

Mason Township Cemetery Ordinance

ORDINANCE NO. 11-2001-01

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operations, control, and management of cemeteries owned by the Township of Mason Cass County, Michigan: to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF MASON, COUNTY OF CASS, MICHIGAN ORDAINS,

Section 1: Title

This ordinance shall be known and cited as the Mason 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 to five burial spaces.

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

Section 3: Sale of lots or burial spaces

A. Hereafter, cemetery lots of burial spaces shall be sold to residents or non-residents of the township 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.

C. Burial rights may only be transferred to those persons eligible to be original purchases of cemetery lots of 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 such records, the original permit thus assigned.

Section 4: Purchase price and transfer fees

A. Each adult burial space shall cost the sum of the fees agreed on by the Mason Township Board.

B. The Mason 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 & closing

A. The proper opening and closing of the burial space is the responsibility of the sexton and contractor.

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.

Section 6: Markers or memorials

A. All markers or memorials will be allowed at the discretion of the sexton or the Mason Township Board.

B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

C. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the monument company at the cost to the owner of the burial right.

Section 7: Interment regulations

A. Only one person may be buried in a burial space except for a parent and infant or two children buried at the same time, except in the event of cremation, which would allow two cremation urns or one body and one urn.

B. Not less than 24 hours shall be given in advance of any time 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 on the person to be buried therein, where necessary, shall be presented to the cemetery sexton prior to interment. Where such permit has been lost or destroyed, the sexton 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 burial space involved.

Section 8: Ground maintenance

A. No grading, leveling, or excavation upon burial space shall be allowed without the permission of the cemetery sexton.

B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the

cemetery sexton. Any of the foregoing items planted without such approval may be removed by the cemetery sexton.

C. The sexton 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 the 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 therefor 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, and flower containers must be removed or deposited in containers located within the cemetery. Decorations may be placed on gravesites between May 1 and September 15. Any decorations remaining after September 15th may be removed at the discretion of the sexton, during fall cleanup.

Section 9: Forfeiture of vacant cemetery lots or burial spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

A. Notice shall be sent by the township clerk by the first class mail to the last known address of last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his 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 heirs or legal representative, within 60 days from the date of mailing of said notice.

Section 10: Repurchase of lots of burial spaces

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

Section 11: Records

The sexton shall maintain records concerning all burial, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be opened to public inspection at all reasonable business hours. The sexton will make sure the township clerk has updated records in the town hall.

Section 12: Vault

All bodies shall be within a standard concrete vault installed or constructed in each burial space before interment.

Section 13: 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 township cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.

Section 14: 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 damages 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.

Section 15: 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 16: Effective Date

This ordinance shall take effect on Dec. 20, 2001 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance duly adopted on Nov. 13, 2001 at a regular meeting of the Mason Township

Board and will become effective 30 days after publishing.

Date Nov. 13, 2001.

Signed: Linda S. Beck
Clerk of the Township of Mason

Attested: Allen R. Wright
Supervisor of the Township of Mason