

Chapter 57

Cemeteries

[HISTORY: Adopted by the Township Board of the Charter Township of Blackman 9-28-2015. Amendments noted where applicable.]

§ 57-1 Title.

This chapter shall be known and cited as the "Blackman Charter Township Cemetery Ordinance."

§ 57-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BURIAL SPACE

Pursuant to MCLA § 128.11, a lot or portion thereof in any cemetery designed and intended for the interment of human bodies or of a human body, but not used for such purpose.

INTERMENT

The disposition of the remains of a deceased person by burial.

MARKER

A memorial flush with the ground.

MONUMENT

A tombstone or memorial of granite or marble which shall extend above the surface of the ground.

OWNER

Any person owning or possessing the privileges or right of interment in any burial space.

RESIDENT

A person whose primary mailing address is within the Township.

§ 57-3 Sale of burial spaces.

- A. Hereafter, single burial spaces shall be sold only to residents or taxpayers 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 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.

§ 57-4 Purchase price and transfer fees.

- A. The cost of each single burial space shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.
- B. The cost of any transfer of one burial space from an original purchaser to a qualified assignee shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township. Transfers among immediate family are exempt from this fee. The definition of "family," for the purposes of this chapter, shall mean spouses and children only.
- C. The charges shall be paid to the Township Treasurer and shall be deposited in the appropriate cemetery fund for the particular cemetery involved in the sale or transfer.

§ 57-5 Grave opening and closing 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. Determined by resolution of the Township Board, an additional fee will be charged for winter burials taking place between November 1 and April 1.
- C. No burial spaces shall be opened and closed except under the direction and control of the Township Clerk or whomever he assigns. This provision shall not apply to proceedings for the removal or reinterment of bodies and remains, which matters are under the supervision of the local health department.
- D. After interment, no changes in the location of a grave will be made except at the expense of the owner. This charge will be set by resolution.

§ 57-6 Markers and memorials; urns.

- A. All markers or memorials must be of stone or other equally durable composition.
- B. All markers, memorials or monuments 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 burial space.
- D. The foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at a cost to be determined from time to time by resolution of the Township Board, payable to the Township. This charge shall be immediately payable with the grave opening charge and may not be deferred.
- E. Urns of any kind above ground are prohibited.
- F. The Township shall have the right to bury, restore or repair, at its sole option, any broken or irreparable marker or memorial on existing grave sites if persons or family show no sign to repair such. If buried,

the marker shall be placed flush with the ground with the engraving showing if possible. The Township Clerk will record such action. The Clerk shall notify family of pending action 10 days before such action takes place by regular mail to the last known address on record.

§ 57-7 Interment regulations.

- A. In addition to the provisions of this chapter, all interments and removals shall be subject to all laws, rules, regulations, ordinances and orders of the Township and any other governmental agency having jurisdiction.
- B. Only one person shall be buried in a cemetery plot, except for a parent and infant child or two children buried at the same time when approved by the Township Clerk or designee. The Township Clerk or designee may also allow one person plus one cremation (if regular burial is first to occur) or two cremations per plot with first cremation buried closest to headstone.
- C. Not less than 36 hours' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces. When an interment is to be made in a plot, the location of such interment shall be designated by the plot owner. Should the plot owner fail or neglect to make such designation, the Township reserves the right to designate the location of the interment.
- D. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, 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.
- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

§ 57-8 Ground maintenance.

- A. No grading, leveling, terracing or excavating upon burial space shall be allowed without the written permission of the cemetery sexton or the Township Clerk.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the written approval of the Township Clerk. The Township Clerk shall cause to be removed any of the foregoing items planted without such approval.
- C. The Township Clerk 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 even if previously approved.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The Township Clerk shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that, through decay, deterioration, damage or otherwise, become unsightly, a source of litter or a maintenance problem. **In other words, the clerk has the right to remove any and all decorations to maintain the appearance of the grounds or for the purpose of burials. The cemetery is not responsible for removed, stolen, or damaged decorations.**

- F. Surfaces other than earth or sod are prohibited. This includes, but is not limited to, concrete, stones or curbing.
- G. All refuse of any kind or nature, including, among others, dried flowers, wreaths, papers, and flower containers, must be removed from the cemetery.
- H. Glass containers and other breakable containers are prohibited.
- I. Shepherd hooks must be placed directly to the side of the foundation so as not to interfere with lawn mowing.
- J. Solar lights may be allowed at the discretion of the Township Clerk.
- K. Grave blankets traditionally put on plots during the winter months, especially the Christmas season, may be placed by relatives of the deceased. It should be understood that such blankets have a tendency of killing the grass located under the blankets and poisoning the soil. The Township shall not be responsible for the reseeded or resodding of grass over plots where the grass has died due to the placing of the blanket.

§ 57-9 Forfeiture of vacant cemetery lots or burial spaces.

Cemetery lots or burial spaces remaining vacant 60 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 first-class mail to the last known address of the last owner of record informing him of the expiration of the sixty-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 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.

§ 57-10 Repurchase of lots or burial spaces.

The Township may repurchase any cemetery lots or burial space from the owner for 75% of the original price paid the Township upon written request of said owner or his legal heirs or representatives. Proof of ownership acceptable to the Clerk shall be required.

§ 57-11 Records.

- A. The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township, and the same shall be open to public inspection at all reasonable business hours.
- B. It shall be the duty of each lot owner to notify the Township of any change in his or her post office address and/or phone number. Notice sent to a lot owner at the last address on file in the office of the Township Clerk shall be considered sufficient and proper legal notification.

§ 57-12 Vault.

All burials, except for the remains of a cremation, shall be within a standard concrete vault installed or

constructed in each burial space before interment.

§ 57-13 **Cemetery hours.**

- A. The cemetery shall be open to the general public from 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 Board or the Township Clerk.

§ 57-14 **Cemetery sexton.**

The Township Board authorizes the Township Clerk to appoint a cemetery sexton. The sexton shall only be paid from fees collected by the Township for the services rendered by the sexton. These fees shall be set by Board resolution.

§ 57-15 **General rules.**

- A. Maximum speed limit shall be five miles per hour.
- B. Funeral cars have the right of way over all other traffic.
- C. Vehicles shall refrain from driving or parking on the grass.
- D. Bicycles, motorcycles, snowmobiles or any other vehicles not having business in the cemetery are prohibited.
- E. Dogs are permitted in the cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight impairment or other disability. All other pets or domestic animals are prohibited without written consent of the Township Clerk or sexton.
- F. No person shall obstruct any drive, walk or alley, or in any way injure, deface or destroy any grave, vault, tombstone, monument, flower, tree, shrub or other thing in, or belonging to, any public burial grounds in said Township. No person shall remove anything from any place in said cemetery without permission from the Township Sexton or the written consent of the Township Clerk.
- G. No person shall discharge any firearms or explosives in said cemetery except regular salutes at military funerals.
- H. No person shall make any loud noise or be guilty of any unseemly or disorderly conduct in any such cemetery.
- I. There shall be no possession or consumption of any alcoholic beverage.
- J. Cremations or ashes of a deceased person shall not be scattered or dispersed.
- K. **ALL DECORATIONS** will be removed on March 1st and October 1st. Decorations can be replaced starting April 15th and November 15th. All vases are to be inverted from October 1st – April 15th.

§ 57-16 **Violations and penalties.**

Any person, firm or corporation who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100 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.