

**BEAVER CREEK TOWNSHIP
AMENDMENT TO CEMETERY ORDINANCE #33
DATED OCTOBER 9, 2018**

SECTION I: TITLE

This Ordinance shall be known and cited as the Beaver Creek Township Cemetery Ordinance. The purpose is to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of the cemeteries owned by the Township of Beaver Creek, Crawford County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances in conflict therewith.

SECTION II: PERE CHENEY CEMETERY

At a regular monthly meeting held January 9, 2018, the Beaver Creek Township Board voted to NOT permit any further burials in Pere Cheney, now or in the future. At a regular meeting held March 13, 2018, the Beaver Creek Township Board voted that it is not interested in selling Pere Cheney Cemetery.

SECTION III: DEFINITIONS

- A. A burial space shall consist of an area in a township cemetery sufficient to accommodate one burial space for one deceased person. Exceptions may be made with township permission to accommodate infant burial or the burial of cremains.
- B. "Infant" means someone who is two years or younger at the time of death.
- C. "Township" means Beaver Creek Township.
- D. "Township cemetery" or "cemetery" means any cemetery owned, operated and/or controlled by the township. Beaver Creek Township has two cemeteries: Beaver Creek Township Cemetery and Pere Cheney Cemetery.
- E. "Township resident" shall refer to people living in Beaver Creek Township with a township address and/or physically living in the township and/or a taxpayer of the township.

SECTION IV: SALE OF LOTS OR BURIAL SPACES IN BEAVER CREEK TOWNSHIP CEMETERY

- A. Cemetery lots shall be sold to residents with a township address and/or physically living in the township and/or a taxpayer of the township, at a "township resident price". Lots can also be sold to non-residents at a "non-resident price", for the purpose of the burial of said purchaser and his or her heirs or next of kin.
- B. All such sales shall be made with a "Cemetery Lot Certificate" which grants a right of usage to a burial space only and does not convey any other title to the lot or burial space sold.
- C. Burial rights may only be transferred to people eligible (under Section A.) to be original purchasers of burial spaces or lots. Burial rights may only be changed if the township clerk is advised by present owner and both owner and township clerk endorses the lot certificate and officially records the transaction in the cemetery record book.

C. The lot charge shall be paid to the Beaver Creek Township.

D. The township board, by resolution, may periodically alter the burial space fees to accommodate increased costs. A review of these charges shall be done on a yearly basis at the beginning of each new fiscal year.

SECTION VI: GRAVE OPENING CHARGES IN BEAVER CREEK TOWNSHIP CEMETERY

A. The opening and closing of any burial space, shall be at a cost to be determined by a review of these charges done on a yearly basis at the beginning of each new fiscal year, by motion of the township board and payable to the township.

SECTION VII: MARKERS, MONUMENTS AND FOUNDATIONS

A. All markers, monuments or memorials must be of granite, bronze or other permanent acceptable material.

B. Any marker or monument must be located upon an approved foundation to maintain the same in an erect position. The foundation will be 4 inches larger than the marker or monument all around and even with the ground for easy mowing, trimming and lawn care. The thickness of the foundation should be 4 inches.

C. No foundation, monument, marker, memorial or other material shall be installed without the specific approval of the township clerk, township board or cemetery sexton. The township clerk or cemetery sexton shall mark the area where the foundation, memorial or monument will be set.

D. The location of the monument, marker or foundation shall be at the head of the burial space, parallel to the head of the burial space line.

E. Inscriptions on monuments, marker or other memorials must not be offensive or improper, as judged by the township board. The owner of any such memorial will be responsible for all expenses for removal.

F. If a marker or monument becomes unsafe in the opinion of the township board, notice of the condition will be sent to the last known address of the owner and after 30 days if no action is taken, the structure will be removed or repaired at the owner's expense.

SECTION VIII: INTERMENT, DISINTERMENT AND REINTERMENT REGULATIONS

A. Only one person may be buried in a burial space except for a parent and infant or two children buried at the same time or cremation urn placed at the foot of a burial lot.

B. A maximum of two cremains shall be allowed to be placed in one burial space, unless permission is otherwise granted by the township board.

C. The township clerk, or cemetery sexton, shall receive notice of the time of the funeral as soon as possible (at least 48 business hours) to allow for the opening of the burial space.

D. Families cannot open their own burial spaces. Arrangements must be made through the funeral home, township clerk or cemetery sexton.

E. The appropriate permit for the burial and appropriate identification of the person to be buried, where necessary, shall be presented to either the township clerk or cemetery sexton at the time of interment. If a 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 space is authorized and appropriate before starting any interment.

- F. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- G. The township assumes no responsibility for errors in opening graves when others (not township employees) cause such errors.
- H. Scattering cremains over a family lot or anywhere in the cemetery is prohibited.
- I. No burial spaces shall be opened or closed except under the direction and control of the township clerk or cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, as this matter is under the control of the local health department.
- J. No disinterment or the digging up of an occupied grave shall occur without a "Application and Permit For Grave Opening and/or Disinterment" property filled out.
- K. 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, government unit or official and a copy of the same has been filed with the township clerk.
- L. The township board shall have the authority to refuse to allow a disinterment of 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 or does not have a reasonable basis.
- M. No disinterment permit shall be issued by the township until the township disinterment application form has been fully completed and filed with the township clerk.

SECTION IX: CEMETERY MAINTENANCE AND CARE

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the township clerk or the cemetery sexton.
- B. Permanent plantings of shrubs, trees or vegetation of any type shall not be done without the approval of the township clerk or cemetery sexton. Also, all existing shrubs, trees or vegetation are not to be removed from a lot without the approval of the township clerk or cemetery sexton. Any of these items mentioned which are planted without such approval may be removed by the township or the cemetery sexton.
- C. 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.
- D. Mounds, which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The cemetery sexton or maintenance person shall have the right and authority to remove and dispose of any and all growth, emblems, displays, silk and plastic flowers or containers that show decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem. All artificial flowers and winter grave blankets or displays can be placed on graves after November 1st and **must be removed by April 15th** to enable cleaning the cemetery for spring and getting ready for the summer mowing season. Between April 15th and May 15th, graves shall be free of any artificial flowers, decorations, emblems, displays etc. to give our maintenance people time to rake, reseed, fertilize etc. Decorations can again be placed on the graves after May 15th, but within 6" of the monument, marker or foundation.
- F. Memorial ornamentations are to be placed within 6" of the marker or headstone and may not exceed the width of the grave to facilitate care. No ornamentations will be permitted in the pathways or center of burial grave. To locate benches, seats etc. on a lot, permission must first be obtained from the township clerk or cemetery sexton.

of 1998 and remaining vacant 40 years from the date of their care shall automatically revert to the township upon occurrence of the following events:

1. Notice is sent by the township clerk by first-class mail to the last known address of the last owner of record informing him or her of the expiration of the 40-year period and that all rights with respect to the burial spaces or lots will be forfeited if the owner does not indicate in writing to the township clerk within 30 days from the date of mailing the notice, the desire to retain the burial rights.

2. Upon written request by an owner, an owner's heirs or an owner's legal representative, the township will repurchase any cemetery lot or burial space from the owner for the original price paid to the township.

SECTION XI: RECORDS

The township clerk shall maintain records concerning all burials, issuance of burial permits and perpetual care funds separate from all other records of the township. The records shall be open to the public during regular business hours.

SECTION XII: VAULT

All burials shall be within a non-perishable standard vault ("outside container") made of cement, fiberglass or other acceptable material, installed or constructed in each burial space before interment. This shall be a condition to burial in the cemetery.

SECTION XIII: GENERAL REGULATIONS

A. Animals, except service dogs, are not permitted in the cemetery. Also, no animal shall be buried in said cemetery.

B. No person shall obstruct any drive, walk or alley.

C. No person shall injure, deface or destroy any burial space, marker, monument, fence, flower, tree, shrub or other item in the cemetery.

D. Alcohol is not permitted in the cemetery.

E. No vehicles should drive faster than 5 miles per hour on cemetery roads.

F. Driving off the established roads is prohibited.

G. No firearms are allowed in the cemetery without written permission from the township clerk or cemetery sexton, except in the case of military funerals or ceremonies by official veteran's organizations on federal holidays.

H. No advertising will be allowed on cemetery premises.

I. Cemetery property may not be used at any time for a recreation area. All recreation equipment will be prohibited on the premises.

J. Parents and guardians will be held responsible for their children's behavior while on cemetery premises.

K. There will be no burials in the Beaver Creek Township Cemetery from December 1st through April 1st as a general rule, but depending on the weather and amount of snow. During this time bodies must be temporarily stored. The township does not have facilities for such storing and arrangements must be made through a funeral director.

SECTION IXV: CEMETERY HOURS

Unless otherwise specified by the township board by resolution, all township cemeteries shall be closed at dusk, until 7 am, the next morning. During those hours, no person shall be present in a township cemetery. Such prohibition on being present in a township cemetery during the time when a township cemetery is closed shall not apply to township official, sexton, or person accompanied by the official or sexton, any law enforcement or firefighting official when engaged in the lawful duties of any such person or position.

SECTION XV: PENALTIES

Any person, firm or corporation who violates any of the provisions of the ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as maybe determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions here under shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION XVI: 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 XVII: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after publication as required by law. All ordinance or parts of ordinance in conflict of this ordinance are hereby repealed.

At the October 9, 2018 regular meeting, motion by Van Nuck and seconded by Raybuck. Ayes: Van Nuck, Raybuck, Meisner and Hartman. Absent: Little. Nays: none. Motion carried.

Effective: 30 days after publication.

