

CEMETERY ORDINANCE

TOWNSHIP OF MANCELONA

COUNTY OF ANTRIM, STATE OF MICHIGAN

ORDINANCE NUMBER 7

Adopted: February 16, 1998

Effective: April 3, 1998

CEMETERY ORDINANCE

An Ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the Township by providing for the operation of all cemeteries owned by the Township of Mancelona, including, but not limited to, Fairview Cemetery, enacted pursuant but not limited to, *Michigan Public Act 246 of 1945*, as amended; to create rules and regulations regarding the operation of township cemeteries; to prescribe a penalty for the violation of the provisions of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

TOWNSHIP OF MANCELONA

Antrim County, Michigan

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Mancelona Township Cemetery Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to promote and secure the public health, safety, and general welfare of persons, property owners, and property in the

Township of Mancelona by establishing reasonable rules and regulations regarding the operation of Township cemeteries.

SECTION III

GENERAL RULES

A. The Township of Mancelona reserves the right to refuse admission to the cemetery and refuse the use of any of the cemetery facility(s) at any time, to any person or persons whom the Board may deem objectionable to the best interest of the cemetery.

B. Persons visiting the cemetery or attending funerals are prohibited from injuring, marring, or causing damage in any manner to any tree, shrubbery, plant, flower, ornament, or monument, fence, building, road, or any structure within the cemetery.

C. Vehicles must be kept under control at all times. Driving carelessly or recklessly is prohibited. The speed limit is established at ten (10 m.p.h.) miles per hour. Any vehicle parked, abandoned, or left in the cemetery may be removed by the Township at the owner's expense. Excessively noisy Vehicles are prohibited from entering the cemetery.

D. Driving across any grave, lot, lawn, or area that is not designated as roadway, or where temporary authority has not been granted, is prohibited.

E. No snowmobiles will be admitted to the cemetery.

F. Children will not be allowed to play on the cemetery grounds, or in or around any building.

G. Bicycles and motorcycles will be admitted to the cemetery if all rules are observed.

H. The cemetery is to be considered as ground dedicated to the peace and repose of those buried therein, and subject to the consideration and respect of all who visit the cemetery. It is, therefore, important that there should be strict observance of the properties within the cemetery. Hence, all persons within the cemetery should avoid all conduct that is unbecoming to a sacred place, such as the following:

1. Loud or boisterous talking;
2. Peddling or soliciting the sale of any commodity within the cemetery;
3. Placing of signs, notice, or advertising within the cemetery;
4. Bringing in and consuming food and refreshments;
5. Throwing of rubbish onto cemetery grounds;
6. Dumping of household refuse in the receptacles that are provided is prohibited;
7. Hunting or the firing of any firearm, except when used by the military accompanying a veteran's funeral or attending a memorial service.

Special cases may arise in which literal enforcement of a rule may impose unnecessary hardship. Therefore, the Township reserves the right to make exceptions, suspension, or modifications of any rules or regulations without notice, when in the judgment of the Board such action may seem necessary and such exception, suspension, or modification shall in no way be construed as affecting the general application of these rules. The Board hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter, or repeal any rule, regulation, article, section, paragraph, or sentence in these rules and regulations at any time, and such modification shall become effective after its publication in the Antrim County News.

SECTION IV

LOTS AND LOT OWNERS

- A. Fairview Cemetery will consist of the following subdivisions:
 1. The Old Cemetery, lying to the south of M-88 Highway, and further divided into:
 - a. Original Plat or Old Grounds;
 - b. First Addition or New Grounds;
 2. The New Cemetery, lying to the north of M-88 Highway, and further divided into:

- a. South Half;
- b. North Half;
- c. Annex "A";
- d. Annex "B";

B. Cemetery lots, walkways, and roads are established by plat. This provides proper access for the public, and for efficient cemetery operations and grounds maintenance as well as insuring that proper records may be kept. The gradelines of all lots and subdivisions are established before lots or graves are sold, and will not be changed. No walkway or road shown in the Plats will be abandoned or sold to a private lot owner. No easement or right of interment is granted to any lot owner in any road, drive, alley, or walkway which may be used as a means of access to the cemetery or its buildings, as long as the Board devotes it to that purpose. An exception to this rule may be applied where the walkway is utilized for the purpose of designating two separate lots using a single marker. Prior approval for this situation will be required.

C. The right to enlarge, reduce, replat, or change the boundaries or grading of the cemetery, or a section within the cemetery, including the right to modify or change the location of, or remove or regrade roads, drives, or walkways, or any part thereof is hereby reserved, as well as is the right to use the cemetery property not sold to individual owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The Township Board reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.

D. Persons desiring to purchase lots shall do so during normal business hours of the Mancelona Township Office, Monday through Friday, except in cases of emergency where it is necessary to purchase a cemetery lot on a weekend. Full payment for all cemetery lots or spaces is expected at the time of sale. If payment cannot be paid at the time of sale, a contract will be drawn up and signed by the purchaser with the following restrictions:

1. A minimum down payment of \$ 25.00 for each cemetery space to be purchased;

2. At the end of the 6-month period the balance must be paid in full or the cemetery property will revert back to the Township to be resold, and there will be no refunds given;
3. Full payment must be received within six (6) months from the date of the contract unless the Sexton or Township Board extends this time period for good cause. Any such extension shall not exceed one (1) year from the date of the contract;
4. No grave markers or monuments will be allowed on cemetery property until all lots or spaces have been paid for in full;
5. Deeds will not be issued until final payment has been received.

E. Lots may be purchased only in areas or sections of the cemetery where the Township designates. Certain sections may stay reserved by the Township and be sold at a later time. Single spaces and half-lots may be purchased in designated sections.

F. The Township Board will take all reasonable precautions to protect lot owners and property rights within the cemetery from loss or damage, but the Township Board distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control: and especially, from damages caused by the elements, acts of God, com-
 mischief-makers, explosions, u
 or order of any military or
 collateral, other than as herein

*Revised
 July 16, 2018*

G. The Township only those persons whose ne heirs. Ownership may be ti Township Board or the Sexto disagreement arising from c ownership.

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H. The Township will not be required to refund any purchase, or exchange one lot for another.

I. Lot sizes shall be of the dimensions prescribed by the cemetery plat. A single burial space will be of the following dimensions:

1. Four (4') feet in width;
2. Ten (10') feet in length.

SECTION V

CEMETERY MEMORIALS AND FOUNDATIONS

A. Styles and designs of monuments and grave-markers shall not be regulated, except as hereinafter stated:

1. All materials used in the construction of monuments or grave-markers must be of **quarried** granite, marble, or standard bronze. All other grades of slate, artificial stone, clay, wood, iron, or glass in any form may not be permitted. **Boulders, rocks, or fieldstones are not permitted.** Any unauthorized markers may be removed without notice to the owner. This will not prohibit the use of some temporary markers used until a permanent marker is erected.

B. All monuments or grave-markers must be installed or erected in a workmanlike manner. All footings and foundations must be installed in a workmanlike manner. Location, appearance, and quality of both foundation and markers must meet the requirement and satisfaction of the Township Board, and if they do not, they may be removed without notice to the owner.

C. The foundation for monuments must be made of concrete and must extend out a minimum of four (4") inches on all sides of the monument. The foundation depth must be a minimum of three and one-half (3.5") inches thick, with the top surface of the foundation kept flush with the ground level. The concrete used for the foundation must meet satisfactory requirements for a good footing.

D. Requirements for placement, location, and the quantity of grave-markers or monuments, per each cemetery grave space are as follows:

1. Only one (1) grave-marker is allowed at the head of a single grave space, and no more than one (1) grave marker

I. Lot sizes shall be of the dimensions prescribed by the cemetery plat. A single burial space will be of the following dimensions:

1. Four (4') feet in width;
2. Ten (10') feet in length.

SECTION V

CEMETERY MEMORIALS AND FOUNDATIONS

A. Styles and designs of monuments and grave-markers shall not be regulated, except as hereinafter stated:

1. All materials used in the construction of monuments or grave-markers must be of recognized durable granite, marble, or standard bronze. All other grades of slate, artificial stone, clay, wood, iron, or glass in any form may not be permitted. Any unauthorized markers may be removed without notice to the owner. This will not prohibit the use of some temporary markers used until a permanent marker is erected.

B. All monuments or grave-markers must be installed or erected in a workmanlike manner. All footings and foundations must be installed in a workmanlike manner. Location, appearance, and quality of both foundation and markers must meet the requirement and satisfaction of the Township Board, and if they do not, they may be removed without notice to the owner.

C. The foundation for monuments must be made of concrete and must extend out a minimum of four (4") inches on all sides of the monument. The foundation depth must be a minimum of three and one-half (3.5") inches thick, with the top surface of the foundation kept flush with the ground level. The concrete used for the foundation must meet satisfactory requirements for a good footing.

D. Requirements for placement, location, and the quantity of grave-markers or monuments, per each cemetery grave space are as follows:

1. Only one (1) grave-marker is allowed at the head of a single grave space, and no more than one (1) grave marker

at the foot of a single grave space. It is suggested and preferred that no more than two (2) grave-markers be allowed per space. (Two exceptions that would be allowed are: ((1)) monuments that depict family lots; and ((2)) Veterans' markers placed flush with the ground level, and in conjunction with other existing grave-markers.) Ground foot markers must be flush with the ground. Above-ground foot markers are not permitted except in specially designated areas;

2. In all situations the markers should be placed at either the head-end or the foot-end of the grave, leaving the middle open for mowing equipment. Prior approval of the Sexton must be obtained before attempting to set any permanent marker(s);
3. Markers and foundations are to be placed within the boundaries of the owners' lot, and kept within the recognized line or markers per its section;
4. Walkways and alleys between lots are to be kept free of any obstruction, including monuments, urns, trees, and shrubs, except in the following situation: When adjacent lots are owned and a family or families agree to use one monument between the two lots, the monument may then be placed in the walkway between the two lots;
5. Mausoleums may be erected only with the permission of the Township Board, and provided that the owner has sufficient cemetery property to allow for the workers erecting the mausoleum to work without disturbing another lot. The owner must submit plans of the mausoleum to the Township Board. The materials used must be of durable granite or marble.

SECTION VI

CARE AND MAINTENANCE OF LOTS

A. The general care of the cemetery is assumed by the Township and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of the shrubs and trees that may be placed by the Township or by the lot owner.

B. The general care assumed by the cemetery shall not apply to maintenance, repair, or replacement of any memorial, grave-marker, monument, tomb, or mausoleum that is placed or erected upon lots. The general care assumed by the cemetery shall also not apply to the doing of any special or unusual work in the cemetery not outlined.

C. The Cemetery will undertake to maintain, as may be practicable, the plantings of trees and shrubs to preserve and maintain the landscape features. The Cemetery does not undertake to maintain the individual plantings and urns, such as flowers and plants.

D. Prior to the planting of trees, shrubs, or bushes, individuals must seek and obtain permission of the Sexton or the Township Board. The planting of large growing trees, such as oaks, maples, white pines, red pines, spruces, etc., will only be done by the Township in designated areas.

E. To facilitate mowing, it is requested that all flowers, real or artificial, be planted in planters or containers, that they be placed in line with the row of grave-markers (headstones) as close as possible to the grave-marker, and be secured so that the wind will not remove them. The planting of spreading flowers, trees, or shrubs is not permitted without the prior approval of the Sexton.

The following rules apply regarding the time schedule for the planting or placing of flowers in the spring and removal of the flowers in the fall:

1. No flowers or decorations should be set or placed before one (1) week prior to Memorial Day;
2. On or before October 1 of every year, all flowers are to be removed from grave sites. All remaining flowers, including flower and plant containers made of glass, clay, and/or plastic, will be removed by the Township employees;

F. The Sexton shall have the authority to remove all artificial floral designs, flowers, weeds, trees, shrubs, plants, or any kind of herbage from the cemetery as soon as, in the Sexton's judgment, they become unsightly, dangerous, detrimental, diseased, or when they do not conform to the above standards;

G. The Township reserves the right to repair, straighten, or remove any monument, planter, tree, shrub, plant, or flower that is unsightly or may be a hazard to someone visiting or working at the cemetery.

SECTION VII

INTERMENTS

A. All graves will be opened by cemetery employees only.

B. The number of burials allowed on one grave space are as follows:

1. No more than one adult-sized burial container and one child-sized burial container, not to exceed the dimensions of the grave space. (Dimensions for one grave space are four feet by ten feet, ((4' x 10'));
2. No more than two (2) child-sized or infant-sized burial containers per grave space;
3. No more than one adult-sized burial container, and one cremation per grave space;
4. No more than two (2) cremations per grave space.

C. Cemetery lots shall not be used for any other purpose than the burial of the human dead.

D. Burial containers over four (4') feet in length shall be classified as adult-sized.

E. In order to maintain a high standard of care, and to eliminate sunken graves, it is required that all adult burials use a vault that is made of steel or cement in all sections of the cemetery. Infant burials will be allowed to use a combination casket/vault made of fiberglass.

F. Regular interments will be conducted from Monday through Saturday; Sunday and holiday interments will be done with an additional fee charged. Cremations and storages will be conducted from Monday through

Friday; Saturday, Sunday, and holiday cremations and storages will be done with an additional fee charged.

G. The Mancelona Township Clerk shall be the custodian of records of the cemeteries. It is the responsibility of the Sexton, upon interment, to record the name of the deceased, the date of final disposition, the date and place of death, and the name and address of the funeral director, in the cemetery records.

H. In the event that weather or other conditions do not permit immediate internment, the Sexton shall obtain written authorization for delayed internment from the next of kin or authorized agent, and shall state on the written authorization the approximate date of internment, and the place of storage.

I. Disinterment or reinterment may be done only with the approval of the District Health Department. It is the responsibility of the Sexton to record any disinterment or reinterment in the cemetery records.

SECTION VIII

SCHEDULE OF FEES

The Mancelona Township Board hereby adopts the following schedule of fees. Said fees can be changed at any time by resolution of the Mancelona Township Board.

Cemetery Spaces:

1 space	=	\$ 150.00
2 spaces	=	300.00
3 spaces	=	450.00
4 spaces	=	600.00

Grave Opening Charges: (Adult)

Monday - Saturday	=	\$ 150.00
Sunday & holidays	=	225.00

Grave Opening Charges: (Child - grave opening less than 4 ft.)

Monday - Saturday	=	\$ 50.00
Sunday - holiday	=	125.00

Cremation Opening:

Monday - Friday	=	\$ 50.00
Saturday, Sunday - holiday	=	110.00

*changed by
Resolution 125.00*

Storage Rates:

\$ 25.00 per season

Disinterments: (Adult)

Monday - Saturday = \$ 200.00
Sunday - holiday = 275.00

Disinterments: (Child)

Monday - Saturday = \$ 100.00
Sunday - holiday = 175.00

SECTION IX

PENALTY

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. Each violation of this Ordinance shall constitute a separate misdemeanor. Any person who is convicted of such a misdemeanor shall be punished by a fine of not more than \$ 500.00, or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the judge imposing sentence, plus costs.

SECTION X

ENFORCEMENT

The Township Supervisor is hereby authorized to enforce this ordinance. The Supervisor may delegate the enforcement of this ordinance to the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or any other delegatee permitted by law. Prosecutions may be commenced by Appearance Ticket issued by the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or by a Complaint and Warrant from the District Court.

SECTION IX

SEPARATE COURT ACTION

Nothing in this Ordinance shall prohibit the Township or any interested party or agency from seeking such other relief as may be permitted by law or in equity regarding the violation of this Ordinance.

SECTION X

VALIDITY

If any section, provision, or clause of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION XI

REPEAL

All previous Cemetery Ordinances, and all ordinances, parts of ordinances, resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed upon the effective date of this Ordinance.

SECTION XII

EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following its publication in the Antrim County News after adoption.

Dated: 4-3-98


MARGARET CHAPMAN, Clerk
Mancelona Township

MANCELONA TOWNSHIP

ORDINANCE CERTIFICATION

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, held in the Mancelona Township Hall, located at 202 W. State St., Mancelona, Antrim County, Michigan, on February 16, 1998, at 7:00 p.m.:

PRESENT: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

ABSENT: none

Ordinance No. 7, the CEMETERY ORDINANCE was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YES: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

NO: none

I, Margaret Chapman, as Mancelona Township Clerk, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County News on *March 4*, 1998, and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.


MARGARET CHAPMAN, Clerk
Mancelona Township