

RULES & REGULATIONS GOVERNING CEMETERIES

Adopted September 15, 1969/Revised June 9, 2005/Revised May 19, 2023

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 Chikaming, Berrien County, 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 CHIKAMING, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces sufficient to accommodate Three (3) burials per plot in the following combinations: one vault and two cremations; one vault, one infant and one cremation or three cremations.

a. An adult burial space shall be a rectangular land area of four (4) feet wide and ten (10) feet in length.

Section 3: Sale of Lots or Burial Spaces

a. Hereafter, cemetery lots or burial spaces shall be sold to any resident of the Township at a Resident Rate with proof of residency using the Resident Rate or any citizen outside of Chikaming Township not having property in the Township as Non-Resident rate. No sale shall be made to funeral directors or others than as heretofore set forth in this ordinance.

b. To qualify as a resident, you must meet the following criteria:

- 1) Have a valid Michigan Drivers License or State ID.
- 2) Own and reside in Chikaming Township.
- 3) Not rent your property for 15 days or more in a year's time.

b. When a lot has been purchased within the enclosure of the cemetery grounds, The purchaser will be issued a "right of burial certificate," hereinafter known as "certificate." The certificate cannot be taken for debt, sold for any purpose, and the ground cannot be encroached upon for any other purpose other than cemetery purposes. The Certificate shall be executed by the Township Clerk and current Sexton.

C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be affected only by endorsement of an assignment of such burial permit upon the original certificate form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval, and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

d. The Township may, in its sole discretion take the Certificate holders preferences into consideration when determining where the Certificate holder will be interred, said Right of Interment shall not entitle the Right Holder to any absolute rights to so choose the place of interment nor any absolute right to retain said place of interment after the Certificate Holder. Moreover, the Certificate Holder Purchases the Right of Interment with the understanding that their place of Interment is subject to change at the townships Sole Discretion.

e. At the time of purchase, Certificate holder must name persons who the burial spaces are reserved for. The Township will have no right to bury anyone other than who is assigned by the certificate holder or their heirs, or legal representative.

Section 4: Purchase Price, Opening and Closing Grave fees, and Transfer Fees

a. Each burial space, transfer of burial space, or certificate(s), costs of opening and closing a grave for a casket or cremations, or any other fees set forth shall be determined by a fee structure established by Township Board.

b. The foregoing charges shall be paid to Chikaming Township and shall be given to the treasurer when then shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

c. The Township Board may periodically alter, by resolution, the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

d. The sexton shall be responsible for documenting and notifying the township clerk of the location and description of burial sites for which lot Certificate are to be issued. The Clerk will provide the sexton with a copy of each certificate issued upon receipt of proper payment.

Section 5: Grave Opening

a. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: Gravestones

Definition and illustration of Gravestone

a. Memorial Stones must be mounted on a permanent foundation base or footing. This shall be constructed of a cement mixture, no less than 12" inches deep. All foundation work shall have prior approval by the sexton and shall be done by his or her at their direction at a cost determined on the fee schedule.

b. Memorial size is limited to 30 inches long for a single plat and 54 inches long for a double and only one standard monument per plot and one flush mount per plot with a total of 2 monuments as an absolute maximum. Height maximum of 42" inches from the top of the footing, and a width maximum of 18" inches.

c. Benches and statues are not allowed unless prior written approval by the sexton and clerk shall also conform to the restrictions in Section 6 b.

Section 7: Interment Regulations

a. Not less than 4 days (96 hours') notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

c. The appropriate certificate for the burial space involved, together with appropriate identification of the person to be buried therein, 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. A burial-transit permit is required for transportation and any manner of disposition of a dead body including interment, storage, and cremation. It is unlawful for any sexton, or other person in charge of a burial place, to permit burial or other disposition of a dead body before a burial-transit permit is deposited with him/her. This permit must be:

1. Endorsed by the sexton;
2. The Lot number, Block number, and Section number of the grave-site noted on each permit, and
3. Forwarded to the township clerk to be recorded in the cemetery records.

e. the casket in every earth interment shall be enclosed in a standard concrete vault installed in each burial space before interment, the actual installation of which shall be made by a licensed funeral home.

f. Citizens of the Township may purchase a right of interment in the township cemetery which entitles them to be buried within the township cemetery. A right of interment that has been purchased becomes the property of the purchaser (certificate holder). The right of interment shall not be transferable, used for purposes other than interment, shall not be taken for debt or otherwise sold for secular uses and that right shall not be encroached upon for any purpose other than the right of interment as described herein and cannot be sub divided.

g. the township may, in its sole discretion take the certificate holders preferences into consideration when determining where the certificate holder will be interned, said right on interment shall not entitle the certificate holder to any absolute rights to so choose the place of interment nor any absolute right to retain said place of interment after the certificate holder. Moreover, the right holder purchases the right of interment with the understanding that their place of interment is subject to change at the townships sole discretion.

h. No pets or domesticated animals may be allowed in any township cemetery nor may such pets or animals be interned in a grave or a vault either alone or with human remains.

Section 8: Ground Maintenance

a. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

b. No corner lot or full grave plantings will be allowed. Concrete or stone curbing's, crushed stone or gravel will not be allowed on the burial space.

c. No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

d. 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 the use of the cemetery.

e. Mounds of dirt or other debris, or material which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

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

g. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery or taken care of by owner.

h. at the discretion of the sexton any and all items may be removed during the cemetery clean up that take place throughout the year. Such clean up shall be posted at the cemetery and published in the news paper 2 weeks prior to clean up activities.

Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces

a. Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

1. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

2. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

Section 10: Repurchase of Lots or Burial Spaces

No transfer or assignment of graves or interest herein, shall be allowed except by consent of the Board. Plots may not be SOLD other than back to Chikaming Township for 75% of the original purchase price, upon written request of said owner or his legal heirs or representatives.

Section 11: Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, 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 12: Vault

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. Cremated remains may be buried in a container approved by the Township.

Section 13: Cemetery Hours

- a. The cemetery shall be open to the general public from the hours of sunrise to sunset each day.
- b. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Cemetery Sexton.

Section 14. Disinterment

- a. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township.
- b. The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis

Section 15: Disclaimer of Liability

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 item 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 or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

Section 16: Severability

The provisions of the within 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.

Section 17: Penalties

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a municipal civil infraction and shall be subject to a fine of up to \$100.00 for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. Each day that a violation continues to exist shall constitute a separate offense. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 18: Advertisements:

No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by the Board.

Section 19: Effective Date

Rules & Regulations revision date of May 19, 2023, being Effective Date.

Liability of Board for Error:

The Township shall not be held responsible for any mistake occurring from the want of preside and proper instructions as to the particular space where a burial is desired.