

TOWNSHIP OF STANTON
COUNTY OF HOUGHTON, MICHIGAN

CEMETERY ORDINANCE

Adopted: April 13, 2016

Effective: May 1, 2016

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 Stanton, Houghton County, and Michigan; to provide penalties of said ordinance; and to repeal all ordinances or parts of ordinance in conflict therewith.

**TOWNSHIP OF STANTON
COUNTY OF HOUGHTON, MICHIGAN**

ORDAINS:

SECTION I

TITLE

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

SECTION II

DEFINITIONS

- A cemetery lot shall consist of burial spaces sufficient to accommodate from one to five burial spaces at the Liminga Cemetery and from one to four spaces at the Toivola Cemetery.

- A burial space represents a place for one casket interment, or two cremains, or one casket plus one set of cremains. There is no sale or transfer of real estate involved only a grant of right for burial, nor does such sale convey any other title to the lot or burial space.
- A burial-transit permit is a document which includes 1) a transit permit, 2) an authorization for cremation, and 3) verification of burial or cremation which, at the time of burial or cremation, is signed by the Sexton or Crematory Authority and maintained on file in the Township Office indefinitely.
- An adult casket burial space shall consist of a land area ten feet in length and three (3) feet wide at Liminga Cemetery and four (4) feet wide at Toivola Cemetery. A burial space sold for cremains only may contain one or two cremains.
- An infant or stillborn burial space shall consist of a land three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.

SECTION III

SALE OF BURIAL LOTS AND BURIAL SPACES

- Cemetery lots or burial space at the Toivola Cemetery shall be sold to residents or past residents of Stanton Township, Misery Bay residents or past residents of Bohemia Township, and Toivola residents or past residents of Adams Township, the locations collectively known as the “Community of Toivola”. Cemetery lots or burial space at the Liminga Cemetery shall be sold to residents and non-residents of Stanton Township. Cemetery lots or burial space shall be for the purpose of the burial of purchaser or his or her heir at law or next of kin. No sale shall be made to funeral directors or others other than set forth herein. The Cemetery Sexton, under supervision of the Township Clerk, is

hereby granted the authority to vary the aforesaid restriction on sales where the purchaser provides sufficient reason for burial within the Township.

- All such sales shall be made on a form approved by the Township. All such sales shall be executed by the Cemetery Sexton who shall maintain duplicate records of each sale, with one copy being filed with the Township Clerk.
- Burial rights may only be transferred to such persons eligible to be original purchasers of cemetery lots or burial spaces. The transfer shall be recorded on the original burial permit and in the Township cemetery burial lot or burial space records. Upon such transfer, the Sexton shall cancel the original permit and issue a new burial permit to the assignee. Purchase or resale of burial spaces for monetary gain is strictly prohibited.
- The Township Board of Trustees may limit the number of spaces a person may purchase.

SECTION IIIa

LOT AND BURIAL RATES

BURIALS	RESIDENT	NON-RESIDENT
Adult	350.00	700.00
Children	350.00	700.00
Stillborn	75.00	150.00
Cremains	125.00	250.00

Weekend & Holiday regular burials are \$200.00 additional with cremain & stillborn burials being \$100.00 additional.

DISINTERMENTS	500.00	500.00
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LOT COSTS

<u>LIMINGA</u>	RESIDENT	NON-RESIDENT
Single grave lot	125.00	250.00
Double grave lot	250.00	500.00
Five grave lot	500.00	1000.00

<u>TOIVOLA</u>	RESIDENT	NON-RESIDENT
Single grave lot	125.00	250.00
Double grave lot	250.00	500.00
Four grave lot	375.00	750.00

These prices are for **Residents(Past & Present)**and/or **Taxpayers** of Stanton Township. All others...lot rates are double the Resident and/or Taxpayer rate.

SECTION IV

PURCHASE PRICE AND TRANSFER FEES

- The Stanton Township Board of Trustees shall establish the price of adult burial spaces, adult burial lots, cremation ashes spaces, infant or still birth burial spaces, and transfer fees for each cemetery and shall publish the prices in its Cemetery Brochure.
- The revenues from the sale of the burial lots, burial spaces, and transfer fees shall be paid to the Township Treasurer and shall be deposited in a Cemetery Fund for each cemetery.

- 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 V

GRAVE OPENINGS AND CHARGES

- A grave opening and closing fee shall be charged for each burial, including the interment of ashes, in the cemetery. The Stanton Township Board shall, by resolution, establish the fee which shall be payable to the Township Treasurer. The Board shall publish such charges in the Cemetery Brochure.
- No burial spaces shall be opened or closed except under the direction and control of the Sexton. This provision shall not apply to removals or re-interments of bodies and remains that are under the jurisdiction and supervision of the Western Upper Peninsula Health Department or the Michigan State Health Department.

SECTION VI

VAULTS

- All burials shall be within a standard concrete vault or a modified bottom-less concrete vault installed or constructed in each burial space before interment. Use of a bottom-less vault will require both the filling of any cavity remaining inside of the vault with soil and the use of a standard concrete lid.

SECTION VII

MARKERS AND MEMORIALS

- All markers of memorials must be of stone or other equally durable substance. Markers and memorials of concrete, artificial stone, composition, wood, or iron are not permitted. No walls or grave borders are permitted.
- All plans, specifications, and locations of markers or memorials are subject to Board approval. All memorials shall have a suitable concrete foundation which extends at least four (4) inches on all side of the stone and must be sufficient to maintain the marker or memorial in an erect plumb position. All costs associated with the construction or installation of foundations shall be borne by the owner of the burial right.
- Only one monument, marker, or memorial shall be permitted per burial space.

SECTION VIII

INTERMENT REGULATIONS

- No interment shall take place without a Burial-Transit Permit presented by the Funeral Director upon arrival at the cemetery. Funeral Directors responsible for burial arrangements shall be responsible for all interment charges.
- In one burial space, only one person may be buried except for a mother and infant, or two children buried in the same casket, or two cremains, or one casket plus one set of cremains.
- Not less than twenty-four hours minimum (36 preferred) notice shall be given to the Sexton in advance of the time of any funeral to allow for the opening of the burial spaces.

- The Stanton Township Cemeteries will be open for interment on a seasonal basis.
- The completed Burial-Transit Permit shall be recorded in the Sexton's register and shall be kept on file with the Township Clerk.

SECTION IX DISINTERMENT

- Disinterment of a body, once properly interred, shall not be made without a properly executed disinterment permit.
- Graves which must be opened for inspection for any official investigation shall require an order signed by a court of competent jurisdiction.

SECTION X GROUND MAINTENANCE

- No grading, leveling, mounding, or excavating upon any burial space shall be allowed without the permission of the Sexton. Grave surfaces other than sod are prohibited in new cemetery sections.
- No flowers, shrubs, trees, or vegetation of any type shall be planted on grave spaces or adjacent areas. Any of the foregoing items planted without approval may be removed by the Sexton at the expense of the burial space owner.
- The Township Board reserves the right to remove or trim any tree, plant, or shrub located within the cemetery in the interest of proper appearance and use of the cemetery.

- The Sexton shall have the right and responsibility to maintain the cemetery grounds and to remove and dispose of all growth, emblems, displays, or containers that through decay, deterioration, damage, or otherwise becoming unsightly becomes a source of litter or presents a maintenance problem.
- Lot owners or family members must remove old or unsightly grave decorations prior to October 1st of each year.
- All litter and refuse, including withered flowers, wreaths, papers, and containers, must be removed or deposited in containers located within the cemetery.

SECTION XI

FORFEITURE OF VACANT BURIAL SPACES

- Burial spaces sold and remaining vacant forty years from the date of sale shall automatically revert back to the Township upon occurrence of the following events:
 - Notice shall be sent by the Township Clerk by first class, certified, return-receipt-requested U.S. mail to the last known address of the owner of a record informing him or her of the expiration of the forty year period and that all rights with respect to said space(s) will be forfeited if the owner does not affirmatively indicate in writing to the Township Clerk within sixty days from the mailing of the notice that retention of burial rights is still desired.
 - If written response to the notice is not received within sixty days, or the owner cannot be located, the Township Clerk shall consider the space(s) vacant and offer them to potential buyers from the sixty-first day following the mailing of the notice.

- Response will extend burial rights for ten years.

SECTION XII

REPURCHASE OF BURIAL SPACES

- The Township will repurchase any unused or undesired burial space(s) from the owner for the original purchase price paid the Township upon written request of the owner or legal heir(s) or their representative.

SECTION XIII

RECORDS

- The Township Clerk shall maintain duplicate records concerning all burial plot locations, all burials, and all issuances of Burial-Transit Permits.
- The Township Treasurer shall maintain records of all and any perpetual care funds, merchandise funds, and so on, separate and apart from any other records or funds of the Township and shall be open to public inspection at all reasonable business hours.

SECTION XIV

CEMETERY HOURS

- The township cemeteries shall be open to the general public each day of the week from sunrise to sunset unless otherwise posted as “Closed” by order of the Sexton or Township Board.

- The Sexton may request any person to vacate the Cemetery for inappropriate or illegal behavior. The Houghton County Sheriff's office shall enforce trespass laws.

SECTION XV

PENALTIES

- Violations of this Ordinance may be subject to prosecution.

SECTION XVI

SEVERABILITY

- The provisions of this Ordinance are hereby declared to be severable and should any provision, section, or part be declared invalid or unconstitutional by any appropriate court, such decision shall only affect the particular provision, section, or part involved shall not affect or invalidate the remainder of the Ordinance, which shall continue in full force and effect.

SECTION XVII

EFFECTIVE DATE

This ordinance shall take effect on May 1, 2016. All ordinances or parts of ordinances in conflict are hereby replaced.