

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

This ordinance is established to protect the public health, safety and general welfare by specifying regulation sections relating to the operation, control, and management of cemeteries owned by the Township of Watersmeet, Gogebic County, Michigan. It also establishes penalties for the violation of said ordinance, and to repeal all earlier ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF WATERSMEET, COUNTY OF GOGEBIC, MICHIGAN ORDAINS THE FOLLOWING:

SECTION 1: TITLE AND ADMINISTRATION

- 1.1 This ordinance shall be known and cited as the Watersmeet Township Cemetery Ordinance.
- 1.2 This ordinance and its sections shall be governed by a Cemetery Board. Until such time as an independent Cemetery Board can be formed, the Watersmeet Township Board will act as the Cemetery Board. This governance includes the enforcement of all Section Items, herein. All additions, deletions or revisions as deemed necessary to this ordinance shall require majority approval of the Watersmeet Township Board and as permitted by other local ordinance and state law.
- 1.3 The Cemetery Board reserves the right to appoint a Cemetery Administrator to act as it's agent to carry out administrative duties and ensuring the specified regulations, herein, are followed. This appointment shall be approved by the majority of the Township Board.
 - 1.3.1 If a Cemetery Administrator is appointed, the Cemetery Board may also appoint an Assistant Administrator, to be approved by the Township Board, who will assume the Administrator role in the event of the Administrator is absent.
- 1.4 The Cemetery Board reserves the right to establish a plan of development for cemeteries owned by the Township of Watersmeet. A plan shall be approved by the majority of the Township Board before implementation.
- 1.5 All applicable funds/fees collected by the Cemetery Board, or Township Treasurer, for burial rights purchases, grave opening/closing fees, perpetual care, or from gifts, grants, bequests or any other manner for cemetery purposes shall be deposited into a Township "cemetery fund or account" for the intended purpose of burial costs, cemetery perpetual care and maintenance. The fund, or account, will not be a trust fund, initially.
 - 1.5.1 The cemetery maintenance and perpetual care costs will continue to be funded by the Township general fund budget until such time the "cemetery fund" can support the annual cemetery expenses. This condition shall be analyzed, from time to time, by the Cemetery Board, commencing in five-year intervals, the next analysis being in the 2009 fiscal year.
- 1.6 Records: The Township Clerk (or other person as appointed by the Cemetery Board) shall maintain records concerning all burials, issuance of burial permits, and any cemetery fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

- 1.7 Special cases may arise in which the literal enforcement of a rule, or regulation, may impose an unnecessary hardship. The Cemetery Board, therefore, reserves the right to make exceptions, suspensions, or modifications of any of these rules and regulations, without notice, when in the judgment of the Cemetery Administrator such action appears necessary, and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of these rules and regulations.

SECTION 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- 2.1 A **cemetery lot** shall consist of at least two (2) but not more than six (6) standard burial spaces.
- 2.2 A **standard burial space** shall consist of a land area four (4) feet wide and eight (8) feet in length. This space is intended to accommodate an adult cement body vault, which would also provide enough space for child and infant burials.
- 2.3 A **cremation burial space** shall consist of a land area three (3) feet wide and two and two thirds (2-2/3) feet in length, and always be within the area of one standard burial space.

SECTION 3: BURIAL RIGHTS AND PERMITS

- 3.1 All Burial Right sales shall be documented on a form, approved by the Cemetery Board, which grants a right of burial or **burial permit**, only, and does not convey any other title to the burial space identified on the permit. Thus, the term “**grave site ownership, or, burial space ownership**” is to imply ownership to the right of burial, only, and not of the turf.
- 3.2 Sale of Burial Rights shall be made only to individuals (except where joint purchase is defined, herein). No sale shall be made to funeral directors, corporations, clubs, or any other defined group.
- 3.3 The burial permit form shall be such, **and so noted on the form**, that it entitles the purchaser(s) (owner) and their heirs, burial rights of only the human race, subject to this ordinance and any other applicable resolutions and rules that exist at the time of purchase and also to any applicable revisions/changes enacted thereafter, in the future.
- 3.4 The burial permit form shall name the owner(s) and designate the specific burial space for which the owner(s) have the right of interment. Additionally, the form shall allow for information to be recorded at the time of interment, such as, name of deceased and date of death, the servicing funeral home/director, and responsible party for burial arrangements. This form shall be executed and filed by the Township Clerk. A copy shall be given to the purchaser.
- 3.4.1 There shall be only one (1) specific burial space designated on each issued burial permit form. For multiple interments in the same burial space, there shall be a permit form issued for each interment.
- 3.5 A burial permit is valid only if it has been authenticated by signature of the Cemetery Board Administrator, or Township Clerk (or other designated person) and is recorded upon the records, in the office of the Township Clerk, in the ordinary course of business.
- 3.6 In the event of ownership claimed by an heir of an owner that had a valid burial permit, a certified copy of a will and probate court proceedings would afford proper evidence of this ownership.
- 3.7 Joint Ownership: Joint ownership of burial rights may be shared only by one of the following groups, where each shall be identified on the burial permit.
- a. husband and wife
 - b. husband and wife and one child

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

c. parent and one child

- 3.8 Resolution of Ownership Issues: The Cemetery Board disclaims responsibility for any disagreements among joint owners, family members of owners, or divided ownership issues and the like. The Cemetery Board only accepts as owners those in compliance with these rules and regulations and is not the arbitrator of such disputes.
- 3.9 Transfer of Burial Right: Burial rights ownership may only be transferred to those persons in an immediate family, except in the case of a non-family heir with proper evidence. An immediate family is defined as follows: spouse, parent, grandparent, children, grandchildren, or "great grandchildren" of the original burial lot or burial space owner(s).
- 3.9.1 Ownership transfer 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.
- 3.9.2 All transfers of burial right ownership shall be made through the Township Clerk's Office. No other transfers of ownership, or rights, will be recognized by the Cemetery Board.
- 3.10 Burial Rights shall not be purchased for speculative purposes or for resale to third parties not defined as immediate family members.
- 3.11 Forfeiture of Burial Rights: Burial rights with specific cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant 30 years from the date of their sale shall automatically revert to the township upon occurrence of the following events.
- 3.11.1 Notice shall be sent, by the Township Clerk, by registered mail to the last known address of the last owner of record. This notice shall inform the owner of the expiration of the 30 year period and that all rights with respect to said lots or spaces will be forfeited if said owner does not affirmatively indicate, in writing to the Township Clerk, within 60 days from the date of mailing of the initial notice, his desire to retain said burial rights.
- 3.12 Empty burial spaces, or parts of spaces, that have been "pre-registered" and/or "pre-marked" **prior to** the effective date of this ordinance and not identified on a burial permit, shall be subject to all ordinance requirements, herein. For fees and costs, in these cases, see **SECTION 4.**
- 3.12.1 "Pre-registered" is defined as those empty spaces that have been recorded in Cemetery files in the Township Office (prior to ordinance affectivity) with an indicated assignment of ownership to a person, or persons. The Cemetery Administrator shall make the determination of which burial spaces are affected.
- 3.12.2 "Pre-marked" is defined as those empty burial spaces that have a monument, or marker (placed prior to ordinance affectivity), implying future interment in nearby or adjacent spaces, of family members indicated on the monument/marker (pre-registered or not). The Cemetery Administrator shall make the determination of what burial spaces are affected, in these cases.
- 3.13 Repurchase of Burial Rights: Watersmeet Township may repurchase any burial right with specific cemetery lot or burial space from an owner for 65% of the original price paid the township. This shall be upon written request of said owner or his legal heirs or representatives. Repurchase will occur only if the specified burial space is free of any markers, monuments or memorial items and is suitable for resale.

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

SECTION 4: COSTS AND FEES

- 4.1 Table 1, below, defines the specific costs and fees required for burial in the Watersmeet Township cemetery. All costs and fees are effective from the revision date indicated on Table 1.
- 4.1.1 Burial permit purchase/transfer/perpetual care fees shall be paid to the Township Treasurer at the time of permit/transfer registration. Perpetual care fees are included in the burial permit fee amount.
 - 4.1.2 Interment or disinterment fees shall be paid to the Township Treasurer at the time of notification of desired interment/disinterment.
 - 4.1.3 Overtime fees shall be charged, over and above stated interment/disinterment fees, if the activity occurs on weekends, Township recognized holidays or outside of the 7am to 3pm "normal work time period" on weekdays.
- 4.2 The Township Board, by resolution, may periodically alter the foregoing costs and fees, indicated in Table 1, to accommodate changing costs and needed reserve funds for cemetery maintenance and perpetual care.
- 4.3 All costs and fees shall be deposited in the cemetery fund account.
- 4.4 Costs to transfer ownership of burial rights will include the transfer fee plus the difference in current burial right cost as determined by residency/township property ownership status. **Exception:** The transfer fee charge, only, will be waived for ownership transfers to children, grandchildren or great grandchildren.
- 4.5 Costs and fees associated with "pre-registered" and/or "pre-marked" burial spaces (see definitions in **SECTION 3**) shall be in accordance with Table 1, below. In the event a burial permit does not exist for the burial space at the time of desired interment use, a permit shall be generated and applicable fee paid prior to interment, along with the other applicable fees.
- 4.6 No refunds will be made for the following situations:
- 4.6.1 When a person has purchased burial rights as a non-resident/non township property taxpayer and then becomes a resident and/or property taxpayer.
 - 4.6.2 Any type of ownership transfer
- 4.7 Persons that were relocated directly from residency status to a non-resident nursing home, assisted living facility or relatives home for assisted care are to be considered residents for all burial fees.

SECTION 5: INTERMENT RESTRICTIONS

- 5.1 The following define interment restrictions:
- 5.1.1 Only one adult person interred in an adult body vault may be buried in a standard burial space.
 - 5.1.2 Only one child (older than 2 years) interred in a body vault may be buried in a standard burial space.
 - 5.1.3 A mother and one infant child may be interred in the same body vault and buried at the same time in a standard burial space. Otherwise, separate burial spaces will be required if separate body vaults are used or there are different burial times. For same time burial, Burial Right and Interment fees shall be as if there is one person. Each must be identified on separate Burial Permits.

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

- 5.1.4 Two infant children (but not more) younger than 2 years may be interred in the same body vault and buried at the same time in a standard burial space. Otherwise, separate burial spaces will be required. For same time burial, Burial Right and Interment fees shall be as if there is one person. Each must be identified on separate Burial Permits.
- 5.1.5 No more than three (3) separate cremations may be buried in a standard burial space. The standard burial space may be either an empty space, **or** a "cement body vault occupied" space such as indicated in the Section 5 paragraphs above.
 - 5.1.5.1 Proof of a paid Burial Right fee will waive any additional Burial Right fee for multiple burials in the same burial space. Otherwise, the Burial Right fee must be paid with the next burial after the discovery of an unpaid fee for that particular space.
 - 5.1.5.2 The Interment fee shall be paid with every burial in a multiple burial space.
- 5.2 No interments shall take place unless all applicable fees and charges have been paid in full.
- 5.3 No burial spaces shall be opened and closed except under the direction and control of the Cemetery Administrator, or Cemetery Board. Only persons approved by the Cemetery Administrator, or Board, may open/close a burial site. 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.
- 5.4 Not less than 48 hours (2 days) notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- 5.5 The appropriate permit for the burial space involved, together with the certified burial certificate of the person to be buried therein shall be presented to either the Cemetery Board Administrator, or the Township Clerk, prior to interment.
 - 5.5.1 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 specific burial space is an authorized and appropriate one before any interment is commenced or completed.
 - 5.5.2 If there is a question as to the designation of a specific burial space for an interment, or a permit owner has not specified the specific space to be used, the Cemetery Administrator, or Cemetery Board, has the right to designate the interment space.
- 5.6 All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- 5.7 All burials shall be within a standard concrete vault installed or constructed in each burial space before interment, except for cremation burials.
- 5.8 There shall be no scattering of cremated remains within the cemetery grounds.
- 5.9 Actual burials shall take place between the dates of, on or about May 5 and November 15, unless conditions are favorable for practical burial to take place outside of this time period. When conditions are not favorable for actual burial, temporary interment shall be accomplished by placement in a cemetery vault that is controlled and operated by the Cemetery Board. Actual burial shall commence as soon as conditions are favorable, as determined by the Cemetery Administrator.
- 5.10 The Cemetery Board will not assume responsibility for errors in burial space openings when direction is given by someone other than the Cemetery Board or Administrator.
- 5.11 When deemed necessary by the Cemetery Board, or on request by the burial permit owner or the owner's representative, a funeral zone may be established and properly marked for no one except persons attending the burial/funeral will be permitted to be within the zone boundaries.

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

- 5.12 Burial permit owners shall not allow interments in their burial space in return for remuneration of any kind.

SECTION 6: REMOVALS OR DISINTERMENT

- 6.1 The Cemetery Board holds that a burial space once used becomes sacred ground and as guardians of the burial right, the Board must refuse to open a grave or disinter a body except upon written order of a husband, wife, father, mother, son daughter, sister or brother and then, only for good cause and in accordance with applicable law and court order. The Cemetery Board reserves the right to refuse any such request, except when ordered by a duly authorized public official.

- 6.1.1 In the event disinterment is required of a body vault from a burial space having multiple burials, authorization shall be obtained for disinterment of all existing burials in that space, prior to starting any disinterment.

- 6.2 There shall be no disinterment of body vault or cremain from any burial space for the purpose of interment of a different body vault or cremain.

- 6.3 There shall be no disinterment of a cremain from any burial space for the purpose of adding another cremain burial or a body vault burial to that burial space.

SECTION 7: MONUMENTS AND MARKERS

- 7.1 Definitions:

- 7.1.1 Monument: A monument is to be considered a "general" descriptive memorial with only the last name inscribed and raised above ground to identify a family cemetery lot. Height is limited to four (4) feet.

- 7.1.2 Marker: A marker is considered to be the primary descriptive memorial for individuals interred, for which the minimum inscriptions must include the first name (and last if not on a monument representing the specific lot), date of birth and death. Height is limited to four (4) feet.

- 7.2 Only one monument is allowed on any one burial lot, which must contain at least 2 standard burial spaces, in area. Monuments must rise above the ground. Monuments will not be allowed on a single burial space. Monuments are optional.

- 7.3 Within one (1) year after interment, every burial space must have a marker, either a head or foot marker. If a foot marker, it shall be ground flush.

- 7.4 Only one above ground marker per burial space will be allowed and it must always be located at the head end of the burial space.

- 7.4.1 In the case where there is more than one interment in the same standard burial space, each additional interment may have a marker, however, it shall be a "ground flush" marker.

- 7.5 If there is no monument, the first marker on each burial space must be a "head end" marker (upright or ground flush). If the first marker is a ground flush marker, additional markers on the same burial space must also be ground flush.

- 7.6 Pre-need monuments or markers are not permitted to be placed, or erected, unless full payment has been made for the burial right permit(s) to the specific burial space or lot to be used.

- 7.7 The minimum standard size for a marker shall be a flush type marker, ten (10) inches by twelve(12) inches on a cement foundation.

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

- 7.8 The quality standards for Monuments and Markers shall be one piece rectangular granite, a marker grade marble, or standard bronze. All must be securely attached to a granite base. No other material may be used for a monument or marker.
- 7.9 Monuments and Markers shall have a solid cement foundation. The foundations shall be thick enough to carry the load, but at least 6 inches thick, true and level, and flush with the sod. The size of the foundation's perimeter shall be such that each edge extends 5 inches beyond the perimeter edges of the monument or marker base.
- 7.10 All monuments and markers shall be free of any type of advertisement.
- 7.11 Immediately following the setting of a monument, or marker, all debris, etc. must be removed and the ground left clean and in good condition.
- 7.12 The location of a monument, or marker, must be approved by the Cemetery Administrator, or by a person designated by the Cemetery Board, prior to installation.
- 7.13 All monuments and markers shall be positioned on burial sites/lots such that the readable surfaces are facing an easterly direction and be in-line with surrounding monuments/markers.
- 7.14 Indigent interments, as determined by the Cemetery Administrator, shall be provided with a marker at Township expense.

SECTION 8: VAULTS FOR INTERMENT AND MEMORIAL

- 8.1 No memorial vaults, mausoleums or crypts will be allowed in the Watersmeet Township cemetery.

SECTION 9: GROUND MAINTAINANCE

- 9.1 Perpetual care consists of the following only:
 - 9.1.1 soil moving or leveling, laying sod and/or seeding of burial spaces
 - 9.1.2 grass cutting; weed, bush, tree and grass trimming
 - 9.1.3 perpetual care does not include monument/marker care of any kind
- 9.2 No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Administrator.
- 9.3 No permanent flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Cemetery Administrator. Any one of the foregoing items planted without such approval may be removed by the Cemetery Board, or designated work crew.
- 9.4 The Cemetery Board, or designated work crew, 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.
- 9.5 Dirt mounds, or other gardening apparatus, which hinder the free use of a lawn mower are prohibited.
- 9.6 Surfaces other than earth or sod are prohibited.
- 9.7 The Cemetery Administrator, or designated work crew, shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, or a source of litter or a maintenance problem.
- 9.8 **Summer** decorative memorial items (flower pots, urns, wreaths, artificial flowers, crosses, emblems etc.) **shall not be placed** by burial spaces **prior to May 15**. **Summer** decorative memorial items **shall be removed** from burial spaces **by September 30**.

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

- 9.9 **Winter** decorative memorial items **shall not be placed** by burial spaces **prior to November 15**.
Winter decorative memorial items shall be **removed** from burial spaces **by May 1, the next year**.
- 9.10 Only one decorative memorial item is permitted on a burial space and the weight of the item shall not exceed 35 pounds. Anything in excess will be removed.
- 9.11 Any item/container made of glass is prohibited.

SECTION 10: GENERAL RULES

- 10.1 Cemetery hours: Hours will be set and posted by the Cemetery Board for cemetery opening and closing. Persons entering said cemetery at any other time will be considered trespassers and will be prosecuted as such, unless permission has been obtained from the Cemetery Administrator, or any one from the Cemetery Board.
- 10.2 Dogs, cats, or other animals accompanying a person in the cemetery are not allowed. Visual aid dogs are allowed with their master.
- 10.3 The abuse of monuments, markers, burial space, cemetery appurtenances, flower decorations, urns or cemetery equipment, intentional or otherwise will be considered a misdemeanor and prosecuted as such.
- 10.4 Profane or boisterous language, beverage/food containers and loiterers will not be allowed within the cemetery boundaries.
- 10.5 The driver of any vehicle, motorcycle or other conveyance, will be held responsible for any damage said driver may do, whether intentional or not intentional. Speed limit shall be ten (10) miles per hour within the cemetery boundary.
- 10.6 The cemetery, although under governmental jurisdiction, will not be considered as public land in the sense that it is common property and subject to the whims of the public, but is to be considered as holy ground dedicated to the peace and repose of the interred and subject to the consideration and respect of all who visit or own burial rights in the cemetery. Any conduct deemed disrespectful, or beyond this intention, will be considered a misdemeanor and prosecuted as such.

SECTION 11: PENALTIES

- 11.1 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.

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

SECTION 12: SEVER ABILITY

12.1 The provisions of the within ordinance are hereby declared to be sever able 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 13: EFFECTIVE DATE

13.1 This ordinance shall take effect on this _____ day of _____, 2004. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

TABLE 1: BURIAL FEE STRUCTURE

Revision Date: _____

All fees shall be made payable to "Watersmeet Township" and paid to the Township Treasurer	RESIDENT OR PROPERTY TAXPAYER (***note below)	FORMER RESIDENT and non-taxpayer at time of death	NEVER A RESIDENT and non-taxpayer at time of death
<u>BURIAL RIGHT FEE</u> 1 Standard Burial Space each- -(includes perpetual care)	\$150	\$250	\$500
<u>INTERMENT</u> (includes grave open/close) Standard Burial Space----- - Cremation Burial Space----- -	\$250 \$100	\$250 \$100	\$250 \$100
<u>OVERTIME FEES</u> Add this fee to the Interment/ Disinterment fees shown. Weekend-or after 3p wkday Holiday----- ---	\$100 \$150	\$100 \$150	\$100 \$150

WATERSMEET TOWNSHIP CEMETERY ORDINANCE

No. _____

<u>DISINTERMENT</u> (add to Interment fee)	\$500 \$300	\$500 \$300	\$500 \$300
<u>REINTERMENT</u> Same as Interment Fees			
<u>TRANSFER FEE</u> Burial Rights Ownership	\$50	\$50	\$50
<u>LOCAL VAULT STORAGE</u> For local interment----- For interment elsewhere-----	\$0 \$100	\$0 \$100	\$50 \$100
<u>OTHER</u> Raise grave and/or move marker	Time/Materials	Time/Materials	Time/Materials

(***) Includes persons that were relocated directly from residency status to a non- resident nursing home, assisted living facility or relative's home for assisted care.