NORWOOD TOWNSHIP
CEMETERY ORDINANCE
Ordinance No. 5 of 2012

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, MAINTENANCE AND MANAGEMENT OF THE TOWNSHIP'S CEMETERY AND TO PROVIDE PENALTIES FOR VIOLATIONS

THE TOWNSHIP OF NORWOOD HEREBY ORDAINS:

Section 1. Title.

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

Section 2. Definitions. As used in this Ordinance,

"Burial site" means space sufficient to accommodate one burial and allow for a monument or marker. The minimum size for an adult burial is four (4) feet wide and ten (10) feet long. The minimum size for cremains or an infant burial is four (4) feet wide and five (5) feet long.

"Cemetery" means the Norwood Township Cemetery.

"Cemetery lot" means an area of land within a cemetery sufficient to accommodate from one (1) to seven (7) or burial sites. Burial sites within the cemetery are identified by the Lot number, then identified numerically, beginning with the northern-most site being 1, and increasing by 1 as they lie toward the south. If a burial site has multiple burials within it, the second burial location will be identified with a letter, beginning with "a" (e.g. Lot 113-site 2-a) and proceeding with "b" if a third burial occurs in the site.

"Heirs at law" means a person's spouse, natural and adopted children, natural and adopted grandchildren, parents, grandparents, brothers and sisters.

"Infant or stillborn burial site" means an area of land within a cemetery lot four (4) feet wide and five (5) feet long.

"Township" means Norwood Township.

"Township resident" means a landowner in the Township, or a person eligible to vote in the Township, or a person who lives in the Township.

Section 3. Sale of Lots or Burial Sites; Non-Transferable.

A. Fees for burial sites, grave openings, interment, and other charges shall be established by the Norwood Township Board by resolution.

B. Cemetery lots or burial sites shall be sold only to Township residents. The burial site is to be purchased for the resident or resident's heirs at law or next of kin. Each such person must either be a resident of the Township, or be a member of the immediate family of a Township resident.

C. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

D. The Township Clerk has the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township such as prior residence or relationship to persons in the Township. Any such decision by the Clerk (either granting or denying such a variance) may be overturned by the Township Board pursuant to Section 12.

E. All sales shall be made on a Lot Certificate 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 site(s) sold. Such certificates shall be signed by the Township Clerk or Deputy Clerk and accompanied by a copy of this Ordinance.

F. At the time a burial site is purchased from the Township, the name and address of the person whom the burial site is being purchased for shall be recorded on both the Lot Certificate and in the Clerk's permanent records. One Lot Certificate should be issued per burial site.

G. Cemetery Lot Certificates are non-transferable but may be sold back to the Township for the original purchase price (for resale by the Township.)

H. If the owner of a cemetery Lot Certificate desires to make a name change regarding the assigned cemetery burial site, that person must sell the cemetery lot back to the Township for the original price. The lot may then be repurchased from the Township at the current price in the name of another eligible person, since cemetery lots are otherwise non-transferable.

I. The Clerk may change or add names on a deed or Lot Certificate sold prior to 2001 without a sale and resale by the Township.

J. The Township Board shall have the authority to place a limit on the number of cemetery burial sites sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery burial site(s) will be sold to a specific person and where such cemetery burial site(s) will be located. Such decisions shall be based upon reasonable factors, including, but not limited to, the number of vacant cemetery burial sites available and whether family or

relatives of the person seeking to purchase a cemetery burial site are buried adjacent or nearby the cemetery burial site(s) requested.

K. The holder of a Lot Certificate for a burial site shall be responsible for notifying the Township whenever there is a mailing address change for a person listed on the certificate.

L. Any lot or burial site unused for 40 years from the date of sale, shall revert to the Township as described in Section 9.

Section 4. Grave Opening.

A. The Township may charge reasonable fees for the opening and closing of any burial site, prior to and following a burial therein, including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board determined by the residency status of the person at the time of burial. If a resident purchases lots and subsequently moves from the township, the resident and the spouse have a non-transferable right to be buried as residents.

B. All fees for grave opening are payable to the Township prior to the opening of a grave.

C. A request shall be made to the cemetery Sexton at least thirty-six (36) hours before any grave will be opened. Exceptions may be made by the Sexton or Clerk.

D. No burial site shall be opened without the Sexton assuring that there is a valid Lot Certificate for the deceased. All grave openings will be done under the Sexton's direction and control.

E. In the case of a grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities, the Township Sexton shall be given at least twenty-four (24) hours' prior notice of when such grave opening or closing will occur, but does not need to be under the Sexton's direct supervision.

F. Winter burials shall be determined by the cemetery Sexton. Any additional fees incurred shall be charged to the funeral director.

Section 5. Markers or Memorials.

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

B. There shall only be one monument or marker per burial site. Additional markers may be placed with the Sexton permission, as long as additional markers are flush type and do not interfere with cemetery maintenance.

C. All monuments must be located on a suitable foundation to maintain the same in an erect position with a wash base of not less than three (3) inches around.

D. Monuments or markers should be placed at the west end of the burial site. Inscriptions or wording should face the east or be across the face of flush type markers.

E. Native boulders are permitted as burial markers. The size of the boulder shall not exceed three (3) feet in height and three (3) feet in width and two (2) feet in depth of thickness. Native boulders must have an engraved placque or may be sandblasted and must be set firmly on a foundation.

F. All monuments and markers may be set only after obtaining permission from the cemetery Sexton

G. Headstones or markers preserve burial locations and should be installed within two years.

H. The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding such marker, memorial, urn or similar.

I. Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated, or a safety hazard, the Township Board shall have the right, at the expense of the owner of the corresponding cemetery lot or Lot Certificate to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner prior to any such work beginning.

J. Burials without markers for twenty or more years have been designated by the Sexton with white crosses.

Section 6. Interment Regulations; Vaults.

A. Only one person shall be buried in a burial site. Exceptions may be made with the permission of the Sexton and Clerk for cremains ~~for~~ or for infants following the burial site definition.

B. The appropriate Lot Certificate issued by the Township for the burial site involved, together with appropriate identification of the person to be buried therein, and the burial transit permit from the health department shall be presented to either the cemetery Sexton or the Township Clerk prior to interment. Where such Lot Certificate has been lost or destroyed, the Township

Clerk shall be satisfied, from Township records, that the deceased person to be buried is the appropriate person authorized by the purchaser for that site, before any interment is commenced or completed.

C. Because vaults aid in locating burials and help prevent ground alterations, all burials in the cemetery shall be made in cement boxes or vaults and shall take place within the limits of a single burial site. Exceptions may be granted by the Clerk or Sexton to accommodate religious beliefs.

D. Cremains may be buried in a container approved by the Township. Cremains shall be buried and may not be scattered or dispersed within the Township cemetery.

E. Cemetery burial sites are only for the burial of human remains.

F. All graves shall be located in an orderly and neat-appearing manner within the confines of the cemetery burial site involved.

Section 7. Ground Maintenance.

A. The Township Board is responsible for the maintenance of the Cemetery. All expenditures, such as mowing, leaf or tree removal, will be contracted by the Township and overseen by the Supervisor. The Sexton is the Board's representative to the public, as well as the public's liaison to the Board, in the enforcement of this ordinance.

B. No grading, leveling, or excavating upon a burial site shall be allowed without the permission of the cemetery Sexton or the Township Clerk.

C. To facilitate maintenance of the cemetery, flowers, shrubs, trees or vegetation of any type shall be planted in an urn. Any request for permanent trees or shrubbery, to be planted or removed, or monuments or markers to be moved, straightened, or installed, must be made to the cemetery Sexton. Mounds, bricks, block, stones, borders, or objects, which hinder the free use of a lawn mower or other gardening apparatus are prohibited. Any unapproved items may be removed by the Township or Sexton.

D. The Township reserves the right to remove or trim any tree, plant, or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

E. The cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.

Section 10. Cemetery Records.

A. The Township Clerk shall maintain records concerning all sales, burials, Lot Certificates, burial transit permits, and any funds that may be generated by the Norwood Township Cemetery Association. The Clerk shall report annually to the Township Board regarding cemetery sales, burials, funds and available burial sites, in May after the closing of the books for the year.

B. The Clerk shall notify the Sexton of all lots and burial site sales and forward copies of all burial transit permits and sales.

C. The Sexton shall maintain records of all cemetery lots and sites, their availability, sales, grave openings and closings, and reconcile them annually with the Clerk's records.

D. The Sexton shall notify the Clerk of all burials when completed.

Section 11. Interpretation/Appeals to the Township Board.

A. The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such character as will not impair the purposes and intent of this Ordinance.

B. Any party aggrieved by an interpretation or decision made by the Township Sexton or any Township official agent or contractor pursuant to this Ordinance, as well as any matter relating to the Township cemetery, rights to a cemetery burial site or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township, at least ten days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.

F. Surfaces other than earth or sod are prohibited.

G. No artificial flowers, wreaths, lighting or the addition of wiring shall be placed on the ground of any lot in the cemetery.

H. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed when no longer in use.

I. All flower urns shall be in line with the marker or monument and shall be located either directly in front of or behind the marker or monument within one foot of the head stone. All flower urns must rest on the burial site itself. There shall be no more than one flower urn per burial marker. Flower urns are to be maintained by the urn's owner.

J. All privately owned motor vehicles shall remain on designated roadways within the cemetery and shall not be driven on the grass or other areas within the cemetery.

K. The Clerk will maintain posting of cemetery rules and contact information in the display box at the entrance to the cemetery.

Section 8. Forfeiture of Vacant Cemetery Lots or Burial Sites.

A. If a cemetery lot or burial site sold after December 31, 2001 remains vacant for more than forty (40) years from the date of its sale, the Township Clerk shall send by certified mail, return receipt requested, to the last owner of record a written notice informing him or her that the forty (40) year period has expired and that all rights in the cemetery lot or burial site shall be forfeited to the Township if he or she fails within sixty (60) days of the date of mailing the notice to affirmatively indicate in writing to the Township Clerk his or her desire to retain the cemetery lot or burial site.

B. If the Township Clerk receives no written response within sixty (60) days after mailing the notice required to be sent pursuant to subsection A above, the cemetery lot or burial site identified in the notice shall revert to the Township free and clear from any claims of that original purchaser. The Township Clerk shall then cancel the official Lot Certificate originally issued and indicate in the Township cemetery records that the cemetery lot or burial site is eligible for resale under the terms and conditions of this Ordinance.

Section 9. Repurchase of Cemetery Lots or Burial Sites.

The Township will repurchase any cemetery lot or burial site from the owner for the original price paid to the Township upon written request of said owner or legal heirs or representative, except for those cemetery lots or burial sites that have been forfeited under Section ~~9~~ 8 above.

C. The Township Board may set a fee or fees for any such appeal from time to time by resolution.

Section 12. Municipal Civil Infractions.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 13. Enforcement Officer.

The Township Supervisor or other person designated by the Township Board is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 14. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 15. Injunctive Relief.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 16. Repeal.

All prior Norwood Township cemetery ordinances are hereby repealed in their entirety.

Section 17. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

Section 18. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.