

CEMETERY ORDINANCE  
NUMBER 71

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

**SECTION 1. TITLE.**

This Ordinance shall be known and cited as the Roscommon Township Cemetery Ordinance Number 71.

**SECTION 2. DEFINITIONS.**

- A. The term "cemetery" shall refer to the one cemetery in Roscommon Township owned and operated by Roscommon Township, and commonly known as Roscommon Township Cemetery, aka Houghton Lake Cemetery, which is located at 2750 Tower Hill Rd., Houghton Lake, MI.
- B. The term "Township" shall refer to Roscommon Township and the officials thereof.
- C. The term "section" shall be the reference term for a specific division of the cemetery.
- D. A "cemetery lot" shall be a lot of four (4) or more burial spaces.
- E. A "burial space" shall consist of a land area six (6) feet wide and twelve (12) feet in length.
- F. A "grave" consists of one burial space in a lot. (refer to SECTION 8 for further definition)
- G. The term "owner" shall mean the owner of rights of interment.
- H. The term "interment" shall mean cremation and inurnment, entombment or burial of the remains of a deceased person.
- I. The term "memorial" shall mean any marker or structure upon or in any lot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.
- J. The term "Contractor" as used in these rules and regulations shall mean any person, firm or corporation or anyone engaged in placing, erecting or repairing any memorial or performing any work in the cemetery grounds, other than an employee of the Township.

**SECTION 3. USE.**

Interment rights shall be used for no other purpose than the burial of the human dead. Upon refusal of the Township to permit interment because of the above rule, the Township may refund to the owner the original purchase price and the extent of the Township's liability shall be said amount. Upon the refund of this amount, all interest of owner shall revert to the Township.

**SECTION 4. SALE AND TRANSFER OF LOTS OR BURIAL SPACES.**

- A. All sales shall be made pursuant to a form provided by the Township which grants a right of interment only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk, upon payment. Verbal agreements or representations

will not be recognized. No interment shall be made on any lot until the purchaser shall have paid on the interment rights therein the amount required by the Township, and shall have paid the entire amount due including any care funds.

B. Payment for all spaces must be made prior to interment. A schedule of charges/prices/fees approved by Roscommon Township Board shall be posted in the Roscommon Township Hall and the Clerk's office.

C. The purchasing of cemetery lots shall be limited to four (4) graves per household unless otherwise approved by the Roscommon Township Board. Under emergency or extraordinary situations, the Township Clerk may approve a purchase of up to eight (8) graves without Board approval.

D. Interment rights may be transferred only by endorsement of an assignment on a form issued and approved by the Township Clerk and entered upon the official records of the Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Proof of such transfers should be recorded in the Clerk's office.

E. Any and all transfers of any interment right, whether same be by conveyance or assignment of purchase contract, are subject to all rules and regulations of the Township, which are now in full force and effect or which may be hereafter enacted. The Township may refuse to consent to a transfer or to an assignment so long as there is any indebtedness due the Township from the owner of record in the Records of the cemetery at the Township Clerk's office. All transfers of ownership shall be subject to a fee amount, determined by the Township Board and posted in the Clerk's Office, which charge must be paid to the Township when the transfer is recorded. In addition to the ordinary and regular transfer fees, there will be required as a prerequisite to the transfer of any interment rights in the cemetery, a minimum contribution or assessment for the benefit of the Cemetery Care Fund in the minimum amount as posted in the Township Clerk's office. The payment set forth in this paragraph shall apply to all interment rights.

F. The subdivision of interment rights is not allowed without the consent of the Township, and no one shall be interred in any lot not having an interest therein, except by written consent of all parties having an ownership interest in such lot and of the Township.

G. All interment rights sold are subject to payment of the amount posted in the Roscommon Township Clerk's office for a lot including any charges for a care fund. All work on lots will be done by the employees or Contractors of the Township, except when permission is otherwise granted. All grading; landscape work; other improvements of any kind; all care of lots; and all planting, trimming, cutting or removal of any trees, shrubs, and herbage shall only be performed by employees or Contractors of the Township. All openings and closings of lots, all interments and/or removals shall be made by the Township authorities.

H. Interment rights can be purchased in this cemetery, only with the written approval of the Roscommon Township Clerk or Deputy Clerk, and subject to the terms and conditions contained in the Cemetery Ordinance of the Township now or hereafter adopted by the Township.

I. The Township may exchange interment rights when desired by owners, but will not exchange interment rights for those of lesser value. When such an exchange is made, the original conveyance must be surrendered by proper assignment, or by re-conveyance if considered necessary, before any change is affected.

J. Each owner is vested with the ownership of his or her interment right for the sole purpose of interment of human bodies or the remains thereof. Under the regulations of the Township, the interment rights cannot be conveyed without the assent of the officers, nor can any use, division or improvements of them be made which the Township prohibits, or may deem improper. The owner of interment rights may dispose of same by Will, subject to the foregoing conditions. If the owner dies intestate, the interment rights will descend to his or her heirs, according to the laws of descent.

K. No conditional or partial transfer of interment rights and no sale of an undivided interest, except to a person or persons who are already part-owners, will be recorded, as the Township cannot be responsible for the carrying out of the intent of the grantor.

#### **SECTION 5. PURCHASE PRICE AND TRANSFER FEES.**

A. The price of each burial space shall be determined by a fee structure established by the Roscommon Township Board.

B. The charges shall be paid to the Township Treasurer.

C. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### **SECTION 6. GRAVE OPENING 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. No burial spaces shall be opened and closed except under the direction and control of the Township Clerk. 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, as a result of a court order.

#### **SECTION 7. MARKERS OR MEMORIALS.**

A. All markers or memorials must be of stone or other equally durable composition.

B. All markers or monuments must be located upon a suitable foundation to maintain the same in an erect position.

C. The footing or foundation upon which any monument, marker or memorial is to be placed shall be approved by the Township Clerk. All foundations shall be six inches (6") larger per side

than the base of the marker or memorial, with the exception of Veteran's markers supplied by the Federal Government for which the six-inch requirement is suspended. Prices per square inch for concrete foundations shall be posted in the Clerk's office.

D. Single/double individual monuments shall be set in line with grave boundaries.

E. Above ground crypts/mausoleums shall be permitted in a designated sector of the cemetery only. Owners may sell back their previously purchased grave sites to the Township, per SECTION 10 regulations, and purchase the crypts/mausoleum sites as per the posted fees and charges.

## **SECTION 8. INTERMENT REGULATIONS.**

A. Only one person may be buried in a burial space except for a mother or father and infant, two children buried at the same time, or two cremains, or full body and one cremain.

B. All embalmed burials must be in approved vaults made of concrete, steel or fiberglass, installed or constructed in each burial space before interment. Cremains are considered final disposition not requiring a vault.

C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to the Township Clerk or designated appointee prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall determine if the person has the legal right to be buried in the burial space before any interment is commenced.

D. A minimum notice of 24 working hours before the announced time of the funeral will be required. Sunday funerals will not be permitted. Exceptions to this rule will be made only in case of death from a contagious disease or when so ordered by the authorized officers of the Township.

E. When a removal, or disinterment, or reinterment, is to be made from a single grave to another grave site, the formerly occupied single grave space and all rights therein revert to the Township. If no approved vault has been used for the original interment, one must be provided for transit offsite or reburial within Roscommon Township Cemetery by the requesting party. The charge for removal, disinterment, or reinterment, shall be determined by the Roscommon Township Board, as posted in the Clerk's office. Application for removal permit must be signed by next of kin and properly notarized prior to time of removal.

F. Winter interments will be at the discretion of the Township Clerk or Deputy Clerk and the Contractor at which time rates for opening and closing will double. The cemetery care charge will not double. The beginning and ending dates for winter rates shall also be at the discretion of the Township Clerk or Deputy Clerk and the Contractor.

G. Roscommon Township will allow winter storage of remains in its cemetery chapel/vault as an alternative to winter rate burials at no extra charge.

## **SECTION 9. GROUNDS MAINTENANCE.**

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Township Clerk.
- B. No shrubs, trees, or evergreens of any type shall be planted. Any foregoing items planted may be removed by the Township.
- C. The Township reserves the right to authorize the removal or trimming of 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. No lot shall be raised above established grade.
- E. The Township and its Contractors shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that are determined to be unsightly, a source of litter, or a maintenance problem.
- F. Landscape materials (i.e. bark mulch, stone) other than earth or sod are prohibited.
- G. All refuse of any kind including dried flowers, wreaths, papers, and flower containers must be removed or deposited in trash receptacles located within the cemetery.
- H. No lot perimeter walls or enclosure of any kind, such as fence, coping, hedge, or ditch, shall be permitted around any grave or lot.
- I. No person other than the proper employees of the Township shall be allowed to perform any work within the cemetery without the appropriate permit from the Township.
- J. No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the cemetery.
- K. Placing potted flowers, plants, summer wreathes or baskets on lots and graves is not permitted except on Easter, Mother's Day, Father's Day, Memorial Day, Armistice Day and Christmas Day; same shall be removed within ten (10) days from the placing on lots and graves on the special days herein set forth. Potted flowers may be placed at other times on graves and lots only if same are placed on concrete pads or patio blocks beside the headstone, and subject to the approval of the Township.
- L. The digging of holes for any purpose whatsoever is strictly prohibited.
- M. Holders containing flowers or other decorations will be removed as soon as the flowers fade and wither, and the right is reserved by the Township to make such removal. Also, winter wreaths will be removed at such time as is specified by the Township. Spring cleanup notices

shall be published in the local paper and on the Roscommon Township website [www.roscommontownship.com](http://www.roscommontownship.com). The Township shall keep such holders, at the risk of the owner, and if owner fails to collect said holders within said thirty (30) days from the date of removal, the owner forfeits all right, title and interest in said holders, and the Township may dispose of them by sale, destruction or in any other way it deems best. "Holders" may include pottery pots, metal pots, hangers with pots, or any container placed at the gravesite not on the foundation or patio blocks.

N. The Township reserves the right to remove all flowers, potted plants, summer wreathes or baskets of flowers when they become withered, or for any other reason, and the maintenance person is authorized to make such removals when in their judgment it is in the best interest of the cemetery. A Fall cleanup period, in preparation for winter maintenance, shall be published in the Houghton Lake Resorter and on the Roscommon Township website [www.roscommontownship.com](http://www.roscommontownship.com)

O. Concrete benches will be allowed at the head of a grave but must have a concrete foundation under them. They also must not be longer than three (3) feet in length. The foundation shall be constructed by the Township Contractor for a fee that is set by the Township Board.

P. No advertisement of any kind shall be allowed on cemetery property.

#### **SECTION 10. REPURCHASE OF LOTS OR BURIAL SPACES.**

Upon approval of the Township Board, the Township may repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives.

Burial spaces remaining vacant one hundred (100) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events: 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 100-year period and that all rights with respect to said 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 the mailing of the written notice, his/her desire to retain said burial rights. A classified notice in the local newspaper may be used to search for heirs to the owner or information concerning the last known owner.

#### **SECTION 11. GENERAL REGULATIONS.**

A. No dogs shall be permitted in the cemetery, except for legitimate service dogs required to mitigate a disability.

B. No person shall be permitted within the cemetery on a bicycle, snowmobile or ATV.

C. Bringing lunches, beer or intoxicating liquors within the cemetery is strictly forbidden. No boxes, shells, toys, discarded glassware, sprinkling cans, receptacles, or similar articles will be permitted on any grave, lot or tree. The Township shall not be responsible for theft or damage to any items placed on graves or lots.

- D. No person shall be permitted to enter or leave the cemetery except by the public gates.
- E. Vehicle speed exceeding 15 miles per hour shall not be permitted, and no person shall either ride, park or drive upon the lawns.
- F. Any person found on the grounds after dark shall will be considered a trespasser.
- G. No person shall be permitted to use profane or boisterous language or in any way disturb others.
- H. All persons are forbidden to hunt or to feed animals on the cemetery property.

**SECTION 12. RECORDS.**

The Township Clerk shall maintain records concerning all interments, issuance of burial permits, and any cemetery 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 13. CEMETERY HOURS.**

- A. The cemetery shall be open to the general public during the daylight hours.
- B. No person shall be permitted in the Township cemetery at any time other than daylight hours, except upon permission of the Township Board or the Contractors of the Township.

**SECTION 14. PENALTIES.**

- A. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions for each violation (as authorized by Section 21 of Act No. 359 of Public Acts of 1947, as amended, and the Roscommon Township Municipal Ordinance Violations Bureau Ordinance).
- B. Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section below. As used in this Section, “repeat offense” means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
  1. The fine for any offense which is a first repeat offense shall be not less than \$125.00, plus costs.
  2. The fine for any offense which is second repeat offense shall be not less than \$250.00, plus costs.
  3. The fine for any offense which is a third repeat offense, or any subsequent repeat offense, shall be not less than \$400.00 each, plus costs.
- C. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense to separate sanctions.

**SECTION 15. 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 16. EFFECTIVE DATE.**

This Ordinance shall take effect August 1, 2015. All ordinances or parts of ordinances in conflict herewith are hereby repealed.