

Adopted February 7, 2021
Effective March 11, 2022

SUMMIT TOWNSHIP

Ordinance No. 17
Summit North Cemetery Ordinance

An Ordinance to protect the public health, safety and general welfare establishing regulations relating to the operation, control and management of the Summit North Cemetery, County of Mason, State of Michigan: to provide for penalties for the violation of said ordinance.

THE TOWNSHIP OF SUMMIT, COUNTY OF MASON, STATE OF MICHIGAN ORDAINS:

Section 1. Purpose.

The Township, through its Township Board administers the Summit North Cemetery. The Township Board adopts the rules and regulations in this article for the Summit North Cemetery to provide maximum protection to burial space owners and to best ensure and preserve the beauty, orderly development and care of the cemetery.

Section 2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

- A. Burial space: Means a single plot, lot, group of plots or lots under the ownership of one person or family.
- B. Plot: The space located on a portion of the Summit North Cemetery, that is used or is intended to be used for the inurnment of a full Burial cremains.
- C. Burial right: The right of inurnment of cremated remains in a burial space in the Plot.
- D. Cremated remains: The remains of the cremation of a deceased person.
- E. Purchaser: The person acquiring a burial right in the Plot by agreement and purchase from the Township. The terms shall also include any permitted transferee of a burial right.
- F. Marker: Means a stone or plaque, either flush or above the ground indicating the given or family name of the deceased.

Section 3. Sale of Burial Rights.

The sale of a burial right shall be made on the form approved by the Township Clerk, which shall include, without limitations, the name of the purchaser, a showing that the purchaser is eligible, and the specific burial space being acquired under the burial right. Such form shall be signed by the purchaser and by the Township Clerk on behalf of the Township. Any such sale is subject to the following regulations and restrictions:

- A. Purchase of burial rights are open to residents and non-residents.
- B. The burial rights may be used only for the inurnment of the cremated remains or full burial of one of the following:
 - 1. Any purchaser of the township.
 - 2. The purchaser's spouse or domestic partner and/or immediate family.
 - 3. Any active member of the armed services who was a resident of the township prior to entering military service.
 - 4. An owner of real or personal property subject to taxation by the township.

A purchaser may acquire more than one burial space; however, an associated fee shall apply for each burial right, up to two per burial space for cremains.

- C. No sale of burial rights shall be made to funeral directors in their role as funeral directors. Any sale to a funeral director shall be to him/her as an individual, to the extent eligible to purchase burial rights as specified above.
- D. The sale of a burial right does not convey any title to, ownership of or property interest in the burial space; only a right of inurnment of appropriate remains is granted.
- E. The completed purchase form shall constitute a burial permit of the inurnment of the cremated remains or full burial of eligible deceased person(s). The original burial permit shall be delivered to the purchaser and the Township Clerk shall retain a copy in the Township records.

Section 4. Transfer of Burial Rights.

Burial rights may only be transferred to persons eligible to be original purchasers under the Ordinance. A transfer may be effected only upon the written approval of the Township Clerk after receiving a written transfer request signed by the current owner of the burial right and the proposed transferee, who shall establish his/her eligibility as a purchaser. The original burial permit shall be submitted with the request. Upon approval, the Township Clerk shall note the transfer on the original burial permit, shall amend the official records of the Township Clerk and issue a new burial permit form to the transferee purchaser.

Section 5. Purchase Price and Transfer Fees.

To provide for costs of acquisition, construction, administration, operation and maintenance, the Township Board, from time to time, shall establish by resolution a schedule for the purchase price of a burial right, for the fee for transfer of a burial right, and for the fee for opening and closing of burial spaces.

All costs shall be paid in full at the time of purchase, transfer or burial space opening, as the case may be. Payments shall be made to the Township Treasurer and shall be deposited in the cemetery account for this particular sold or transferred burial space.

Section 6. Interments and disinterment's.

- A. *Weekend Burials.* Interments in the cemetery may be made on a Saturday or Sunday only with prior approval of the cemetery sextant. All weekend and holiday interments shall be charged at overtime rates. Overtime rates are to be paid for by the funeral home at the time of burial unless other satisfactory arrangements have been made.
- B. *Permit.* A burial permit shall be required for all burials including cremains prior to such burial. (Provided by the funeral director).
- C. *Number of burials per plot.* No more than one burial may be made per plot, except for a parent/infant, two infants or two children buried at the same time: also, a regular burial and a cremation or two cremations per grave site.
- D. *Human remains.* No burial shall be allowed for other than human remains, except that cremains of pets may be placed within caskets prior to burial. Further, in the event that the pet of an individual dies subsequent to such human burial, pet cremains may be buried only on the same lot as the human remains. Burial of such pet cremains shall require the same fee for grave openings as any other grave opening. In no event shall any animal remains be buried, other than such pet cremains, and any pet cremains buried must be in a container approved by the cemetery sextant. All human cremains which are not buried in a vault shall be buried only in a container approved by the cemetery sextant.
- E. *Vaults.* All burials shall be in concrete vaults or concrete rough boxes, except for cremations and infant burials in a casket size of two feet six inches or less. All vaults and rough boxes shall be installed only by persons authorized by law.
- G. *Work by cemetery employees.* All interments and disinterment's shall be performed by cemetery employees.
- H. *Opening of Graves.* Graves cannot be opened for inspection except under court order or pursuant to statute.

- I. *Funeral designs.* Cemetery staff will remove funeral designs and floral pieces as soon as they become unsightly, and the cemetery assumes no responsibility for their return.
- J. *Winter burials.* Weather permitting, burials may be made during the winter months as determined by the funeral director and/or sextant. The township will charge any additional fees incurred for a winter burial.

Section 7. Monuments.

- A. *Prior approval.* No person, including any professional monument worker, shall install or place any monuments without obtaining permission from the Clerk or cemetery sextant at least 24 hours before such placement. For any work to be done on any weekend or holiday, permission must be obtained at least one business day prior to the weekend or holiday. Persons requesting permission to install any monument must provide the clerk or cemetery sextant proof of liability insurance in an amount not less than \$300,000.00 per person or per occurrence, which insurance names the township as additional insured.
- B. *Fully paid lots.* No monument may be erected on a lot which is not paid in full.
- C. *Number and size.* Other than monuments that are flush with the ground, not more than one monument or marker shall be erected on any one grave site, and the monument should be proportion with the size of the lot. Monuments being set will be limited in size to no larger than: Single 32" wide by 14" deep and 36" high, a double monument is 60" wide by 14" deep and 36" high.

Section 8. Grounds Maintenance.

- A. Grading, leveling, excavating and maintenance upon the cemetery grounds shall be allowed only as authorized by the Township Board and must be completed under the supervision of the sexton.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted. Funeral flowers and temporary memorials may only be displayed in the designated area adjacent to the Plots. Any items placed or planted in violation of these guidelines may be removed by the township or the cemetery sextant.
- C. The Township Board reserves the right to plant, remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

Section 9. Permission for work and liability for damages

No person shall perform any work within any cemetery except with the permission of and in accordance with the directions of the cemetery management.

Any person causing damage within a cemetery shall be liable to the township for such damage. Any person performing work in a cemetery without permission shall be liable to the township for the cost of restoring the cemetery to the condition that it was in before the work was done.

Section 10. Use of roadways for visitors

Driving off established roadways within the cemetery is prohibited, except for maintenance personnel. Funeral cars shall have the right-of-way over all other traffic.

Section 11. Hours

The cemetery is closed at dusk and reopens at dawn.

Section 12. Consumption of alcoholic beverages

Alcoholic beverages are prohibited in the cemetery except in conjunction with bona fide established burial customs.

Section 13. Advertising

No person shall use any form of advertising on cemetery premises, unless placed, distributed or permitted by the Clerk or sextant when such advertising is of minor or incidental nature only.

Section 14. Firearms

Possession or discharge of a firearm in or adjacent to the cemetery is forbidden except in connection with burial ceremonies, such as a military funeral or by a duly authorized police officer.

Section 15. Unlicensed recreational vehicles

No unlicensed recreational vehicle (snowmobiles, three/four wheelers, roller blades, skate boards, bicycles etc.) are permitted within the cemetery grounds.

Section 16. Disturbances

No person shall engage in a fight, quarrel or disturbance in the cemetery. No loud or boisterous language or music allowed. No person shall interrupt any funeral or memorial service.

Section 17. Picking of flowers, defacing memorials

Persons visiting the cemetery or attending funerals are strictly forbidden from picking flowers, wild or cultivated; breaking or injuring any trees, shrubs or plants; and writing upon, defacing or injuring any memorials, fences or other structures within the cemetery grounds.

Section 18. Disposing of trash and rubbish.

All trash, trimmings, dead flowers, etc., from the cemetery shall be the responsibility of the lot owners.

Section 19. Children under ten years of age

No person under ten years of age shall enter the cemetery unless attended by an adult responsible for his or her conduct.

Section 20. Traversing grounds

Walking or driving through the cemetery grounds to property or land outside of the cemetery for the purpose of saving time or distance is prohibited.

Section 21. Placing objects on lots

No object, except a permanent grave marker, shall be placed on any cemetery lot, except an approved type of flower urn or flower basket as permitted by the township board. Urns must be turned by November 1.

Section 22. Placement of plantings, stones, decorations

Any and all plantings, stones, and decorations which, in the reasonable opinion of the township board, hampers maintenance or degrades the appearance of the cemetery may be removed by the township board without advance notice. Any plantings, baskets, etc. must be placed on the concrete foundation as not to impede mowing. No glass receptacles will be permitted.

Section 23. Plantings generally

Evergreens. Plantings of any kind in the cemetery is prohibited.

Section 24. Animals

Only service animals are allowed.

Section 25. Forfeiture of Burial Rights

A burial right sold after the effective date of this Ordinance for which the burial

space remains unused for 60 years from the date of sale, may be renewed or may revert to ownership by the Township as outline below:

- A. At least 60 days prior to the expiration of the 60-year period, the Township Clerk shall send notice by certified mail to the last known owner-of-record at the last known address, informing him/her of the expiration of the 60-year period and outlining the following options:
 - 1. That the owner may send a written response to the Township within 60 days of receipt of the notice, indicating a desire to retain burial rights. The owner's rights are again preserved for the following 60 years.
 - 2. That the owner may send a written response to the Township within 60 days of the receipt of the notice, relinquishing interest in the burial right. Upon receipt of the response, the Township shall reimburse to the owner the original purchase price charged for the burial right and the Township shall regain possession of the rights to the burial space.
- B. In the event that the owner-of-record is deceased, the heir or legal representative must update the ownership records with the Township Clerk, bearing in mind the restrictions in Section 3 above. If it is found that the heir or legal representative is ineligible for ownership, the original purchase price of the burial right shall be refunded by the Township and the Township shall regain possession of the right to the burial space.
- C. In the event that the Township, after due diligence, is unable to locate the owner-of-record, and is unable to determine the owner's heirs or legal representative, ownership of the burial space shall immediately revert to the Township without payment at the expiration of such 60-year period.
- D. Any burial space that reverts to the Township's possession under this section may be resold by the Township.
- E. In the event that the owner of record, owner's heirs or legal representative notifies the Township of eligibility for ownership after the 60-day response time has elapsed in accordance with Section 25 A above, the Township Clerk shall have the option of exercising the provisions contained in Section 25 A-1 or 25 A-2 above, provided the burial space has not resold in accordance with the provision of 25 D above.

Section 26. Repurchase of Burial Rights

The Township will repurchase any burial right from the owner-of-record for the original price paid the Township upon written request of said owner or his/her heirs or legal representatives.

Section 27. Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits and any related records, separate and apart from any other records of the Township, and the same shall be open to public inspection at all reasonable business hours.

Section 28. Penalties

The violation of any provision of this Ordinance by any person, firm or corporation shall be a civil infraction and may be prosecuted.

Section 29. Liability for Damages

No officer, agent, sexton or employee of the Township shall be liable for any damage that may occur to any persons or property as a result of any act, decision, omission or other consequence or occurrence arising out of the discharge of duties or responsibilities pursuant to this Ordinance or the normal course for cemetery operations. The township shall not be held responsible for damages by the elements, act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or the order of any military or civil authority, whether the damages may be direct or collateral.

Section 30. 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.

Section 31. Repeal

All ordinances, resolutions, orders or parts thereof in conflict with this Ordinance, in whole or in part, are hereby repealed to the extent of any such conflict.

Section 32. Effective Date

This ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Deanda and was seconded by Township Board Member Bedker, the vote being as follows:

YEAS: Kelly, Deanda, Bedker and Jorissen

NAYS: None

ABSENT/ABSTAIN: Chase

ORDINANCE DECLARED ADOPTED February 7, 2022 and
CERTIFICATION March 11, 2022, 30 days after publication in the Ludington Daily
News.

I hereby declare that the above is a true copy of an ordinance adopted by the Summit
Township Board at a regular meeting held on February 7, 2022 at the Summit Township
Hall, pursuant to the required statutory procedures.

Dated: February 7, 2022

Respectfully submitted,



By: Kay Deanda, Summit Township Clerk

