

HAYES

TOWNSHIP

CEMETERY

ORDINANCE

Adopted November 10, 1997
Effective Date December 18, 1997

HAYES TOWNSHIP
Ordinance No. 11-01 of 1997

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of Undine Cemetery (the cemetery) owned by the Township of Hayes, Charlevoix County, Michigan.

THE TOWNSHIP OF HAYES, COUNTY OF CHARLEVOIX, MICHIGAN ORDAINS:

Section 1: Title

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

Section 2: Definition of cemetery lots and burial spaces

A cemetery lot shall consist of burial spaces sufficient to bury from one to six persons or to inter from two to twelve cremations.

- A. A burial space shall be a rectangular land area five (5) feet by ten (10) feet in the established section of the cemetery and four (4) feet by ten (10) feet in the one acre addition.
- B. A single burial space may be used for two cremations. Each cremation shall be buried on a land area of four (4) feet by five (5) feet.

Section 3: Sale of Lot Certificates for burial spaces

- A. Hereafter, Certificates for cemetery lots or burial spaces shall be issued only to residents or taxpayers of the township for the purpose of the burial of the certificate holder or his/her legal heirs or next of kin. No Lot Certificate shall be issued to funeral directors or others except as may be set forth in this Ordinance. The Township or its designee, however, is granted the authority to vary the above restriction relative to the issuance of Certificates if the party is a previous resident of the township or is related to persons already interred in the township cemetery, has immediate family ties in the township or can show long association with the township.
- B. All Certificates shall be issued by a person authorized by Hayes Township on an approved Hayes Township form. The Certificate will grant a right of burial only and convey no other title to the lot or burial space. The Cemetery Lot Certificate shall be executed by the township clerk and a copy of the certificate shall be provided to the sexton for his/her record.
- C. Burial rights may only be transferred to persons eligible as original purchasers of a Certificate for cemetery lots or burial spaces in Hayes Township. Transfer may be effected

only by endorsement of an assignment of such burial permit upon the original Cemetery Lot Certificate issued by the township clerk, approved by said clerk, and entered upon the official records of said clerk. Upon proper completion of the assignment the Clerk shall issue a new certificate to the assignee and cancel and retain the original certificate in the official records.

Section 4: Purchase price, transfer fee, grave opening and closing fees.

- A. A schedule of the cost of certificates for burial spaces, the fee for transfer of a burial space or lot certificate, and the cost of opening and closing a grave for a casket or cremations shall be established by the Hayes Township Board and shall be available upon request.
- B. The above costs shall be collected by a person authorized by the township board and be paid over to the township treasurer and deposited in the township general fund.
- C. The township board, by resolution, may periodically alter the foregoing costs to accommodate increased costs and/or needed reserve funds for cemetery maintenance and acquisition.
- D. The sexton shall be responsible for notifying the township clerk of the location and description of burial sites for which Lot Certificates are to be issued. The township clerk will provide the sexton with a copy of each certificate issued upon receipt of proper payment.

Section 5: Markers, monuments and memorials

- A. Markers, monuments and memorials shall be allowed in the cemetery. Markers are installed flush to the ground and monuments consist of a base surmounted by an upright.
- B. Large upright monuments must be located on a suitable foundation so as to keep the entire monument upright.
- C. The installation of a foundation for a marker, monument or memorial is the responsibility of the owner of the Lot Certificate.

Section 6: Interment Regulations

- A. A single burial space may be used for the burial of one adult, a parent and child buried at the same time or two children buried at the same time. A single burial space may be used for the burial of two (2) cremations.
- B. All burial spaces shall be opened and closed under the direction and control of the cemetery sexton except those removals and re-interments supervised directly by the local health department.

- C. At least eighteen (18) hours notice (thirty-six (36) hours notice, whenever possible) shall be given of any funeral to allow for the opening of the burial spaces required.
- D. Burials in the cemetery are only permitted between May first (5/1) and November thirtieth (11/30) of each year. The sexton is authorized to decide if weather permits any burial before or after these dates.
- E. The certificate for the appropriate burial space together with proper identification of the person(s) to be buried in the space shall be presented to a person authorized by the Township to accept such identification prior to interment. If the certificate has been lost the Township records shall be searched prior to the commencement of the interment to satisfy the above requirement so that the burial may be authorized.
- F. A burial-transit permit is required for transportation and any manner of disposition of a dead body including interment, storage and cremation. It is unlawful for any sexton, or other person in charge of a burial place, to permit burial or other disposition of a dead body before a burial-transit permit is deposited with him/her. This permit must be:
 - 1. Endorsed by the sexton;
 - 2. The Lot number, Block number, and Section number of the grave-site noted on each permit, and
 - 3. Forwarded to the township clerk to be recorded in the cemetery records.

Section 7: Ground Maintenance

- A. No grading, leveling or excavation shall be allowed upon any burial space(s) without permission of the township.
- B. All flowers, shrubs, trees or vegetation shall be planted to conform with the cemetery master plan at any time such a plan is in place and in force.
- C. The Township, or the duly authorized representative of the township, reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.
- D. Landscaping which includes grass but hinders the free use of a lawn mower or other gardening apparatus is prohibited.
- E. The sexton is authorized to remove and dispose of any growth, emblems, displays or containers which become unsightly, a source of litter or a hindrance to maintenance.
- F. Natural materials are to be used for landscaping burial spaces.
- G. All refuse must be removed from the cemetery.

Section 8: Forfeiture of vacant cemetery lots or burial spaces

- A. Cemetery lots or burial spaces certificated after the effective date of this ordinance which remain vacant forty (40) years after the date of the certificate shall automatically revert to the township after:
1. Notice of the expiration of the forty (40) year period and that all rights in respect to the lots/spaces will be forfeited after sixty (60) days without written affirmation of the holder's desire to retain the rights, and
 2. No written response or affirmation of the desire to retain the cemetery lots/spaces is received by the township from the last certificate holder of record of the spaces or his/her heirs or legal representative within the sixty (60) days from the mailing of the above notice.

Section 9: Repurchase of lots or burial spaces

Upon written request of the certificate holder or his/her legal heirs or representatives the township will repurchase any unused cemetery lots or burial spaces from the certificate holder for the original cost paid to the township for the certificate.

Section 10: Records

The township clerk shall maintain records concerning all burials, issuance of lot certificates, and burial-transit permit separate from any other records of the township. The cemetery records shall be open to public inspection during reasonable business hours.

Section 11: Vault

A standard vault is not required to be installed or constructed in a burial space before interment in the cemetery. When a casket is buried without a vault the cost of grave opening and closing will be adjusted upward by the township in an amount not to exceed the cost of a vault at the time of the opening and closing to reflect the cost of future filling and seeding of that site.

Section 12: Cemetery hours

- A. The cemetery shall be open to the general public from sunrise to sunset each day.
- B. No person shall be permitted in the cemetery at any time other than the above hours except with permission of the sexton.

Section 13: 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 14: Effective Date

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation with the Township.

TOWNSHIP OF HAYES

By: _____
Timothy Boyko
Its: Supervisor

By: _____
Ethel R. Knepp
Its: Clerk

