

Township Board
Clinton Township
Oscoda County
Comins, MI 48619

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES BY THE TOWNSHIP OF CLINTON, OSCODA COUNTY, MICHIGAN; TO PROVIDED PENALTIES FOR THE VIOLATION OF SAID ORDINANCE, AND TO REPEALL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF CLINTON, IN COMINS, MICHIGAN, COUNTY OF OSCODA ORDAINS:

Section 1: **TITLE**

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

Section 2: **DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES:**

A cemetery lot shall consist of burial spaces sufficient to accommodate from one or two burial spaces.

A: An adult burial space shall consist of land area five (5) feet wide and twelve (12) feet in length.

Section 3: **SALE OF LOTS OR BURIAL SPACES**

Cemetery lots or burial spaces shall be sold to taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs by law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The township clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser disclosed sufficient personal reason for burial within the township through previous residence in the township.

- A: All such sales shall be made on a form approved by the township board, which grants the right of burial only and does not convey any other title to the lot or burial spaces sold. Such form shall be executed by the township clerk. At the time of execution the township clerk shall record on the approved form the name of the person(s) for whom the burial lot(s) is intended.
- B: Burial rights may only be transferred to those persons 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 form issued by the township clerk and entered upon the official records of said clerk.

Section 4: **PURHCASE PRICE AND TRANSFER FEES:**

- A: The cost for each burial space shall be set by resolution of the Clinton Township Board.
- B: Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$25.00.

- C: The forgoing charges shall be paid to the township clerk and shall be deposited in the general fund for the particular cemetery involved in the sale or transfer.
- D: The township board, by resolution, may periodically alter the foregoing fees.

Section 5: GRAVE OPENING CHARGES:

- 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 interment of bodies and remains, which matters are under the supervision of the local health department.
- C: The opening and closing of a burial space for the interment of ashes must be done under the supervision of the cemetery sexton or a designated appointee; a fee of \$50.00 will be imposed by the township. The township board, by resolution, may periodically alter this fee.

Section 6: MARKERS OR MEMORIALS:

- A: All markers must be of stone or other quality, durable composition and must not exceed a height of 36”.
- B: Any large upright monument must be located upon a suitable foundation to maintain the same in an erect position.
- C: Only one monument, marker, or memorial shall be permitted per plot. **EXECPTION:** Veterans shall be allowed a military marker placed at the foot of the grave. This marker must be flush with the ground.
- D: The footings or foundation upon which any monument, marker, or memorial must be placed, shall be constructed by the township at cost to the owner or the burial right. All monuments, markers, or memorials shall have a four (4) inch band around the base for easier upkeep. All monuments, markers, and memorials shall be kept in an orderly fashion for easier upkeep.

Section 7: INTERMENT REGULATIONS:

- A: Only one person may be buried in a burial space except for a mother and infant or two (2) children buried at the same time or three (3) cremations with one headstone per lot.
- B: Not less than 36 hours notice shall be given of any time or any funeral to allow for the opening or the burial space.
- C: The appropriate permit for the burial space involved 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 completed.

- D: All graves shall be located in an orderly and neat appearing manner within the confines of the burial space provided.

Section 8: GROUND MAINTENANCE:

- A: No grading, leveling, or excavating upon the burial space shall be allowed without the permission of the cemetery sexton or the township clerk.
- B: No flowers, shrubs, 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 reserves the right to remove or trim any tree, plant, or shrub 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.
- E: The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers therefore that through decay, deterioration, damage, 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, papers, or flower containers must be removed or deposited in receptacles located in the cemetery.

Section 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES:

Cemetery lots sold after June 5th, 2006 and remaining vacant 20 years from the date of sale shall automatically revert to the township upon occurrence of the following events:

- A: Notice shall be sent by the township clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 20 year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notices his or her desire to retain said burial rights.
- B: No written response to said notice 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 or her heirs or legal representative, within 60 days from the date of mailing of said notice.

Section 10: REPURCHASE OF LOTS OR BURIAL SPACES:

The township will repurchase any cemetery lots or burial space from the owner for the original price paid the township upon written request of said owner or his or her legal heirs or representatives.

Section 11: RECORDS:

The township clerk shall maintain records concerning all burials, issuance of burial permits, any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection by appointment with the township clerk.

Section 12: CEMETERY HOURS:

- A: The cemetery shall be open to the general public from the hours of 8:00 A.M. to 6:00 P.M. or up to (30) minutes prior to sunset.
- B: No person shall be permitted in the township cemetery at any other time except with permission of the township board or the sexton of the cemetery.

Section 13: 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, 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 shall not prevent civil proceeding from abatement and termination of the activity complained of.

Section 14: EFFECTIVE DATE:

The amended ordinance shall take effect on February 17th, 2021. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Voted on and adopted on this 1st day of February, 2021.

Kalbfleish: Aye

Neff: Aye

Sanderson: Aye

Larrison: Aye

Lunning: Absent