

Onota Township Cemetery Ordinance

An ordinance to uphold the importance of proper and reasonable maintenance, appearance and use of any cemetery owned or managed by the Township; to promote the safety, public health and general welfare of the community by maintaining that all cemetery-related actions must be undertaken in a respectful and proper way; to provide penalties for violations; and to repeal all ordinances or ordinance sections in conflict.

THE TOWNSHIP OF ONOTA, ALGER COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1: Title

This ordinance shall be known as the Onota Township Cemetery Ordinance.

Section 2: Definitions

For the purpose of this ordinance, the wording is defined in the following manner.

"Township" means Onota Township.

"Township Official" means a Township Board member or the Township Sexton.

"Cemetery" means any cemetery owned, operated and/or managed by the Township.

"Block" or "plot" means an area sufficient to accommodate six burial spaces.

"Burial space" and "lot" means an area that is a minimum of:

(a) *casket*: 3 feet 2 inches wide by 8 feet in length ($0.96\text{ m} \times 2.4\text{ m}$).

(b) *urn / cremains*: 5 feet wide by 5 feet in length ($1.5\text{ m} \times 1.5\text{ m}$).

"Cemetery Lot Certificate" is a form that records the sale of a lot and grants right of burial on the lot; the form must be approved by the Township Board.

A Township Board member who is given authority or responsibility conveys the same to their deputy.

Section 3: Sale of Lots or Burial Spaces

- A. **Lot Certificate.** All lot sales shall be recorded and filed by the Township Clerk. The form grants a right of burial only; it does not convey any other title to the lot or burial space.
- B. **Restrictions.** Hereafter, lots or burial spaces shall be sold only to residents or taxpayers of the township for the burial of the purchaser, or his/her heirs-at-law, or next of kin. No sale shall be made to funeral directors or others than as set forth in this ordinance. Lots are non-transferrable.
- C. **Exceptions.** However, the Township Board is hereby granted the authority to vary the aforesaid restriction on sales in situations where the purchaser discloses sufficient personal reason for burial within the cemetery through either prior township residency and/or relationship to persons interred therein – this shall be known as a "heritage exemption."

Section 4: Purchase Prices

- A. **Fee Schedule.** The cost of all burial plots shall be set in a fee schedule by resolution of the Township Board. The board reserves the right to adjust the fees by resolution to accommodate increased cemetery costs as necessary.

- B. **Collection of fees.** The fees shall be paid to the Clerk, who will pass them on to the Treasurer, for deposit in the General Fund under the appropriate line item.

Section 5: Grave Opening & Closing

- A. **Fee Schedule.** The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be set in the same fee schedule as lot prices by resolution of the Township Board.
- B. **Notice required.** A minimum of 72 hours notice shall be given in advance of any funeral to allow for the opening of the burial space(s).
- C. **Procedure.** The sexton holds the primary responsibility for opening & closing graves and overseeing such actions done by others.
- * Hand-digging – If a grave must be dug by hand, either the sexton or trained workers of his/her choosing are permitted to do so.
 - * Equipment – The township supervisor must be contacted before any excavating equipment is allowed into the cemetery.
 - * Private parties – The family of an individual being buried may request to open and/or close the grave themselves by hand; this is permitted at the discretion of the township and requires that a township official is present.
- D. **External authorities.** This provision shall not apply to any opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of county or state health department authorities. However, even in such cases, a township official shall be given at least 24 hours prior notice of when such grave opening or closing will occur.

Section 6: Markers or Memorials

- A. **Material.** All markers or memorials must be of stone or some equally durable composition.
- B. **Foundation.** All large upright monuments must be located upon a suitable foundation to permanently maintain the same in an upright position.
- C. **Width limitation.** Total width of a headstone cannot exceed the burial space width.
- D. **'Per space' basis.** Only one monument, marker or memorial shall be permitted per burial space.
- E. **Maintenance.** Maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs, family, or other assignees of the person buried at that location. The Township holds no responsibility or liability regarding the repair, maintenance or upkeep regarding any such items.

Section 7: Interment Regulations

- A. **Burial Types.**
- * Casket Burial. Only one (1) casket may be buried per space.
 - Exceptions may be made for (a) a mother and infant; or (b) two children; if both burials are to be held at the same time.

* Cremaains Burial

(1) Cremaains lot (*W: 5 ft/1.5 m × L: 5 ft/1.5 m*)

– Up to two (2) cremaains may be buried.

(2) Casket lot (*W: 3 ft 2 in/0.96 m × L: 8 ft/2.4 m*)

– If a casket is already buried in the space: only one (1) additional cremaains may be buried.

– If the space is empty, a maximum of three (3) cremaains may be buried.

[**Note:** if three cremaains are buried in a casket-sized lot, the cost will be calculated at the cremaains rate in the fee schedule – i.e. \$100 × 3 cremaains = \$300].

- B. **Permit; Identification.** A cemetery lot certificate (for the burial space involved) must be on file, and appropriate identification (the burial-transit permit) of the person to be buried shall be presented to the Sexton or the Township Board Member involved prior to interment. When such permit has been lost, the official present shall examine cemetery records prior to interment to determine that the person is permitted to be buried in the designated space.
- C. **Appearance.** All graves shall be in an orderly and neat appearing manner within the confines of the burial space involved.
- D. **Winter burial delay.** Burials in the cemetery are allowed between May 1 through November 15, weather permitting. The sexton is authorized to decide if weather permits any burial.

Section 8: Grounds Maintenance

- A. **No Terrain Modification.** Activities such as grading, leveling, or excavating are prohibited in the cemetery; permission must be requested from the Sexton and/or the Township Supervisor.
- B. **Decorations.**
- * When: Decorations may be placed in the cemetery from spring snowmelt until fall.
 - * Removal by mid-October: Please remove your decorations before it snows. This helps keep a respectful appearance of the cemetery by preventing unsightly, scattered clutter (from damaged or deteriorated decor).
 - * Authorized Disposal: The Sexton shall have the right & authority to remove and dispose of any/all plants, emblems, displays, containers or any items that have become unsightly, a source of litter, decayed or deteriorated, or are obstructing proper grounds maintenance.
- C. **Refuse.** All refuse of any type (e.g. decayed flowers, wreaths, papers, containers, etc) must be removed or disposed of in refuse containers located behind the buildings in the cemetery.
(Note: If the refuse containers are full, please contact a township official. Alternately, you may dispose of litter from the cemetery in the dumpsters located at the township hall.)
- D. **Plants.**
- * Above-ground plants (in containers) are allowed at graves; provided they are cared for & maintained. Please be sure to leave space for the lawnmower when placing such items.
 - * In-ground plants (bushes, shrubs, trees, etc) should not be planted without requesting permission from the township (contact the sexton or supervisor). Note: certain plants are prohibited by state law. *Anything planted in the ground without approval may be removed and disposed of.*

- E. **Terrace landscaping.** Terrace landscaping methods (*e.g. building mounds; brick/block/stone borders or walls, etc*) that would hinder use of a lawnmower or such equipment are prohibited.
- F. **Vegetation maintenance.** The Township reserves the right to prune, trim, or remove any tree, shrub, or other plant to maintain a respectful appearance and care of the cemetery.
- G. **Surface types.** Surfaces other than earth or sod are prohibited.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

- A. **Reversion of unused lots; notice required.** Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following process:

(1) The Township Clerk sends notice by first class mail to the last known address of the last 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 does not affirmatively give written indication of his desire to retain said burial rights to the Township Clerk within 60 days from the date the notice was mailed.

(2) No written response indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice. At this point, the lot reverts to the Township.

Section 10: Repurchase of Lots or Burial Spaces

At request. Upon written request of said owner or his legal heirs or representatives, the township will repurchase any cemetery lots or burial spaces from the owner at the price paid.

Section 11: Records

The Township Clerk shall maintain records concerning all lot ownership and burial permits, burials, and any perpetual care fund. including the name and address of the person or persons to whom each cemetery lot certificate is issued. Such records shall be kept in a fire-resistant filing cabinet in the Township Hall and open to public inspection upon request of the clerk, who will make arrangements for the requester.

Section 12: Vaults

Burial vaults shall be required for all interments (except cremations) and shall be constructed of reinforced concrete, steel, or another approved product which meets performance requirements established by the vault industry and is deemed acceptable by the township.

Section 14: Cemetery Use: Hours & Conduct

- A. **Hours.** The cemetery shall be open to the general public from dawn to dusk each day. No person shall be permitted in the township cemetery at any other times, except by permission of the township board or the sexton.

- B. **Prohibited Conduct.**

- * Destruction, vandalism or damage to any building, monument, headstone, memorial, tree, plant, flowers, decoration, or any other allowable items present.

- * Operation of a motor vehicle or machinery; *unless* express permission of the township is given to drive on designated pathways.
- * Entry into and/or operation of an off-road or all-terrain vehicle.
- * Littering or dumping.
- * No firearms shall be discharged (*exception: memorial services for a veteran*).

Section 14: Violations, Enforcement & 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 \$100.00 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 15: 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.

Section 16: Effective Date; Adoption

This ordinance or its summary shall be published once in a newspaper having general circulation in Onota Township and shall take effect 30 days after the date of the publication of the ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Motion: Catherine Kimar
Support: Brian Bresette

Adoption Date: July 2, 2018
Last Amended: July 1, 2019

Roll Call Vote

Ayes: Cheryl Lane, Brian Bresette, Catherine Kimar, Connie Lacko, Terry Pihlainen

Nays: *none*

Absent: *none*

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Onota Township, Alger County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of the Ordinance that the Township Board adopted by resolution at a regular meeting at which a quorum was present and remained throughout; (2) the original thereof is on file in the records in office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (PA 267 of 1976, as amended) and (4) minutes of such meeting were kept and will be made available as required thereby.

Onota Township Clerk