

Sylvan Township Cemetery Ordinance #9904

Revised October 7, 2013

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 Sylvan, County of Osceola, 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 Sylvan, County of Osceola, Michigan ordains:

SECTION 1: Title

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

SECTION 2: Definition of Cemetery Lots and Burial Spaces

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one(1) to four(4) burial spaces.
- B. A burial space shall consist of land area sufficient to accommodate one adult burial.

SECTION 3: Sale of Burial Rights

- A. Hereafter, cemetery burial rights shall be sold by the township clerk for one(1) to four (4) burial spaces to residents of Sylvan Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin.
- B. All such sales shall be made by the township clerk with a certificate, 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. The township clerk or sexton shall complete this form.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of burial rights within the cemetery and may be done only by endorsement of an assignment of such burial rights upon the original certificate issued by the township clerk, approved by and entered upon the official records of said clerk. The clerk shall then issue a new burial rights certificate to the assignee and shall cancel and terminate, upon such records, the original certificate thus assigned.

SECTION 4: Prices and Fees

- A. One burial space shall cost the sum of \$70. (In order to utilize all available spaces, lots of one and two will be sold in certain sections only). For non-residents, the cost shall be \$140 per one burial space and a limit of two graves.
- B. Any transfer of one or more burial spaces from an original owner to a qualified assignee shall cost \$25.
- C. Fees shall be paid to the township treasurer and deposited in the general fund.
- D. The township board, by resolution, may periodically alter these fees to accommodate increased costs and needed reserve funds for cemetery management and land acquisition.

SECTION 5: Burial Expenses

- A. The following fees shall apply to the opening and closing of burial spaces.

	Normal Burial Space	Oversized Casket	Cremation
April 15th through November 15 th	\$350	\$425	\$65
November 16th through April 14 th	\$750	\$900	\$130

- B. All persons requesting that a burial take place from November 16th through April 14th shall execute a written indemnification agreement with the township board agreeing to hold harmless and indemnify the township, the township board, its employees and appointees, from any damages or injuries whatsoever should the burial mistakenly occur in the wrong site.
- C. The use of the cemetery vault shall be available to township residents from November 16th through April 14th free of cost. Use of the cemetery vault shall be available to non-residents and entities from November 16th through April 14th at a cost of \$50. In addition to the above stated rental fee, non-township residents and entities shall pay the cost of snow removal to gain entrance to the vault.

SECTION 6: Interment Regulations

- A. Only one person may be buried in a burial space except for a mother and infant or multiple stillborn infants. Exception will be one cremation and one burial on one burial space.
- B. Not less than 72 hour notice shall be given in advance of the time of any funeral to allow for the opening of the burial space.
- C. The appropriate burial permit for the burial space involved, together with proper identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one.
- D. All graves shall be located in an ordinary and neat appearing manner within the confines of the burial space involved.
- E. All burials, with the exception of cremation, must be placed in an approved burial vault.
- F. The township assumes no responsibility for errors in opening graves when such errors are caused by others.
- G. Scattering cremation remains anywhere in the cemetery is prohibited.
- H. No burial space shall be opened or closed, including the interment of ashes, except under the direction and control of the sexton. This provision shall not apply to proceeding for removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.
- I. No burial shall take place unless the burial space fee, the fee for services required to open and close the grave and all other fees have been paid in full.

SECTION 7: Markers and Memorials

- A. All markers and monuments must be of stone or other equally durable material. Markers or monuments that are broken, or deteriorated to the point of having pieces coming loose, may be removed by cemetery personnel.
- B. The repair and maintenance of any marker or memorial shall not be the responsibility of the township.
- C. Any markers or monuments must be located on a suitable foundation to maintain the same in erect position and shall be at the head of the grave and in line with adjacent markers. Locations of foundations must be determined by the cemetery sexton. All foundations are to be constructed and installed by the cemetery sexton at a cost to the owner of the burial right.
- D. All markers or monuments shall conform to the general plan of development of said cemetery and the township board. In the case of any controversy, the township board shall have the authority to determine whether any monument or marker conforms to such plan.
- E. Inscriptions on monuments, markers or memorials must not be offensive or improper, as judged by the township board. The owner of any such memorial shall be responsible for all expenses of removal.
- F. Any marker not being placed at the head of the burial space must have board approval.
- G. Only one marker, monument or memorial shall be permitted per burial space with the exception of military markers.

- H. Memorial markers for service men and women shall be at ground level mounted on a foundation or mounted on upright monuments.
- I. All lot markers will be ground level only and no shrubs shall be used as lot markers.
- J. No marker or monument shall be put in the cemetery until approved by the sexton, per the specifications approved by the board.

SECTION 8: Ground Maintenance

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission and supervision of the cemetery sexton or township board.
- B. No flowers, shrubs, trees or evergreens shall be planted without the approval of the cemetery sexton or township board. Any plantings without such approval may be removed by the cemetery personnel.
- C. 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 use of the cemetery.
- D. Mounds which hinder the free use of a lawn mower or other lawn care device are prohibited.
- E. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth emblems, displays or containers that have become unsightly, a source of litter or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower containers must be removed or deposited in the dumpster or containers located within the cemetery. No tree limbs or grass is to be deposited in the dumpster.
- H. The use of jars, bottles, jugs, etc. for cut flowers is prohibited. Artificial flowers are allowed "only" if contained within an urn or acceptable container. Wires, etc. used for artificial wreath, flowers, grave blankets, etc. can be devastating to the mower and mowing equipment and time consuming (expensive) if each item must be moved with each mowing.
- I. Chipstone with plastic is acceptable around headstones, if neat and orderly.
- J. Vases, baskets or other property left in the cemetery are left at the risk of the owner and the sexton or township board shall not be responsible for the loss, destruction or damage of said property.
- K. Winter decorations must be removed by April 1st and summer decorations must be removed by October 1st each year or they will be removed and discarded by the cemetery sexton.
- L. No persons shall mow, seed or fertilize their cemetery plots. You purchased "burial rights" only, the land is taken care of equally by the township.
- M. Unauthorized snow removal is prohibited.

SECTION 9: Cemetery Hours

- A. The cemetery shall be open to the general public from sunrise to sunset of each day.
- B. No person shall be permitted in the cemetery at any other time, unless they have permission of the sexton or township board.
- C. No person shall obstruct any driveway.
- D. Alcohol is not permitted in the cemetery.
- E. No firearms are allowed without written permission from the sexton or township board, except in the case of military funerals or ceremonies by official veteran's organizations on federal holidays.
- F. Skiing, hunting, snowmobiling, motorcycling, horseback riding, four-wheeling and all other recreational vehicles are prohibited.

SECTION 10: 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 to public inspection at all reasonable business hours.

SECTION 11: Abandoned or Neglected Burial Spaces

In accordance with M.S.A. 5.301 and subsequent sections, any burial space within the township cemetery which has not been used for burial purposes and which has not been maintained in accordance with the rules and regulations of the township board for a period of seven(7) years or longer, appeared to have been abandoned, may be forfeited and reverted to the township board by proceedings with said law and statute provided for abandoned and neglected lots.

SECTION 12: Penalties

Any person, firm or corporation who violates any of the provisions of the ordinance shall be guilty of a misdemeanor.

SECTION 13: Severability

The provisions of this 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 not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

SECTION 14: Repeal and Effective Date

This ordinance shall take effect 30 days from publication. All regulations or ordinances in conflict are hereby repealed.

ORDINANCE ADOPTED: 10/07/2013

Angela Moore, Sylvan Township Supervisor

Doris Hazen, Sylvan Township Clerk

Beverly Mills, Sylvan Township Treasurer

Sheila Robinson, Sylvan Township Trustee

Terry Pritchard, Sylvan Township Trustee