**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 Lincoln, Osceola County, Michigan; to provide penalties for the violation of said ordinance and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE TOWNSHIP OF LINCOLN, OSCEOLA COUNTY, MICHIGAN, ORDAINS:**

**Section 1: Title**

This ordinance shall be known and cited as the **Lincoln Township Cemetery Ordinance**.

**Section 2: Definitions of Cemetery Lots and Burial Spaces.**

A cemetery lot shall consist of two (2) burial spaces.

A lot shall be ten (10) feet wide and twenty (10) feet in length.

**Section 3: Sale of Lots and Purchase Price**

Hereafter, cemetery lots shall be sold to residents or taxpayers, of the Township, at a fee of $100.00 or to non-residents at a fee of $300.00, 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. 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.

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.

Burial rights may only be transferred, following approval by the Township Board, and may be affected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval, and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

The foregoing charges shall be paid to Lincoln Township and shall be deposited by the Treasurer, in the proper account.

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 4: Grave Opening Charges**

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.

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton, with notification to the Township Clerk. This provision shall not apply to proceedings for the removal and interment of bodies, which matters are under the supervision of the local health department.

**Section 5: Markers or Memorials**

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

Any large upright monuments must be located upon suitable foundation to maintain the same in an erect position.

**Section 6: Interment Regulations**

Only one person may be buried in a burial space, except for a mother and infant or two (2) children buried at the same time. Any exceptions to be determined and approved by the Township Clerk.

Not less than 36 hours’ notice shall be given in advance of anytime of any funeral, to allow for the opening of the burial space.

The appropriate permit, if available, for the burial space involved, together with appropriate identification of the person to be buried therein, shall be presented to either the Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk may be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

**Section 7: Ground Maintenance**

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

No shrubs or trees of any type shall be planted without the approval of the sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton. Flowers placed on the graves should be placed as close to the grave marker as possible to make easy access for lawn mowing.

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.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton or the Township Board 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.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery by April 1st each year.

**Section 8: Repurchase of Lots or Burial Spaces**

The Township will repurchase any cemetery lot from the owner for the original price paid to the Township, upon written request of said owner or his/her legal heirs or representatives.

**Section 9: Records**

The Township Clerk shall maintain records concerning all burials and issuance of burial permits separate and apart from any other records of the township and the same shall be open for the public inspection during reasonable business hours.

**Section 10: Vault**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. This does not apply to cremains buried in the burial space.

**Section 11: Cemetery Hours**

The cemeteries shall be open to the general public from dawn to dusk each day.

**Section 12: 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 for abatement and termination of the activity complained of.

**Section 13: 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 the such ordinance which shall continue in full force and effect.

**Section 14: Effective Date:**

This Ordinance shall take effect on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Date this\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dwight R. Gingrich, Supervisor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sherry Blackrick, Clerk

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sonia Peters, Treasurer

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hector Couture, Trustee

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jack Burton, Trustee