

TOWNSHIP OF LAPEER CEMETERY ORDINANCE NO. 40.1

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of Hunters Creek Cemetery, owned by the Township of Lapeer, Lapeer 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 LAPEER, COUNTY OF LAPEER, MICHIGAN ORDAINS:

SECTION 1: URNS

- A. Urns are the responsibility of lot owners and are governed by the rules and regulations of Hunters Creek Cemetery. The Township assumes no responsibility as to the care, maintenance or protection of urns, or for any damage, which may result to any urn placed in Hunters Creek Cemetery.
- B. The placement of (and planting within) urns is prohibited until a valid burial certificate has been issued and paid for.
- C. All urns place in Hunters Creek Cemetery shall be of conventional style and made of concrete or a similar heavyweight material capable of withstanding environmental elements. All urns must be semi-permanent or permanent in style and must be placed within the monument or marker row or within twelve (12) inches of the rear of a monument and must not encroach on any adjacent grave or lot owned by others, nor shall any urn encroach upon an isle or walkway.
- D. All urns must be sufficient enough in weight that they will remain upright and in place on windy days. Urns which have blown or fallen off their base or are not in the proper place will not be permitted.
- E. A maximum of two urns per monument is permitted.
- F. One unpainted, heavyweight statue (upon a concrete base) may be substituted for an urn.
- G. Urns which become broken, unsightly in appearance or a nuisance to the upkeep of Hunters Creek Cemetery or to other lot owners will not be permitted.
- H. Urns or statues which do not comply with all the above rules will be removed from Hunters Creek Cemetery without notice. Any urns which are removed from Hunters Creek Cemetery will be placed in storage for not more than thirty (30) days, after which time they may be disposed of without notice. Make arrangements with the Township office to pick up any urns which have been removed.

SECTION 2: PLANTINGS

- A. Bushes and trees may not be planted on any grave or lot in Hunters Creek Cemetery.
- B. Any plants, bushes or trees already planted on graves or lots must be kept trimmed and maintained by the owner or lot keeper. Any plants which impede upon monument will not be permitted. Any plants which are untrimmed, or which become a nuisance by reason of their branches, roots, appearance or otherwise become detrimental to adjacent lots, aisle ways or roadways, or an inconvenience to other lot owners or to the upkeep of Hunters Creek Cemetery, will be removed without notice.

- C. Potted plants, whether real or artificial, may not be planted in the ground, but must be left in the pot above the surface of the ground. Potted plants must not be placed in front of or behind graves, but to the side to provide clearance for lawn maintenance equipment (see Section 9E). All such potted plants may be in pots not to exceed ten (10) inches in diameter and limited to (2) per marker. Any potted plant must be sufficient enough in weight that it will remain upright and in place on windy days.
- D. Artificial flowers not in an urn must be securely attached to the monument itself.
- E. The use of wire, nails, iron rods or other devices to anchor flower vases, baskets, or other objects to the ground will not be permitted.
- F. Mounds, plantings, or other objects which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. Planting is permitted within twelve (12) inches of the front and rear of a monument.

SECTION 3: SURFACES

- A. Surfaces other than earth or sod are prohibited.
- B. No person shall remove sod or earth from any lot, aisle way or roadway.
- C. No sand, gravel, washed gravel, crushed stone, bricks or other loose material may be used around the bases of markers or monuments.
- D. Steps or artificial walkways of any kind are not permitted.
- E. Mounds raised around graves will not be permitted.

SECTION 4: OTHER DECORATIONS

- A. The decoration of lots or graves with fencing, edging, wire screens, arbors, trellises, individual artificial flowers anchored in the ground, or any objects of a similar nature is prohibited. No glass or ceramic objects or containers of any kind are permitted in Hunters Creek Cemetery.
- B. One shepherd's hook is permitted per grave, providing it is placed within the permitted planting area. Any item hanging on the shepherd's hook shall be securely fastened.
- C. One eternal flame, or one small (12 inches or less in height) solar landscape light, may be placed with the permitted planting area per grave.
- D. No more than two decorative items may be placed within the permitted planting area, provided they are of sufficient weight, or are attached to the monument, so that they will remain securely within the permitted area. No decoration shall obstruct the view of a monument.
- E. Winter decorations – grave blankets, decorative balls and wreaths – are permitted between November 1 and March 15. During this time, tripods are permitted for those decorations not secured directly to the headstone.
- F. Summer decorations – annual flowers in pots, urns, saddles – are permitted from May 1 thru October 15. Two (2) flower pots or two (2) urns, plus one (1) flower saddle per marker are permitted.
- G. Settees, benches and chairs are not permitted in Hunters Creek Cemetery.

- H. As part of the spring and fall cleanup, Hunters Creek Cemetery personnel will remove all seasonal decorations, as well as any decorations which have become unsightly in appearance, or a nuisance to the upkeep of Hunters Creek Cemetery or to other lot owners. Lot owners who wish to save fall and/or winter decorations shall remove them before March 15. Lot owners who wish to save spring and/or summer decorations shall remove them before October 15. The Township and cemetery personnel shall not be liable for the removal of such decorations and it is strongly recommended that lot owners do not place seasonal decorations on graves until cleanup is complete – contact the Township office to verify cleanup completion.
- I. The Township and Hunters Creek Cemetery personnel will not be responsible for loss or damage to any article left upon any lot, grave or other part of Hunters Creek Cemetery.
- J. Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans 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 from the Township cemetery 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. 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 policy 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.

SECTION 5: PROTECTING THE BEAUTY, UPKEEP and SAFETY OF HUNTERS CREEK CEMETERY

- A. The Township will make every effort to furnish water for the use of all who wish to maintain flowers, urns, etc. This water will be available from various outlets within Hunters Creek Cemetery during the appropriate season. The Township and cemetery personnel shall not be responsible for any water related damage.
- B. No person shall leave any refuse in Hunters Creek Cemetery except that which they deposit in the receptacles provided.
- C. No glass or ceramic objects or containers of any kind are permitted in Hunters Creek Cemetery.
- D. No children will be allowed in Hunters Creek Cemetery unless accompanied by an adult responsible for their conduct.
- E. No person shall discharge a firearm in or adjacent to Hunters Creek Cemetery, except during memorial services at which a firearm is discharged in salute to the deceased.
- F. The speed limit in Hunters Creek Cemetery is 10 miles per hour on all cemetery drives. Said drives are not permitted for use as public thoroughfare.
- G. Vehicles shall remain on cemetery drives at all times.
- H. No ATV's or other off-road motorized vehicles are permitted in Hunters Creek Cemetery.

- I. No dogs, horses or other domesticated animals are permitted in Hunters Creek Cemetery.
- J. Hunters Creek Cemetery is officially closed to the public from one hour after sunset until sunrise.

SECTION 6: PURCHASE OF BURIAL RIGHTS/CEMETERY PLOTS

- A. The purchase of burial rights does not convey ownership of land. The purchase of burial rights within Hunters Creek Cemetery conveys the right and privilege of burial of approved person or persons upon the location specified the right to construct approved markers and other rights subject to the rules and regulations of Hunters Creek Cemetery.
- B. The purchase of burial rights within any area of Hunters Creek Cemetery shall be made valid only by assignment of a Burial Rights Certificate signed and sealed by the Township, and indicating the precise location of purchase of burial rights. The precise location of purchase is designated by the proper combination of lot, block section and grave values within a particular division of Hunters Creek Cemetery. In addition, no area of Hunters Creek Cemetery will be considered sold until paid for in full.
- C. Terms of all burial rights sales are cash or check.
- D. Payment is due in full at the time of burial rights assignment, unless payment arrangements, acceptable to the Township are made by the funeral director.
- E. Graves will be held upon request for a period not to exceed 30 days. Graves shall be paid for in one payment equal to the full cost of said grave, within the 30 day period or at time of burial, whichever occurs first.
- F. The Township reserves the right to limit the sales of burial rights for burial purposes and intended burial purposes, and will not knowingly sell lots for investment purposes, and no person shall be allowed to speculate in said lots.
- G. Burial spaces are exempt from taxation and liability for debt. No mortgage or other encumbrance can be placed upon them.
- H. The Township shall have the right to correct any errors that may be made concerning interments, disinterment's or in the description, transfer or conveyance of any cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser.

In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with the law.

- I. The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

SECTION 7: BURIAL RIGHTS TRANSFERS - FORFEITURE OF VACANT CEMETERY PLOTS OR BURIAL SPACES AND REPURCHASE OF PLOTS OR BURIAL SPACES

- A. Burial Rights shall not be transferred from one party to another without the consent of the Township, and without following the proper procedures, as determined by the Township.

- B. Burial Rights Certificates, any other agreements, written or otherwise implied, made or agreed to by anyone other than the Township and the approved party shall not be valid and will not be honored.
- C. The Township has the right to refuse the transfer of burial rights from one party to another, and may require that a Burial Rights Certificate be provided to the Township before being transferred to another party.
- D. The Township may repurchase any cemetery plot from the owner for the original purchase price of said plot / burial space(s), upon the written request of said owner or his or her legal heirs or representatives.
- E. Cemetery plots or burial spaces sold after the effective date of this Ordinance and remaining vacant for forty (40) years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:
 - 1) 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/her of the expiration of the 40-year period and that all rights with respect to said plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
 - 2) No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Township Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

SECTION 8: BURIALS

- A. No interments will be permitted to be made on any lots for which Burial Rights Certificates have not been issued nor which have unpaid charges or liens against them.
- B. Interments will not be permitted until payment for burial has been received or payment is arranged by funeral director.
- C. Interments in Hunters Creek Cemetery will not be permitted without a valid Burial Transit Report or Cremation Certificate.
- D. Interments in lots for which a burial certificate have been issued shall be in accordance with the orders given by a licensed Michigan funeral director. Orders by funeral directors for interments shall be construed as orders from the lot owner or owners. This provision may be waived upon written authorization of the certificate holder or authorized agent.
- E. No interment of any body other than that of a human being will be permitted.
- F. The interment of two bodies in one grave is prohibited, except the simultaneous death and burial of either a mother or father and infant, infant twins or two infants that died at the same time, provided that this does not involve the burial of two caskets on top of each other, and does not in any manner encroach upon adjacent lots, graves or isles. Additional interment of cremains may be permitted, provided the maximum number of bodies in one grave does not exceed two (2).
- G. Burial restrictions are as follows:
 - Adult Space - Burial restricted to:
 - 1) either two cremains and no bodies
 - 2) or one body and one cremains
 - Infant Space - Burial restricted to:

- 1) either one child and one cremains
- 2) or two newborns/infants

- H. All burials in Hunters Creek Cemetery, excluding the burial of ashes, are to be made in concrete vaults obtained through a licensed Michigan funeral director. A newborn child may be buried in a Cherub of fiberglass construction.
- I. Hunters Creek Cemetery reserves the right to refuse any order for interment unless the application for the same is made at least forty-eight (48) working hours in advance of the funeral hour.
- J. The Township will not assume any responsibility for errors in location of graves resulting from improper instructions of lot owners. Orders by funeral directors for the opening of graves will be construed as orders from the lot owner or owners.
- K. A change of location after a grave has been dug, or after interment, will be made at the expense of the lot owner or funeral director.
- L. Interments or disinterments during months when the ground is frozen will incur additional charges as determined by the Township.
- M. The Township or its duly appointed agent (Cemetery Sexton) shall supervise all interments.
- N. No demonstrations, memorial services or other concerted activity, unrelated to funerals or interments may be held in Hunters Creek Cemetery without prior authorization of the Township.
- O. All outer burial cases over three (3) feet in length shall be classed as adult size.
- P. All graves will be opened and closed by Hunters Creek Sexton or his duly appointed assistant and graves will not be reopened for inspection except for official investigation.
- Q. All vaults that are used for burials in Hunters Creek Cemetery must be in place to receive a casket prior to the scheduled time of the funeral service.
- R. The Township will assume no responsibility for any damage that might occur in the burial of a body.
- S. Funeral Directors shall contact the Township before establishing the time of a funeral. The Township reserves the right to ask for a change in the funeral hour so as to best serve the families of the deceased.
- T. All funerals and interments made in Hunters Creek Cemetery are to be conducted in an orderly and dignified manner. The Township or duly appointed personnel are authorized to take action necessary to preserve this order and dignity.
- U. All funeral processions, while in Hunters Creek Cemetery, will be under the direction and control of Hunters Creek sexton or a duly appointed assistant and all funeral processions and cemetery cars and trucks shall have preference over all other cars.
- V. Strangers are not permitted to approach a grave during a funeral. When deemed necessary by the township, or upon request of the lot owner or his representative, a funeral zone may be established and no one except persons attending the funeral or otherwise authorized will be permitted within its boundaries.

- W. No burials will be permitted to be marked with vase, urn, memorial, receptacle, or other article of any nature bearing the name of the mortician, memorial dealer, or other dealer, trade names excepted.
- X. No responsibility will be assumed for the protection and maintenance of flowers, wreaths, emblems or other items used at funerals. As soon as such items become unsightly or faded, they will be removed.

SECTION 9: DISINTERMENTS

- A. No disinterment of a body will be made until the written consent of the next of kin of the person whose body is to be disinterred and all other legal documentation has been submitted.
- B. No disinterment or the digging up of an occupied grave shall occur without a Township disinterment permit and all applicable fees have been paid.
- C. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township.
- D. The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

SECTION 10: FOUNDATIONS

- A. It is the intent of the Township to have foundations installed at least twice yearly.
- B. All foundations will be installed by Cemetery personnel.
- C. All orders for the installation of foundations for memorial work must be submitted in writing by the monument dealer or purchaser of the monument. All information necessary to fulfill the foundation order shall be provided. The Township will not be bound to honor foundation orders until compliance with the above instructions.
- D. Foundation orders must be accompanied by payment in full.
- E. The width of a foundation shall not exceed the width of the grave or lot on which it is located, minus the space on each side of said foundation desired by the owner to be set aside for placement of permitted decorations. If the width of a foundation is the same width as the grave or lot upon which it is located, no plantings or decorations shall be permitted on either side of the foundation.

SECTION 11: MEMORIALS

- A. All monuments, headstones, markers or other permanent memorials above ground or partly above ground must be constructed of first quality granite. All such memorials which are used in memorial work must be guaranteed by the memorial dealer to be of first grade, clear stone at least six (6) inches in thickness, free from sap or anything which will cause rust stains, resistant to cracking or chipping, and executed in first grade workmanship.
- B. Graves are to be marked only with standard memorials which comply with the rules and regulations of Hunters Creek Cemetery.

- C. Grave markers made from US Standard Bronze or its equivalent will be allowed.
- D. The Township reserves the right to refuse the permission for the erection of any memorial which on account of size, design, inscription, kind or quality of stone, is in its opinion unsuited to the lot or lots, or the location on which it is to be placed.
- E. No more than one memorial above ground will be allowed per grave. A veteran's plaque, not mounted to the monument, may be placed at the foot of a grave, provided it is flush with the ground.
- F. No memorial may be erected on any lot or grave until such lot or grave space is fully paid for.
- G. Any damage to turf, trees, shrubs, flowers or structures resulting from the delivery or settling of memorial work will be assessed to the person, firm or corporation selling the memorial work.
- H. The Township shall not be responsible for any damage or vandalism to any foundation or memorial located in Hunters Creek Cemetery.
- I. If a memorial shall become unsightly, in need of repair or attention, or a menace, the Township will attempt to notify the owner or owners thereof to take such steps as necessary to place the structure in satisfactory condition. If such owner or owners fail to comply with this notice within a reasonable length of time, the Township shall have the right to cause the necessary repairs to be made and the cost thereof shall be charged to the owner or owners.
- J. No memorial may be removed from the lot or lots, or taken from Hunters Creek Cemetery, without written notification to the Township.

SECTION 12: AUTHORITY OF THE TOWNSHIP SEXTON

- A. 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.
- B. The Township Sexton shall assist other Township officials with the enforcement and administration of this Ordinance.
- C. 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.

SECTION 13: FEES

The Township Board shall have the authority to set fees pursuant to this Ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters.

SECTION 14: PENALTIES

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other orders and sanctions which may be imposed by the court, for each infraction. Repeat offences under this ordinance shall be subject to increased fines as provided for in the Lapeer Township Municipal Civil Infraction ordinance as approved.

SECTION 15: SEVERABILITY


The provisions within 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 16: REPEAL

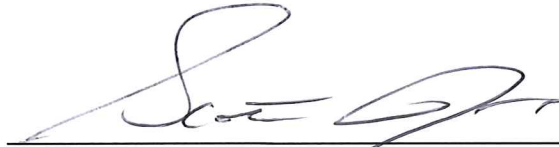
Lapeer Township Cemetery rules as adopted are hereby repealed. All ordinances inconsistent with the provisions of this ordinance are hereby repealed. The former Lapeer Township Cemetery Ordinance Number 40, as adopted is hereby repealed.

SECTION 17: EFFECTIVE DATE

The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this Cemetery Ordinance was duly adopted by the Township Board at a meeting held on the 4th day of June, 2015 and was published in *The County Press Newspaper* on the 7th day of June, 2015. This ordinance shall be effective 30 days after said date of publication.



Dawn M. Walker, CMC - Lapeer Township Clerk



Scott Jarvis - Lapeer Township Supervisor