

PINCONNING TOWNSHIP CEMETERY ORDINANCE

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 Township of Pinconning, County of Bay, State of Michigan.

To provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

Section 1: TITLE

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

Section 2: DEFINITION OF CEMETERY LOTS AND BURIAL SPACES

For the purposes of Ordinance #27-92A, and its amendments, these definitions are set forth and incorporated by reference herein.

Cemetery Lots and Burial Spaces

A: A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.

B: An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

C: An infant or stillborn space shall consist of a land area three feet wide and three and one half (3 1/2) feet in length in areas set aside specifically for such burial or a normal lot, or at the foot of a parent or relative.

CEMETERY: The term cemetery is hereby defined to include a burial park for earth interments.

PLOT: The term plot shall apply to a space of sufficient size to accommodate one adult interment approximately four feet x ten feet.

Lot: The term lot shall apply to numbered divisions as shown on the record plat which consists of two or more plots.

Interment: The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and interment, entombment, or burial.

Memorial: The term memorial shall include a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn and crypt and niche place.

surface of the ground, which shall extend above the

Marker: The term marker means a memorial flush with the ground.

Lot Marker: The term marker refers to any means used by the cemetery to locate corners of the lot or plot.

Certificate of Ownership: The term certificate of ownership shall apply to the original conveyance given by the Township of Pinconning to the original purchaser, in the form of a Deed.

The term management shall mean the person or persons duly appointed by the township of Pinconning for the purpose of conducting and administering the cemetery.

The term Cemetery Office shall mean the office of the Township.

Resident: To qualify as a resident one must have lived continuously within the limits of Pinconning Township for a period of not less than one (1) year immediately proceeding purchase of a cemetery lot.

Section 3: SALE OF LOTS OR BURIAL SPACES

- A: Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township (non-residents or residents of the City of Pinconning will be sold but a higher fee) for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.
- B: 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 with signature from one other board member.
- C: Burial rights may only be transferred to those person eligible to be original purchasers of cemetery lots or burial spaces within the township and 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.

- A: Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$ 15.00.
- B: The foregoing charges shall be paid to the township treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- C: Payment can be made with the funeral director with payment directed to the Pinconning Township Treasurer.
- D: 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

Weekdays	\$ 275.00	\$ 175.00	Infant
Urn Burial	\$ 175.00		

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township.
- B. No burial spaces 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 reinterment of bodies and remains, which matters are under the supervision of the local health department, or in case directed by court order.

Section 6: Markers or Memorials

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only two monuments, markers or memorials shall be permitted per burial space.
- D. 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.
- E. The placing of boxes; shells; toys; metal; wooden, PLASTIC OR CONCRETE DESIGNS, OR ORNAMENTS, chairs, SETTEES, GLASS VASES, FRUIT JARS; TIN CANS; ROCKS OR GRAVEL; ASTRO TURF; PLASTIC FENCES; OR any SIMILAR ARTICLES UPON GRAVE PLOTS IS

CONCRETE STATUES WILL BE ALLOWED ON PROPER FOOTINGS INSTALLED BY THE SEXTON. THE CEMETERY WILL NOT BE RESPONSIBLE FOR LOST OR DAMAGED DECORATIONS AND RESERVES THE RIGHT TO REMOVE FADED OR UNSIGHTLY ARRANGEMENTS.

- G. All cement work must be done by the Cemetery Sexton, unless other arrangements are approved by the Township clerk or his or her designates.
- H. Water from cemetery taps is to be used only for watering plants and grass. Cemetery maintenance only.

Section 7: INTERMENT REGULATIONS

- A: ONLY ONE PERSON MAY BE BURIED IN A BURIAL SPACE EXCEPT OR A MOTHER AND INFANT OR TWO CHILDREN BURIED AT THE SAME TIME.
- B: A SUFFICIENT NOTICE SHALL BE GIVEN IN ADVANCE to the sexton of any funeral to allow for the opening of the burial spaces.
- C: THE APPROPRIATE PERMIT for THE BURIAL SPACE INVOLVED, TOGETHER WITH APPROPRIATE IDENTIFICATION OF THE PERSON TO BE BURIED THEREIN SHALL BE PRESENTED TO EITHER THE CEMETERY 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 IS AN AUTHORIZED AND APPROPRIATE ONE BEFORE ANY INTERMENT IS COMMENCED OR COMPLETED.
- D: ALL GRAVES SHALL BE LOCATED IN AN ORDERLY AND NEAT APPEARING MANNER WITHIN THE CONFINES OF THE BURIAL SPACE INVOLVED.

Section 8: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the township clerk.
- B. No flowers, scrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.
- C. The township board reserve the right to remove or trim any tree, plant or shrubs located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

... or otherwise become unsightly, a source of litter, or a maintenance problem.

F. Surfaces other than earth or sod are prohibited.

G. All refuse of any kind or nature including, among others, dried flowers, wreaths, paper, and flower containers must be removed or deposited in containers located within the cemetery.

Section 9: RECORDS

By adoption of Ordinance #27-92A, the township clerk shall maintain records concerning all burials, issuance of burial permits, and the same shall be open to public inspection at all reasonable business hours/or by appointment.

Section 10: VAULT

All burials shall be within a cement receptical or vault installed or equivalent constructed in each burial space before interment.

Section 11: CEMETERY HOURS

- A. The cemetery shall be open to the general public from the hours of dawn to dusk each day.
- B. No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township clerk or the sexton of the cemetery.
- C. The third Wednesday in August each year is designated as "cemetery day" a day which residence "may devote a portion of their time to the improvement of their cemeteries."

Section 12: PENALTIES

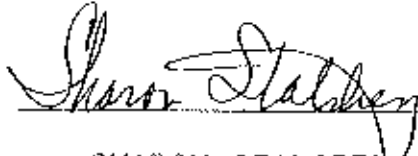
Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by the court of jurisdiction. Each day that a violation continues 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.

...any 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 take effect 15 days following the publication in
the Pinconning Journal a newspaper of general circulation of said
township. All Ordinances or parts of Ordinances in conflict herewith
are hereby repealed.

ADOPTED 9-15-92



SHARON STALSBERG



LOU-ANN VERELLEN