

TOWNSHIP OF SWAN CREEK
COUNTY OF SAGINAW, STATE OF MICHIGAN
TOWNSHIP ORDINANCE NO. 2003-13

SWAN CREEK TOWNSHIP CEMETERY ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF SWAN CREEK, SAGINAW COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

IT IS HEREBY ORDAINED BY THE TOWNSHIP OF SWAN CREEK, SAGINAW COUNTY, MICHIGAN:

Section 1. – TITLE

This ordinance shall be known and cited as the Swan creek Township Cemetery Ordinance.

Section 2. – DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
- B. A 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 and non-residents of the Township of Swan Creek for the purpose of the burial of such purchaser or his/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.
- 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 or his/her designee.
- C. Burial rights may be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township. Upon such assignment, approval

and record, said clerk or his/her designee shall issue a new burial record to the assignee and shall cancel and terminates upon such records, the original record thus assigned.

Section 4. – PURCHASE PRICE AND TRANSFER FEES

- A. Costs and fees for burial spaces or transfer fees from the original purchaser to a qualified assignee shall be determined by motion or resolution of the township board. The township board may periodically alter the costs and fees in order to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- B. The foregoing changes shall be paid to the township treasurer or his/her designee and shall be deposited in the General fund for the sale or transfer.

Section 5. – GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial therein, including the interment of ashes, shall be payable to the township sexton.
- B. No burial spaces shall be opened and closed except under direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and re-interment 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 must be of stone or other equally durable composition.
- B. The placement of markers must comply with the regulations determined by the township board.
- C. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township or cemetery sexton at cost to the owner of the burial right.

Section 7. – INTERMENT REGULATIONS

- A. Only one person shall be buried in a burial space except for a mother and infants(s) buried at the same time. The remains of one additional person may be buried in an occupied burial space. Written proof of permission from the deed holder must be furnished to the township clerk or his/her designee. The remains of two persons may be buried in a single unoccupied burial space.
- B. 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 appropriated one before any interment is commences or completed.
- C. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 8. – GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon burial space shall be allowed except by the cemetery sexton, or the township clerk, or his/her designee.
- B. No shrubs or trees shall be planted.
- C. The areas of decoration are limited to an 18-inch patio block behind the headstone. This includes all plants and flowers. The township will provide one (1) patio block for each burial space. Double burial spaces will be entitled to tow (2) patio blocks. The township encourages the use of urns for all plants and flowers.
- D. No iron or metal fixtures, seats, fencing, or any other structure will be allowed on the burial space.
- E. All flowers, including plastic flowers, must be removed by October 15th of each year. Grave blankets and wreaths may be placed after November 1st and must be removed by March 15th of each year. If not removed by these dates, the Township or its authorized representatives, has the right to remove and dispose of these items.
- F. The township shall not be responsible for any damage to markers, memorials, monuments, headstones, urns, or any other items nor for anything that is stolen from the cemetery lots of burial spaces.
- G. The township board 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.
- H. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers therefore that, through decay, deterioration, damage, or otherwise, become unsightly, a source of litter, a maintenance problem, or are not properly placed.

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 forty (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 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 lots 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 the within notice his/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 of

record of said lots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 10 – RECORDS

The township clerk or his/her designee shall maintain records concerning all burial, issuance of burial records, 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.

Section 11.—VAULT

- A. All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.
- B. Cremains shall be in an approved container.
- C. Vaults for cremains are not allowed in burial spaces that contain a standard concrete vault.
- D. Vaults for cremains are allowed in unused burial spaces.

Section 12. – ADDITIONAL REGULATIONS

- A. The cemetery shall be open to the general public from sunrise to sunset.
- B. The township board reserves the right to enact additional regulations by either motion or resolution, which motion or resolution shall be incorporated by reference in this ordinance for enforcement under the penalty provisions.
- C. Garfield Cemetery #1: Above ground markers are allowed.
- D. Garfield Cemetery #2: Markers must be flush with the ground.
- E. Garfield Cemetery #3: Above ground markers are allowed.

Section 13. – PENALTIES

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a municipal civil infraction as provided in Ordinance No. 2003-08, Swan Creek Township Municipal Sanctions for Ordinance Violations Ordinance. Each day that there is a violation of the provisions of this ordinance shall constitute a separate offense. A violation of this ordinance shall also subject the violator to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, including costs and attorney fees.

Section 14. – 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 15. – REPEAL CLAUSE

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 16. – EFFECTIVE DATE

This ordinance shall take effect on and be in force thirty(30) days after its publication.