

**Moffatt Township
Arenac County, Michigan**

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 MOFFATT, ARENAC COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND TO REPEAL ALL ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH.

SECTION 1: TITLE

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

SECTION 2: DEFINITIONS OF CEMETERY LOTS

A: A cemetery lot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces.

B: A burial space shall consist of a land area of five feet wide and ten feet in length.

C: Up to six cremation burials permitted per burial space.

SECTION 3: SALE OF LOTS OR BURIAL SPACES

A: Due to the limited number of gravesites the Township of Moffatt will sell grave sites to residents and property owners of the Township.

B: Cemetery lots shall be regarded as sold when paid in full. Lot owners shall understand that title to the land is vested in the Township and that the buyers Burial Permit grants to buyer the exclusive use of the grave site for burial purposes only.

C: A cemetery burial space shall be sold for the purpose of the burial of the purchaser, next of kin or heirs at law. No sale shall be made to funeral directors or others than as heretofore set forth. The Township clerk is granted the authority to vary restrictions on sales where the purchaser has disclosed sufficient personal reason for burial within the Township through previous residency or relationship to persons interred therein.

D: Burial rights may only be transferred to those persons to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such Burial Permit upon the original Burial Permit form

issued and approved by the Township Clerk and entered into the official records of the Township Clerk. The Township Clerk shall issue a new Burial Permit to the assignee and shall cancel the previous Burial Permit.

E: If the lot owner decides to sell any gravesite(s), the sites must be sold to Moffatt Township, who will buy the unused grave at the original purchase price.

F: All such sales shall be made on a form approved and executed by the Township Clerk.

SECTION 4: PURCHASE PRICE AND TRANSFER FEES

A: Each gravesite shall cost the sum of \$100.00 for Moffatt Township residents and \$250.00 for non-residents.

B: There will be a \$100.00 transfer fee per burial space payable to the township.

C: The foregoing charges shall be paid to the Moffatt Township Treasurer and shall be deposited in the appropriate account.

D: The Township Board may periodically alter the fees to accommodate increased costs.

SECTION 5: GRAVE OPENINGS

A: The opening and closing of any gravesite shall be at the cost of the family. The charge for the full burial interments will be billed directly from the funeral home to the family. No burial spaces shall be opened or closed except under the direction and control of the Township Sexton or designated official. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

SECTION 6: MARKERS AND MEMORIALS

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

B: Any large upright monument must be located upon a suitable foundation to maintain the same in an erect position.

C: If 6 grave markers are required for cremation burials, the extra markers on another section of the grave site shall be flush with the ground.

D: Grave markers shall not be altered or removed.

SECTION 7: INTERMENT REGULATIONS

A: Only one person may be buried in a burial space except for a mother and infant, two children at the same time or twelve cremains.

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

C: The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, 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 shall 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.

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

SECTION 8: GROUND MAINTENANCE

A: No grading, leveling or excavating upon a burial space shall be allowed without the permission of the Township Board.

B: No shrubs or trees of any type shall be planted without the approval of the Township Board. Any of the foregoing items planted without such approval may be removed by the Township.

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: Any landscaping which hinders the free use of a lawn mower or other gardening apparatus are prohibited.

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

F: All refuse of any kind including among others, dried flowers, wreaths, papers, and flower containers must be removed.

SECTION 9: RECORDS

A: The Township Clerk shall maintain records concerning all burials, burial permits, and records of burial rights ownership, separate and apart from any other records of the township and the same shall be open to public inspection by appointment at reasonable business hours.

SECTION 10: PENALTIES

A: Any person, firm or corporation who violates any of the provisions of this 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 11: SEVERABILITY

A: The provision 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 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.