

**TORCH LAKE TOWNSHIP
ANTRIM COUNTY, MICHIGAN**

**CEMETERY ORDINANCE #4 - 2010
(Amends and is in addition to Ordinance 11- 2007 as amended)**

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of Lakeview Cemetery which 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, specifically Ordinance #11 - 2007

Section 1. Title

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

Section 2. Definitions

- A. A cemetery lot shall consist of from one to six burial spaces.
- B. A burial space shall consist of a land area four feet wide and twelve feet long.

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 Clerk.
- D. The supervisor or designee will perform all cemetery openings and closings.

Section 4. Cemetery Hours

The cemetery shall be open to the general public from 7:00 a.m. to 9:00 p.m. of each day.

Section 5. Markers and Monuments

- A. All non-ground level markers and monuments, including natural stone memorials, shall have a movable cement foundation base at least 2" larger than the monument base. This base shall be flush with the ground surface level. All markers and monuments shall be adhered to the 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 memorials must be pre-approved by Township Supervisor or designee and, if approved, must have a flat, sawed bottom for placement on the foundation base.
- B. Only one marker or monument shall be permitted per burial space.
- C. Should any monument or memorial 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. Nothing may be placed above ground except within the first four-foot row designated for headstones.
- B. Urns may be placed and maintained at the head stones of graves 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 one week before and after the holiday. Veteran flags and flag holders shall be governed by the Veteran Administration rules and guidelines.
- C. No grading, leveling, or excavating within the cemetery shall be allowed without permission of the Supervisor or designee.
- D. One tree per burial lot will be permitted with prior approval of the Township Supervisor or designee. 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
- E. 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.
- F. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. The Supervisor or 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 have otherwise become unsightly,
- H. Surfaces other than earth or sod are prohibited.
- I. 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.
- J. No fences, wired or plastic objects are permitted. Artificial flowers must be in a container for safety purposes.
- K. 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.

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 25% 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 resolution of 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. 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 13. 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 14. Effective Date; Conflicts

This Ordinance shall take effect 30 days after date of publication. All ordinances in conflict herewith are hereby repealed.

Adopted: 12-2-2010

Published:

Effective Date: