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TOWNSHIP OF HARTLAND

ORDINANCE NO. 72

CEMETERY USE AND MAINTENANCE

ADOPTED: AUGUST 16, 2011

EFFECTIVE: SEPTEMBER 18, 2011

HARTLAND TOWNSHIP ORDAINS AS FOLLOWS:

- A. Title. This Ordinance shall be known and cited as the Hartland Township Cemetery Ordinance.
- B. Definitions of cemetery lot and burial space.
- (1) Cemetery lots shall consist of one (1) or more burial spaces.
 - (2) A “burial space” shall consist of an area of a land area four (4) feet wide and ten (10) feet in length sufficient to accommodate burials as described and permitted by this Ordinance.
 - (3) An adult burial is any burial that involves a casket/vault combination greater than five (5) feet in length.
 - (4) A child burial is any burial that involves a casket/vault combination of three (3) feet, but no more than five (5) feet in length.
 - (5) An infant or stillborn burial is any burial that involves a casket/vault combination of less than three (3) feet in length.
- C. Sale of lots or burial spaces.
- (1) Upon the effective date of this Ordinance, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his heirs at law or next of kin.

Hartland Township Cemetery Use and Maintenance Ordinance

Ordinance No. 72

Effective August 20, 2011

Page 2 of 10

- (2) No sale shall be made to funeral directors or others than as heretofore set forth, except for those acting as an agent for an eligible purchaser, unless approved by the Township Board.
- (3) The Township Board and/or its designee, however, is hereby granted the authority to vary the aforesaid restrictions 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.
- (4) Subject to all of the provisions of this Ordinance, including forfeiture under paragraph J.(1)(a) - (d), 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 Board and/or its designee.
- (5) Burial rights may only be transferred to the original purchaser's heirs and may be effectuated only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township, approved by the Township, and entered upon the official records. All transfer requests must include a notarized letter from the owner, heirs and/or the executor of the estate authorizing the transfer. Upon such assignment and approval by the Township, the Township shall issue a new burial permit to the assignee and shall cancel and terminate the original permit.

When such permit is not presented, the Township designated cemetery sexton ("Sexton") or other Township designee shall take whatever means are reasonably available to ensure that the person transferring the burial rights possesses the appropriate rights before any transfer is commenced.

- (6) The owner of every cemetery lot shall be responsible for notifying the Township whenever that person's mailing address changes.

D. Purchase price and transfer fees.

- (1) The cost of each burial space is set forth in the fee schedule, as amended (see Appendix A).
- (2) The cost of a transfer of one or more burial spaces from an original purchaser to an heir is set forth in the fee schedule, as amended.
- (3) The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund.

- (4) The Township Board may periodically amend the fee schedule by resolution to account for increased costs and needed reserve funds for cemetery maintenance and acquisition.

E. Grave opening charges.

- (1) The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be payable to the Sexton in the amount set forth in the fee schedule, as amended.
- (2) No burial spaces shall be opened or closed except under the direction and control of the Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains that are under the supervision of the local health department or law enforcement agency.

F. Interment regulations. An interment at a Township cemetery shall comply with all of the following:

- (1) All burials, including the interment of ashes, shall be completed under the direction of the Sexton.
- (2) A minimum of thirty-six (36) hours advance notice shall be given prior to any funeral or graveside service to allow for the opening of the burial spaces, unless a particular religious tradition must be followed, and in that case, the Sexton shall make reasonable efforts to accommodate shorter notice.
- (3) All burials shall be within a standard concrete vault installed within each burial space before interment, except for cremated remains which shall be placed in an approved container.
- (4) The appropriate permit for the burial space involved and the appropriate identification of the person to be buried shall be presented to either the Sexton or the Township Board and/or its designee prior to interment. When such permit is not presented, the Sexton or Township designee shall take whatever means are reasonably available to ensure that the person to be buried in the burial space possesses the appropriate burial rights before any interment is commenced.
- (5) Only one (1) person may be buried in an earthen burial space except for:
 - (a) One (1) parent and one (1) infant or child may be buried together in the same burial space (may be buried at different times);

Hartland Township Cemetery Use and Maintenance Ordinance

Ordinance No. 72

Effective August 20, 2011

Page 4 of 10

- (b) Two (2) adults married to each other may be buried together in the same burial space, provided one (1) has an earthen burial and the other is cremated (may be buried at different times);
 - (c) Two (2) children may be buried together in the same burial space (must be buried at the same time);
 - (d) Two (2) infants or still born infants may be buried together in the same burial space (may be buried at different times);
 - (e) One (1) person buried in an earthen burial may be buried with two (2) cremated remains in the same burial space (may be buried at different times);
 - (f) No more than three (3) cremated remains may be buried together in the same burial space (may be buried at different times).
- (6) All graves shall be located in and kept in an orderly and neat appearing manner within the confines of the burial space involved.
 - (7) Only one (1) person may be interred in a single columbarium niche, only two persons may be interred in a double columbarium niche.

G. Markers, monuments, or memorials. Except for those existing before the effective date of this Ordinance, all markers, monuments, and memorials shall comply with all of the following requirements:

- (1) Only one (1) marker, monument, or memorial shall be permitted per one (1) burial space, except for the instances provided for in Section F(5) where in addition to one (1) marker, additional flush markers may be allowed with approval of the Township Board or its designee prior to installation and veterans graves that may have placed upon them one additional flush bronze government issued marker.
- (2) Except as limited by paragraph G(14) of this Ordinance, grave markers shall be no more than thirty-six (36) inches wide from left to right, and shall not exceed sixty (60) inches in height above normal ground level, unless approved by the Township Board or its designee prior to installation. In instances where a husband and wife are buried side by side, a shared marker that is centered over both burial spaces may have a maximum width of sixty (60) inches.

- (3) Family markers are only allowed to be placed on a cemetery lot consisting of eight (8) burial spaces, unless approved by the Township Board or its designee prior to installation.
- (4) All markers, monuments, or memorials must be of stone or other equally durable composition and shall be approved by the Township Board or its designee prior to installation. All markers, monuments, or memorials must be in good taste and keep with the overall aesthetic appearance of the cemetery and surrounding area.
- (5) Markers shall be located as follows:
 - (a) At the head of the grave with the inscription pointing towards the foot of the grave;
 - (b) No nearer than five (5) inches from an adjacent burial space.
- (6) Flush markers with raised letters shall be protected by a raised panel one (1) inch in width.
- (7) Any upright monument must be located upon a suitable foundation to maintain the same in an erect position.
- (8) The footing or foundation upon which any monument, marker or memorial is placed shall be constructed by the Township or its designee at full cost to the owner of the burial right. Payment must be paid to the Township or its designee in advance of work commencing.
- (9) One (1) flag holder is allowed for each grave of a veteran, and fireman or police officer killed in the line of duty.
- (10) Grave ledgers are prohibited.
- (11) Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated, or a safety hazard, the Township Board or its designees shall have the right, at the expense of the owner of the cemetery lot or burial space or by expenditure of any other available funds, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the cemetery lot or burial space prior to any such work beginning.
- (12) The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar items is first and foremost the obligation and financial responsibility of the

heirs or family of the person buried at that location. The Township or its designees have no responsibility or liability regarding the repair, maintenance or upkeep regarding any marker, memorial, urn or similar item.

- (13) Columbarium niche markers shall be purchased only through the Township at a cost identified in the fee schedule, as amended.
- (14) On cemetery lot number 146 and above in the Hodge Cemetery, including any lot numbers created in the future, only flush markers shall be permitted.

H. Grounds maintenance. The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers, or other items prohibited by this Ordinance without notice. The grounds that include and surround a burial space shall comply with all of the following requirements:

- (1) Grading, leveling, or excavating upon a burial space is strictly prohibited.
- (2) Ground cover must be grass unless otherwise permitted by this Ordinance.
- (3) No cemetery lot or burial space shall be filled above the grade established by the Township and/or its designee.
- (4) Annual and/or small perennial flowers may be planted in an area as described below.
 - (a) Flower beds shall be placed on the inscription side of the headstone.
 - (b) Flower beds cannot extend more than 12 inches from the headstone and cannot be wider than the headstone.
 - (c) Flower beds may not contain any fencing, concrete or other materials used for edging. Existing fencing or edging materials may be removed at the discretion of the Township or its designee without notice.
- (5) Shrubs, hedges or trees of any type shall not be planted without the prior approval of the Township or its designee. Any items planted without Township approval may be removed by the Township without notice.
- (6) Cut flowers are permitted only in flush vases or other approved containers.
- (7) One potted plant shall be allowed from May 24th through June 15th only. If left after that date, it will be removed and discarded without notice.

- (8) Wreaths and grave blankets are only allowed from November 1st to March 31st.
 - (9) Mounds which hinder the free use of a lawnmower or other gardening apparatus are strictly prohibited.
 - (10) Refuse or debris of any kind or nature including, but not limited to, dried flowers, wreaths, papers, or flower containers must be removed or deposited in proper waste containers in the cemetery within ten (10) days after a burial or funeral services are held.
 - (11) The following items are prohibited:
 - (a) Coping, fences, curbing, steps, benches, or any other structure, unless expressly permitted by the Township, or except those structures that were installed prior to the effective date of this Ordinance (also see Section G(11));
 - (b) Artificial flowers, toys, dolls, or other man-made objects used as grave decorations;
 - (c) Any Glass vases, jars, bottles, or other receptacles.
 - (12) The Township reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance, safety, and use of the cemetery.
- I. Disclaimer of Township Liability and Responsibility. Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a Township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Sexton and any Township employee, officer, official or agent.
- J. Forfeiture of vacant cemetery lots or burial spaces.

Hartland Township Cemetery Use and Maintenance Ordinance

Ordinance No. 72

Effective August 20, 2011

Page 8 of 10

- (1) Cemetery lots or burial spaces remaining vacant 70 years from the date of sale shall revert to the Township upon occurrence of the following events:
 - (a) Notice sent by the Township or its designee by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 70 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 or its designee within 60 days from the date of mailing of the notice 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 or record of said lots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.
 - (c) Notice of forfeiture having been published in a newspaper of general circulation at least 30 days prior to forfeiture proceedings by the Township, stating the Township's intent to reclaim vacant cemetery lots or burial spaces.
 - (d) The Township Board adopts a resolution of forfeiture at a public meeting specifically identifying the cemetery lots or burial spaces forfeited back to the Township.
- K. Repurchase of lots or burial spaces. The Township may, in its sole discretion, repurchase any cemetery lots or burial space from the owner for the original price paid to the Township upon written notarized request of said owner or his legal heirs or representatives.
- L. Records. The Township Board or its designee shall maintain records concerning all burials, issuance of burial permits, and any existing perpetual care funds, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.
- M. Hours.
 - (1) The cemetery shall be open to the general public from sunrise to sunset or during the hours as set forth in the Cemetery Rules and Regulations. The Township Board, by resolution, may periodically amend the foregoing rules and regulations in its discretion.

- (2) No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township board, its designee, or the Sexton.
- N. Rules. The Township Board may, by resolution, adopt rules and regulations for the day to day operation of the Township's cemeteries. Such rules and regulations, if any, shall be entitled "Cemetery Rules and Regulations." The Township Board reserves the right to periodically amend the rules and regulations in its discretion.
- O. Authority of the Township to Remove Unauthorized or Unlawful Items.
- (1) Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this Ordinance, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery.
 - (2) No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written rule or regulation of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery if such item threatens the health, safety or welfare of the public.
 - (3) Any item(s) in violation of this Ordinance placed in a Township cemetery prior to the adoption of this Ordinance shall be removed within one year of the effective date of this Ordinance.
 - (4) The Township, although not required to, may make reasonable attempts to contact the owner or heirs of the owner of a lot or burial space prior to removal of items prohibited by this Ordinance or any rule or regulation.
- P. Reservation of Rights. The Township hereby expressly reserves the right to resurvey, enlarge, diminish, replat, alter in shape or size, or otherwise to change all or any part, portion or subdivision of any property hereby mapped and platted (including the right to lay out, establish, close, eliminate, or otherwise, modify or change the location of roads,

walks or drives), and to file amended maps or plats thereof, and to use the same for the erection of buildings, or for any purposes or uses connected with, the disposal or internment of human dead remains, and to promulgate rules and fees for same.

Q. Authority of the Sexton.

- (1) The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board.
- (2) The Township Sexton shall assist other Township officials with the enforcement and administration of this Ordinance.
- (3) The Township Sexton shall have such duties and obligations with regard to Township cemeteries as may be specified from time to time by the Township Board.

R. Penalties.

- (1) Any person, firm or corporation who violates any of the provisions within this ordinance shall be guilty of a municipal civil infraction and will be subject to the penalties set out in the Hartland Civil Infractions Ordinance.
- (2) Each day that a violation continues to exist shall constitute a separate offense.
- (3) Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

S. Severability. The provisions of this 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.

T. Effective Date. This ordinance shall take effect on September 18, 2011. All ordinances or parts of ordinances in conflict herewith are hereby repealed.