetery Ordinance

ORDINANCE NO. 17-07

[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 Charter Township of Augusta, Washtenaw County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.]

THE CHARTER TOWNSHIP OF AUGUSTA, WASHTENAW COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 1 TITLE

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

SECTION 2 PURPOSE AND INTENT

The Augusta Charter Township Board of Trustees recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

SECTION 3 DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- n A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

- n An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

- n An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 1/2) feet in length in areas set aside specifically for such burials.

SECTION 4 SALE OF LOTS OR BURIAL SPACES

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the 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 except as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township because of previous residence in the Township or relationship to persons interred therein. A burial lot or space permit sold prior to the effective date of this Ordinance is valid for burial in the cemetery for which the permit was issued upon adequate proof of the burial right satisfactory to the Township Clerk and Sexton of the cemetery. The burden for establishing a burial right is upon the person asserting the right and must be based upon adequate documentation of the right that is satisfactory to the Township.

All sales of lots and burial spaces 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.

Burial rights may only be transferred to those persons eligible to be original purchasers of a cemetery lot or burial space within the Township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

SECTION 5 PURCHASE PRICE AND TRANSFER FEES

The Township Board, by resolution, shall establish the purchase price for burial lots and spaces and transfer fees for the sale or assignment of burial lots and spaces in all public cemeteries owned by the Township. The price for burial lots and spaces and the fees for transfer of such lots and spaces may periodically be altered to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

The Township Treasurer shall establish a separate cemetery fund for each cemetery in the Township that is owned or controlled by the Township. The foregoing charges shall be paid to the Township Treasurer and deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

SECTION 6 GRAVE OPENING CHARGES

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, payable to the Township.

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

SECTION 7 MARKERS OR MEMORIALS

All markers or memorials must be of stone or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position. Any new burials after the effective date of this ordinance must only have flat (grass level) stones.

Only one monument, marker, memorial or flat stone shall be permitted per burial space.

The footing or foundation upon which any monument, marker, memorial or flat stone must be placed shall be constructed by the Township Sexton or other appointee determined by the Township Board, and paid for by the owner of the burial right.

SECTION 8 INTERMENT REGULATIONS

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

Not less than 48 hours notice shall be given in advance of the time of any funeral to allow for the opening of the burial spaces.

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 either the Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or 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.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION 9 GROUND MAINTENANCE

No grading, leveling, or excavating upon burial space shall be allowed without the written permission of the Cemetery Sexton or the Township Clerk.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

SECTION 10 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. Notice was sent by the Township Clerk by first class mail to the last known address of the 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 60 days from the date of mailing of the within notice his/her desire to retain said burial rights; and
- 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 owner of record of said lots or spaces, or his/her heirs or legal representative, within 60 day from the date of mailing of said notice.

SECTION 11 REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase any cemetery lots or burial space from the owner for the original price paid the Township upon written request of said owner or his/her legal heirs or representatives. A cemetery lot and burial space purchased from a previous owner of a Township cemetery may be repurchased by the Township for an amount not greater than the original price paid at the Township Sexton's discretion. The Township Sexton shall as best as possible verify the original price paid for a cemetery lot or burial space and must be satisfied based upon the evidence provided as to accuracy of the original price paid prior to repurchasing a cemetery lot or burial space.

SECTION 12 RECORDS

The Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits, and any other records of the Township related to Township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

SECTION 13 VAULT

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

SECTION 14 CEMETERY HOURS AND REGULATIONS

- n The cemeteries will be closed from dusk to dawn.
- n No person shall be permitted in the township cemeteries from dusk to dawn, except upon permission of the Township Board or the Cemetery Sexton.
- n Any person or persons who gain entrance or are found in the Cemetery without proper reason may be considered and prosecuted as a trespasser or trespassers.
- n No skateboards, rollerblade, bicycles, sledding, off-road motorized vehicles or the like are permitted in the cemeteries.
- n No minor children permitted in the cemeteries unless accompanied by an adult.
- n Dogs, cats, or other animals are not allowed in the Cemetery and may be removed in such manner as may be deemed necessary. This rule shall not apply to animals trained and used as service animals.
- n The abuse of monuments, markers, graves or Cemetery appurtenances whether intentional or otherwise, and the unauthorized removal of flowers, urns or any of the Cemetery equipment will be considered vandalism and/or destruction of property or larceny and will be so treated. Persons entering the cemetery will be held fully responsible for any damage to the Cemetery properties.
- n The soliciting of contracts or orders for monuments, markers, memorials, or any other work, will not be permitted in the Cemetery.
- n No advertisements, trade marks, or numbers of any description, except those necessary for the locations of burials, are permitted in the Cemetery. No advertising of any nature or solicitation of business will be permitted within the Cemetery.

- n The speed limit in the cemeteries is not to exceed 5 mph.
- n The driver of an automobile or other conveyance will be held responsible for any damage they may do whether intentional or unintentional.

SECTION 15 PENALTIES

A person who enters upon or onto Township cemetery property in violation of this Ordinance is guilty of criminal trespass under state law. Additionally, any person, firm or corporation who violates any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as determined by a court of competent jurisdiction. Each day that a violation continues shall constitute a separate offense for which a separate penalty may be imposed. A criminal prosecution under this Ordinance or state law trespass action shall not prevent or foreclose civil proceedings for damages or an action to abate continuing violations.

SECTION 16 DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY

Every person who enters, remains in and travels within a Township 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 a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery lot, burial space or anywhere in a Township cemetery. The purchaser or transferee of any cemetery lot or space or the equivalent (and all subsequent transferees, assigns, 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.

Section 17 Repeal All other Augusta Township ordinances or provisions of such ordinances that are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

SECTION 18 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 this Ordinance which shall continue in full force and effect.

SECTION 19 PUBLICATION AND EFFECTIVE DATE

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the ordinance.

This Ordinance was duly adopted by the Augusta Charter Township Board at its regular meeting called and held on the ____ day of _____, 2017, and was ordered given publication in the manner required by law.

Belynda Domas, Clerk
Charter Township of Augusta

Brian Shelby, Supervisor
Charter Township of Augusta

First Reading: August 14, 2017
First Publication: _____
Adoption: _____
Final Publication
and Effective Date: _____

CERTIFICATE

I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. _____, which was duly adopted by the Township Board of Augusta Charter Township at a _____ Meeting of said Board, held on _____, 2017, after said ordinance had previously been introduced at a _____ Meeting of the Board held _____, 2017, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member _____ moved for the adoption of said Ordinance, and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance _____ and that the following Members voted against adoption of said Ordinance _____ and that the following Members were absent or abstained from voting on the adoption of said Ordinance as indicated _____.

I further certify that after its passage the Ordinance was published in the _____ News on _____, 2017, in accordance with P.A. 359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Belynda Domas, Clerk
Charter Township of Augusta

Dated: _____, 2017