

**SCIOTA TOWNSHIP
CEMETERY ORDINANCE
ORDINANCE NO: 2008-O1**

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 Sciota, Shiawassee County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances in conflict therewith.

THE TOWNSHIP OF SCIOTA, SHIAWASSEE COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces(s) sufficient to accommodate from one to four burial spaces (plots).

An adult burial space (plot) shall consist of a land area as in existence at the adoption of this ordinance.

Section 3: Sale of Lots or Burial Spaces

Hereafter, cemetery plots or burial spaces shall be sold only to current or previous residents, or taxpayers of the Township for the purpose of the burial of such purchaser or owner's heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth.

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.

Burial rights may only be transferred to those persons eligible under this ordinance. A transfer of a burial permit shall be on a burial permit form issued and approved by the township Clerk, and entered into the official township records. Upon such assignment, approval and recording, said Clerk shall issue a new burial permit to the new owner.

Section 4: Purchase Price and Transfer Fees

Each adult burial space (plot) shall cost a sum determined by the board for a resident.

Any transfer of one or more burial spaces (plots) from an original purchaser to a qualified assignee shall pay a transfer fee as determined by the Board.

The foregoing charges shall be paid to the Township Treasurer.

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

The opening and closing of any burial space (plot), prior to and following a burial therein, and including the interment of ashes or multiple burials/interments in a given plot, shall be at a cost to be determined from time to time by resolution of the Township board, payable to the Township Treasurer by the funeral director.

No burial spaces (plots) 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: 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.

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

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.

Section 7: Interment Regulations

A specific burial space (plot) may contain one coffin, and two cremains interments, or a total of six (6) cremains interments.

Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces (plot(s)).

The appropriate permit for the burial space (plot) 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 (plot) had a permit for the burial space or a legal interest therein, 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 (plot) involved.

Section 8: Grounds Maintenance

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

No 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. No glass containers are allowed. All winter flowers and wreaths that are to be saved, must be removed by April 1st of each year, or they will be removed by the Sexton.

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.

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 thereupon placed that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

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 (plots) sold after the effective date of the ordinance and remaining vacant 80 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing owner of the expiration of the 80-year period and that all rights with respect to said lots or spaces will be forfeited if owner does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing the desire to retain said burial rights.

If no written response to said notice indicating a desire to retain the cemetery lots or burial spaces (plots) in question is received by the Township Clerk from the last owner of record of said lots or spaces, or owners heirs or legal representative, within 60 days from the date of mailing of said notice, then forfeiture of the burial space(s) (plot(s)) back to the Township is effected immediately.

Section 10: Repurchase of Lots or Burial Spaces

The Township will repurchase any cemetery lots or burial space (plot) from the owner for an amount as agreed upon by the Township upon written request of said owner or owners legal heirs or representatives.

Section 11: Records

The Township Clerk shall maintain records concerning all burials and issuance of burial permits, 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 generally accepted vault installed or constructed in each burial space before interment. All cremains shall be sealed within a cremation vault, which shall be furnished by the crematorium.

Section 13: Cemetery Hours

The cemetery shall be opened to the general public from dawn to dusk each day. The cemetery road shall only be plowed in winter months for a funeral. For any vehicle becoming stuck in the cemetery, it shall be the responsibility of the owner of the vehicle to have it removed and they shall be responsible for all costs associated with repairs to the cemetery.

No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Cemetery Sexton.

Section 14: Prohibited Acts and Vandalism

It shall be a violation of this ordinance to destroy, deface, apply graffiti, or otherwise injure any monument, sign, tree, grass, shrub, real property, or other item located on the grounds of the Township Cemetery.

Section 15: Penalties

Any person, firm, or corporation that fails, neglects, refuses or violates any of the provisions of this ordinance shall be guilty of a civil infraction which shall subject the violator to civil sanctions, damages, costs and actual attorney fees to enforce this ordinance and a fine not to exceed \$500.00. Each day that a violation continues to exist shall constitute a separate offense.

Section 16: 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 17: Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 18: Effective Date

This ordinance shall take effect on _____ day of _____, 2008.

STATE OF MICHIGAN)
)Ss.
COUNTY OF SHIAWASSEE)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Sciota, Shiawassee County, Michigan, do hereby certify the foregoing Ordinance was adopted by Sciota Township at a regular meeting duly called and held on the 10TH day of November, A. D., 2008, and that the meeting was held in compliance with the notice provisions and all other requirements of 267 of the Public Acts of 1976 as amended.

Nancy Koerner
Sciota Township Clerk