

Acme Township
Office of the Township Clerk

6042 Acme Road
Williamsburg, Michigan 49690

ACME TOWNSHIP CEMETERY ORDINANCE #2008-01
Adopted January 08, 2008

ACME TOWNSHIP CEMETERY ORDINANCE #2007-02
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SECTION 1

TITLE

This Ordinance shall be known and cited as the Acme Township Cemetery Ordinance.

SECTION II

DEFINITIONS

- “Burial Certificates” means a document issued by the Township confirming burial rights or the right to place human remains. All Cemetery Deeds previously issued by the Township are hereby deemed to be burial certificates.
- “Cemetery” means any place in the Township devoted to burial of persons.
- “Plot” means that land or space allocated for placement of human remains and for which burial rights have been allocated or are available for transfer. Plot can also be referred to as a gravesite.
- “Lot” means land or space of ground within any platted section of any Township cemetery containing one to eight full-size gravesites (plots).
- “Adult Burial Space” also known as a plot or gravesite and consists of land four feet wide and ten feet in length and limited to one adult per burial space.
- “Infant or Stillborn Burial Space” a plot or gravesite consisting of a land area three feet wide and three and one half feet in length and limited to one or two burials per burial space. (Neither Acme or Yuba Cemetery currently offer such an area. We currently use the same size burial spaces as is used for Adult Burials.)
- “General Maintenance” is designed to improve the overall appearance and condition of the cemeteries, which is the responsibility of the Township, and shall include such items as the upkeep of drives, buildings, sewer (if applicable), water lines, irrigation and fences.
- “Perpetual Care” includes “General Maintenance” plus: annual spring clean-up, periodic cutting of grass, removal of leaves, trimming of trees, and shrubs, and the trimming around all monuments, markers, and the leveling of sunken graves and monuments.

SECTION III

GENERAL REGULATIONS

- a) Access: No one shall enter or leave except by established and open entrances or gateways established by the Township.
- b) Alcohol: No person shall carry or consume any alcoholic beverages in any Acme Township cemetery.
- c) Animals: No person shall allow any domestic animal to be upon or to run at large in any Township cemetery, except guide dogs accompanying the visually impaired.
- d) Firearms: No persons shall carry any firearms in a Township cemetery, with the exception of an escort accompanying a veteran's funeral, military memorial services or a law enforcement officer carrying out their designated duties or the designated Acme Township Deputy Sheriff.
- e) Hours: The Acme Township Cemeteries shall be open to the general public from dawn to dusk, each day of the week. For further explanation see "Opening and Closing of Gravesites".
- f) Lawns: Persons shall use designated roads and pathways in any Township cemetery. No person shall walk, ride or drive upon or across a cemetery plot or cemetery lawn except for walking necessary to gain access to a cemetery plot.
- g) Littering: No person shall litter in any Township cemetery.
- h) Markers & Memorials: If any monument or other structure is found to be offensive and determined by the Township Clerk, to be offensive, shall be removed.
Note: For purposes of this ordinance, the term "offensive" means that the average person, applying contemporary community standards and viewing the material as a whole, would find that the material (1) appeals predominantly to the prurient interest; or (2) is designed or constructed primarily to shock, demoralize, or cause displeasure, anger, resentment or wounded feelings.
- i) Plant Destruction: No person shall pluck any flowers or break any trees, shrubs, or plants in the Township Cemetery. This section shall not prohibit an owner from trimming shrubs and trees or removing plants on his or her own plot.
- j) Property Destruction: No person shall deface, mar, write upon or otherwise injure any monument, design, decoration or other property in any Township Cemetery.
- k) Public Peace: No person shall disturb, sleep or lounge on benches, grass, mounds or other areas or engage in loud, boisterous, threatening, abusive, insulting, or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- l) Signs: No person shall advertise or post signs within any Township cemetery.
- m) Vehicles: No person shall operate a motor vehicle in any Township cemetery unless upon cemetery business. No person shall use any cemetery for the purpose of demonstrating any vehicle or instructing another or learning to drive a vehicle. No snowmobiles are allowed in any Township cemetery. No person shall tow another vehicle within any township cemetery except in the case of a breakdown in the cemetery. Vehicles shall not be operated at a speed greater than 15 miles per hour.
- n) Vehicle Parking: No person shall park or leave a vehicle on any road in the any Township cemetery in such a manner as to prevent any other vehicle from passing. Vehicles shall not be left overnight in any Township cemetery.

SECTION IV

SALE OF BURIAL SPACES

- a) Hereafter, cemetery lots or burial spaces (plots) shall be sold to only 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) The resale of purchased lots or plots to other persons is not allowed.
- c) No sale, or conveyance of any Burial Certificate or the rights therein or any part thereof, or interest therein, other than by operation of law, shall be effectual to sell or to convey any rights to any person, unless such sale, or conveyance is made from the seller to the Township Clerk and to the purchaser and will be officially recorded by the office of the Township Clerk in the appropriate cemetery records.
- d) Trading of burial spaces is *not allowed* in Acme Township. When two or more certificate holders wish to trade cemetery lots or plots they must notify the Township Clerk, and provide their original Burial Certificates. The Township Clerk will purchase back from each certificate holder their respective lots or plots at the originally purchased price. The certificate holders will purchase, at the current price, the new lot or plot and the Township Clerk will issue each person a new Burial Certificate and the appropriate records will be updated.
- e) Purchase of a plot or lot or the issuance of a Burial Certificate does not transfer ownership of cemetery property, but is the transferring of the right of burial of human remains on that land subject to the Cemetery Ordinances and Cemetery Rules as they may be amended.
- f) Description of all cemetery lots and or plots will be in accordance with Acme Township plans which are kept in the Township Clerk's office.
- g) Payment of the Perpetual Care fee is required when a burial space is originally purchased or resold unless prior payment for Perpetual Care has been made.
- h) All such sales shall be made on a form approved by the township Board, (Burial Certificates) which grants a right of burial only and does not convey any other title to the lot or burial space sold, Such forms (Burial Certificate) shall be executed by the Township Clerk's office.
- i) It is the duty of the Burial Certificate holder to notify the Township Clerk's office of any change in his or her mailing address.
- j) When a plot or lot is purchased by more than one person other than a husband and wife, each person's interest shall be joint with a right of survivorship.
- k) The ownership of burial rights to any lot or plot in a Acme Township cemetery passes to the joint survivor or, if none, to the heirs of the last surviving owner as stated on the certificate. It is the responsibility of the surviving heir to notify the Township Clerk of said transfer and address change. The Township Clerk will update the appropriate cemetery records.
- l) The resale of purchased cemetery lots or plots back to Acme Township is allowed at the original purchase price and must be accompanied by the originally issued Burial Certificate and a notarized letter from the burial space owner stating their intent.

- m) The Township disclaims all responsibility for loss or damage from causes beyond its reasonable control, and from damage caused by the elements, Acts of God, thieves, vandals, malicious mischief, explosions, riots or order of any military or civil authority, whether the damage is direct or collateral.
- n) The right to enlarge, reduce, replat or change the boundaries or grading of the Township Cemeteries, or a section or sections, from time to time, including the right to modify or change the locations of or removal or re-grade roads, drives, walks or alter or change pipe lines for sprinkling systems, drainage, and so forth, is also expressly reserved, as well as the right to use plots not yet sold. The Township reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purposes of passing to and from other plots in the Township Cemeteries.
- o) The Township will provide egress and ingress, for certificate holders, to Township cemeteries.

SECTION V

PURCHASE PRICE AND OTHER FEES

Determination: Price schedules on Acme Township lots, plots, perpetual care fees, and opening and closing of a gravesite shall be established from time to time by resolution of the Acme Township Board. Such resolution shall include prices for all cemetery services, i.e. burial spaces, perpetual care, and opening and closing of gravesites. No amendments to the price schedule shall be made unless the entire schedule is stated in the resolution and has met Acme Township Board approval.

Pricing:

- a) "Burial Space" also known as a lot, or plot (gravesite) and consists of land area four feet wide and ten feet in length (Yuba Cemetery) and six feet wide and twelve feet wide (Acme Cemetery) and limited to one adult or one adult and one infant, or two cremains per burial space and shall cost the sum of \$400.00
- b) Any transfer of one or more burial spaces (plots) from an original purchaser to a qualified heir shall be provided, by the Township Clerk's office, at no cost.
- c) The foregoing charges shall be paid to the Township Clerk for deposit to the Township Treasurer and shall be posted to the cemetery fund for the particular Township cemetery involved in the sale or transfer.
- d) The Township Board by Resolution may periodically alter the forgoing fees to accommodate increased cost and needed reserve funds for cemetery maintenance and acquisition.

Fees:

- a) The opening and closing of any burial space, prior to and following a burial therein, and including the interment of a cremation, shall be at a cost to be determined from time to time by a Resolution of the Township Board.
- b) All fees for opening and closing, disinterment, or interment of a burial space or cremain burial are to be paid to the Township Clerk, and the Township Clerk shall issue a check to the cemetery sexton.

SECTION VI

OPENING AND CLOSING OF BURIAL SPACES

- a) No burial spaces shall be opened and closed by the cemetery sexton or under the guidance of the cemetery sexton. A thirty-six hour notice is preferable. This provision shall not apply to proceedings for the removal and re-internment of bodies and remains; as such matters are under the supervision of the local health department with assistance from the Township Cemetery Sexton.
- b) The opening and closing of any burial space by the cemetery sexton, 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 a Resolution of the Township Board, payable to the Township Clerk.
- c) The cemetery sexton shall provide to the Township Clerk, after each closing of a burial space, all burial permits, disinterment, re-interment papers, and cremain interment papers for the purpose of Township record keeping.
- d) When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Township Sexton his or her signed court authorization to release the body to the coroner or the coroners lawful agents, and a funeral director will be present at all times. The Township Sexton will notify the Township Clerk of said request and provide the Township Clerk with all aforementioned paperwork. The Township Sexton shall safely secure the open gravesite so no persons visiting the cemetery will be in harms way till such time the vault has been returned to the cemetery gravesite and safely interned.
- e) No person shall scatter cremains in any Township Cemetery.
- f) No disinterment or interment shall take place from December 1 to April 1, except under court order or weather permitting.
- g) No opening of burial spaces shall take place on Thanksgiving, Christmas Day, New Years Day or Sunday except under special consideration.

SECTION VII

INTERMENT AND DISINTERMENT REGULATIONS

- a) The Township Sexton is authorized by the Township Board to bury, remove or disinter the body or cremains of any person in a Township Cemetery. The Sexton will notify and provide to the Township Clerk all permits and documents related to burials, disinterment, interments and cremains.
- b) No burials or entombment shall take place or marker installed in any Township Cemetery until the plot purchase price, cost of any services required to open or close the plot, the cost of perpetual care or other fees and charges have been paid in full.
- c) No burials shall be allowed in any Township Cemetery for other than human remains.
- d) All burials in a Township Cemetery shall be in reinforced tin, concrete and/or metal vaults or equivalent material, wooden vaults are not allowed.
- e) All buried cremations in a Township Cemetery shall be in reinforced tin, metal, marble, concrete vaults or equivalent material as approved by the Township Clerk or Sexton. No wooden vaults are allowed.
- f) No above ground cremation urns are allowed in Township cemeteries.
- g) No interment of two or more bodies shall be made in one burial space in a Township Cemetery except in the case of parent and infant buried in one casket or two infants buried in one casket. In the case of cremation, two cremation urns in one adult burial space or the combination of one cremation urn and one interment of a human body will be allowed.
- h) No disinterment or interment shall take place from December 1 to April 1, except under court order or weather permitting.
- i) When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Township Sexton his or her signed authorization to release the body to the coroner or the coroner's lawful agents. The Township Sexton will notify the Township Clerk of said request and provide the Township Clerk with all aforementioned paperwork.
- j) The cemetery sexton shall provide to the Township Clerk, after each closing of a burial space, all burial permits, re-interment papers, and cremain interment papers for the purpose of Township record keeping.

Interment and Disinterment Authorization Form:

- a) An Authorization Form shall be completed by Funeral Directors, Coroners, and authorized representative, of a burial space owner, before the interment or disinterment and or placing of cremains. The Township sexton will provide a completed form(s) to the Township Clerk, after services have been provided, so the appropriate Township cemetery records can be updated.

SECTION VIII

MARKERS AND MEMORIALS

Design Review:

- a) Monuments, markers, nameplates and other improvements on the grounds of the Township Cemetery shall be of stone or other equally durable composition and comply with Cemetery rules and shall not be offensive according to community standards as determined by the Township Clerk.
- b) All monuments must be located upon a suitable solid foundation, within the boundaries of the gravesite, to maintain the same in an erect position.
- c) Only one monument, marker or memorial shall be permitted per burial space, except as permitted by the Township Board.
- d) The footing or foundation upon which any monument, marker or memorial is placed must be within the boundaries of the gravesite and shall be constructed to a thickness sufficient to support the monument/headstone/marker.
- e) No curbing, decorations, embellishments or improvements of any sort shall be placed upon any burial plot, no alteration of the surface of the ground shall be made and to include the planting of tree and shrubs, and no labor shall be done in the Township Cemetery except as permitted by Cemetery Rules.
- f) However, any aggrieved person, upon showing unusual circumstances, may request a waiver or change in a Cemetery Rule from the Township Board.

Permits:

- a) No person shall erect, clean or repair a monument or memorial marker in the Township Cemetery without first notifying the Township Clerk or Sexton.
- b) Persons requesting to erect, clean or repair may be required to furnish satisfactory evidence of their ability to properly perform the work proposed and furnish proof of liability and worker's compensation insurance.

Removal of Improper Objects:

- a) If any monument or other structure, or any inscription thereon, is placed in or upon any burial plot in a Township Cemetery which is determined by the Township Board to be offensive or if it does not comply with these regulations or Cemetery Rules, it shall be removed by the owner immediately. If the owner fails to remove it upon notice to do so from the Township Clerk, or if the owner cannot be found, the Township may enter upon the premises and remove it at the owner's expense.

SECTION IX

GROUNDS MAINTENANCE

- a) No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk. Surfaces other than earth or sod are prohibited
- b) Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- c) If trees, shrubs, flowers, weeds or any plants, by means of their roots, branches or otherwise, become detrimental to the adjacent grounds or unsightly, dangerous, diseased, or an obstacle to the public or cemetery personnel, or in the interest of maintaining proper appearance or hinders the use of the cemetery, the Township may enter upon the plot and remove the plant or any part thereof.
- d) The Township reserves the right to remove or trim any healthy tree or shrub, located within the cemetery that poses a hindrance to adjacent plots or in the interest of maintaining proper appearance and hinders the use of the cemetery.
- e) Only such flowers and decorations as allowed by the Cemetery Rules shall be permitted in any Township Cemetery.
- f) All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed by the owner of the said plot.
- g) No flowers, shrubs, trees or any other vegetation of any type shall be planted without the approval of the Township Clerk. Any of the foregoing items planted without such approval will be removed by the Township cemetery manager or the Township cemetery sexton.
- h) The Township or Township 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, or a maintenance problem.

SECTION X

FLOWERS AND WREATHS:

- Only such flowers and decorations, as allowed by the Cemetery Rules, shall be permitted in any Township Cemetery.
- Urns and other containers for the purpose of flowers shall be made of and constructed of concrete, clay, steel, copper, marble, shall be allowed. Containers made of other materials need approval in advance from the Township Clerk. Acceptable containers and urns must be located in front of the monument or marker, not behind or at the side of the monument or marker.
- Use of a Shepard Hook is allowed, but must be positioned to the side of the monument or marker, not in the front or behind the marker or monument.
- Winter flowers and wreaths are permitted within the approved containers, as listed above. Winter wreaths shall be no larger than 24 inches at their widest point and shall be placed beside the marker or monument, not in front or behind. In keeping with a desire to have a natural setting as possible, environmental concerns and effective ground maintenance, the use of natural or dried flowers and all natural winter wreaths is encouraged and appreciated. Floral arrangements not in containers or on a shepherd hook and pose a problem for ground maintenance or source of litter shall be removed.
- In order for the Township to complete fall and spring maintenance, all flowers and decorations placed on burial spaces are to be removed by October 1 of each year and no placement of such items shall be made prior to May 1 of each year. Winter wreaths will be permitted beginning November 1 and must be removed by the following April 1. The Township may remove articles that do not conform to these dates.
- All refuse of any kind including, among others, dried flowers, wreaths, papers, and flower containers, made of material not previously mentioned, must be removed and not left within the cemetery.
- The Township or Township 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, or a maintenance problem.

SECTION XI

FORFEITURE OF VACANT CEMETERY

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remain vacant forty 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 First Class mail to the Burial Certificate holder, by the Township Clerk to the last known address for the last forty year period, that all rights with respect to said lots or plots will be forfeited if the Burial Certificate holder does not affirmatively indicate in writing back to the Township Clerk within sixty days from the date of mailing his desire to retain said burial rights. In addition to the First Class mail, the Township Clerk shall post in the local paper a notice of said intent.
- b) No written response to said notice indicating a desire to retain the cemetery lots or burial spaces (plots) in question is received by the Township Clerk from the last owner of record of said lots or spaces or their heirs or legal representative within 60 days from the date of mailing of said notice.

SECTION XII

REPURCHASE OF BURIAL SPACES

The Township will repurchase any cemetery lot or burial space, from the owner of the Burial Certificate, for the original price paid, upon written request of said owner or their legal heirs or representatives.

SECTION XIII

RECORDS

The Township Clerk shall maintain records concerning all cremains, burials, the issuance of burial certificates, and perpetual care funds shall be kept separate and apart from all other records of the Township. All records shall be open to the public for inspection during reasonable township business hours.

SECTION XIV

VAULT

- a) All burials shall be within a standard reinforced tin, concrete or metal vault or equivalent material (no wooden vaults are allowed) installed or constructed in each burial space before interment.
- b) All buried cremains shall be within a reinforced, durable container approved by the Township's cemetery sexton. No wooden vaults are allowed.
- c) Above ground cremation urns shall not be allowed in any Township cemetery.

SECTION XV

CEMETERY HOURS

- a) Township cemeteries shall be open to the general public from “Dawn” to “Dusk” of each day.
- b) No person shall be permitted in any Township cemetery at any time other than the aforementioned hours, except upon permission of the Township Board or the Township sexton of the cemetery.

SECTION XVI

PENALTIES

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 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 to abatement and termination of the activity complained of.

SECTION XVII

SEVERABILITY

The provisions of the within Ordinance are hereby declared to be servable 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 XVIII

EFFECTIVE DATE

This Ordinance shall take effect thirty days after publication. All ordinances or part of ordinances in conflict herewith are hereby repealed.

Adopted by the Acme Township Board of Trustees on January 08, 2008

Aye _____ Nay _____ Abstain _____

Wayne J. Kladder, Supervisor

Dorothy Dunville, Clerk