

**TORCH LAKE TOWNSHIP
ANTRIM COUNTY, MICHIGAN**

**CEMETERY ORDINANCE #2025 - #01
(Amends Ordinance #4-2010)**

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of Lakeview Cemetery located at 4610 N East Torch Lake Drive, Central Lake, Michigan 49622 and is owned by Torch Lake Township, Antrim County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

Section 1. Title

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

Section 2. Definitions

- A. Burial Space- shall consist of an area of land four feet wide and twelve feet long.
- B. Cemetery Lot- consists of from one to four burial spaces.

Section 3. Internment Regulations

- A. Only one body shall be interred in a burial space. The exceptions being a mother or father and an infant; infants of a multiple birth; two young children; two cremains; or one full burial and one cremains.
- B. All burials, including cremains, shall be within a standard concrete vault installed in each burial space before interment.
- C. The appropriate permit and identification of remains shall be forwarded to the Township Sexton.
- D. The Sexton or designee will perform all cemetery openings and closings.
- E. No winter burials shall occur without the prior consent of the Township Sexton.

Section 4. Cemetery Hours

The Cemetery shall be closed to the general public from dusk to dawn each day.

Section 5. Gravestones

- A. All non-ground level grave markers, headstones and monuments (herein Gravestones), including natural stone memorials, shall have a moveable cement (or equivalent material) Foundation Base at least 2 inches larger than the gravestone. This base shall be flush with the ground. A Foundation Base is to be no longer than 48 inches long and 24 inches wide for a single Burial Space and 72 inches long and 24 inches wide for two or more adjoining Burial Spaces. All Gravestones shall be attached to the Foundation Base utilizing industry standards to allow for moving when required for maintenance, with the exception of ground level markers which do not require a foundation. Natural stone gravestones must meet the size limitation of this ordinance, and must have a flat, sawed bottom for placement and attachment on the Foundation Base.
- B. All Gravestones must be comprised of Granite or Bronze and shall face the same direction as the Gravestones around them, unless otherwise approved by the township board.
- C. Gravestones are to be no more than 48 inches long and 24 inches wide for a single Burial Space and no more than 72 inches long and 24 inches wide for two or more adjoining Burial Spaces. Gravestones are to be no taller than 48 inches including the Foundation and Base.
- D. Bench constructed of granite only and placed at the foot of graves with required foundations.
- E. Should any Gravestone 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, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner prior to beginning any such work.

Section 6. Ground Maintenance, Urns and Flower Holders

- A. The first four-foot area of a Burial Space or Cemetery Lot so designated for items above ground.
- B. Urns may be placed and maintained at the Gravestones of Burial Spaces no earlier than May 1 and must be removed no later than October 1 of each year. Decorations will be permitted for holidays falling outside of these dates, but only for two weeks before and after the holiday.
- C. Veteran flags and flag holders shall be placed by Township designee governed by the Veteran Administration guidelines.
- D. No grading, leveling, or excavating within the cemetery shall be allowed without permission of the Township Board.
- E. All planting, which in time can result in growth exceeding a diameter of two feet, are not allowed. To facilitate grounds maintenance, no flowers, shrubs or vegetation of any type shall be planted outside of an urn except those planted by the Township.
- F. The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.
- G. Mounds or decorations that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- H. Township designee shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that are a source of litter or a maintenance problem through decay, deterioration, damage or otherwise have become unsightly. Glass containers of any kind are strictly prohibited for safety reasons.
- I. Surfaces other than earth or sod are prohibited.

- J. All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, and flower containers must be removed from the cemetery within 10 days after a burial.
- K. No fences, stone pebbles, artificial or solar lights, wired or plastic objects, are permitted. Artificial flowers must be in a container.
- L. All rubbish and non-maintained flowerpots shall be removed and disposed of properly by the responsible party.

Section 7. Vehicular access

All vehicles must stay on driveways or designated parking areas.

Section 8. Sale of Cemetery Burial Spaces: Non-transferable

- A. Sales of burial spaces grant a right of burial only and do not convey any other title to the burial spaces sold.
- B. Purchase price of each cemetery burial space shall be the price listed in the current Township Fee Schedule. Such sums shall be made payable to the Township of Torch Lake.
- C. The lawful owner of any cemetery burial space within the Township shall promptly provide the Township Clerk with any change in the owner's mailing address. Cemetery records are kept in the Township office of Clerk.
- D. Only Township Taxpayers and their spouse may own/purchase up to 2 grave spaces at resident rate.

Section 9. Repurchase of Lots or Burial Spaces

- A. The Township may, upon the written request of a Lot owner, legal heir or representative, repurchase a single burial space for 30% of the current resident selling price, depending upon the availability of funds when a sale is proffered.
- B. The Township may repurchase two or more adjacent burial spaces for 50% of the Township's current resident selling price, depending upon the availability of funds when a sale is proffered.

Section 10. Grave Opening Charges

- A. The Township may charge reasonable fees for the opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by the Township Board, payable to the Township of Torch Lake.
- B. No burial space shall be opened or closed except under the direction and control of the designated official.

Section 11. Forfeiture of Vacant Cemetery Lots or Burial Spaces

Two or more adjacent burial spaces remaining vacant 40 years from the date of their sale shall automatically revert to Torch Lake Township upon occurrence of the following:

- (1) Notice shall be sent by the Township Clerk by Certified Mail, return receipt requested, to the last known address of the owner of record informing him/her of the expiration of the 40 year period and that all rights with respect to said burial spaces will be forfeited if he or she doesn't affirmatively indicate in writing to the Township Clerk within 60 days of receipt of this notice his/her desire to retain said rights.
- (2) If no response to said notice is received by the Township Clerk from the owner of record or his/her heirs or legal representative within 60 days of receipt of notice, ownership shall revert to Torch Lake Township.

Section 12. Disclaimer of Township Liability and Responsibility

Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other items placed at or near a cemetery plot, burial site or anywhere in a Township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot involved. Such waiver, release and old harmless provision shall apply not only to the Township, but also to the Township Sexton and any Township employee, officer, official or agent.

Section 13. Prohibited Uses and Activities

The following prohibitions shall apply within any Township cemetery:

- A. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located with a Township cemetery.
- B. No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.
- C. No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.
- D. There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- E. There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- F. There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.
- G. There shall be no driving of an automobile, truck, snowmobile or any motorized vehicle on any portion of a cemetery except the designated roads or drives.
- H. There shall be no disinterment or grave openings unless approved by the Township Board.
- I. There shall be no possession or consumption of any alcoholic beverage.

- J. There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
- K. There shall be no picnicking or consumption of food without prior Township approval.
- L. There shall be no littering or dumping.
- M. No children under twelve (12) years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- N. No firearms or archery arrows shall be discharged or shot except that military or other veterans' organizations may carry arms for the purpose of firing over the grave at the burial of a member.
- O. Cremains or ashes of a deceased person shall not be scattered or dispersed.
- P. There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.

Section 14. Penalties

Any person, firm, or corporation who shall violate or assist in the violation of any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the County Jail for a period not exceeding ninety (90) days, or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provision of this Ordinance. In addition to the above penalties provided for in this Section, any person who violates any of the provisions of this Ordinance shall be responsible for the cost of any damages that arise due to their actions.

Section 15. Severability

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 16. Effective Date; Conflicts

This Ordinance was passed by the Township Board 1/21/2025 and shall take effect 30 days after date of publication in newspaper of general circulation within the Township. All ordinances in conflict herewith are hereby repealed.

Adopted: 01/21/2025

Published: 01/30/2025

Effective Date: 03/01/2025