

## VERNON TOWNSHIP 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 Vernon Township, and to provide penalties for the violation of this Ordinance and to repeal all ordinances or parts of ordinances in conflict herewith.

### THE TOWNSHIP OF VERNON ORDAINS:

#### **Section 1**                    **TITLE**

This Ordinance shall be known as the Vernon Township Cemetery Ordinance.

#### **Section 2**                    **DEFINITIONS OF CEMETERY LOTS, BLOCKS, ROWS AND BURIAL SPACES**

2.1     A Cemetery lot shall consist of one burial space or any combination of more than one burial space. A Cemetery lot consisting of one (1) burial space shall be limited to Cemetery Rows 1, Lots 1 through 32, except in cases where one (1) burial space remains unallocated in a Cemetery block.

2.2     A Cemetery block shall consist of three (3) or six (6) burial spaces which are grouped as indicated in the Cemetery Plat.

2.3     A Cemetery row shall consist of Cemetery lots configured side by side and numbered in ascending order from the south boundary to the north boundary of the Cemetery.

2.4     An adult burial space shall consist of a land area forty four (44) inches in width and ten (10) feet in length.

2.5     An infant or stillborn burial space may consist of land area forty four (44) inches wide and three and one-half (3 ½) feet in length; in areas set aside specifically for such burials, should the use of a regular lot not be desired.

#### **Section 3**                    **SALE OF CEMETERY LOTS**

3.1     Hereafter, cemetery lots shall be sold only to residents of, or property owners in, Vernon Township or to such other persons as the Township Clerk shall determine to have sufficient reasons for burial within Vernon Township either through previous residence within the Township, by reason of relationship to persons interred within the Vernon Township cemetery or by official resolution of the Vernon Township Board. No sales shall be made to funeral directors or others except as heretofore set forth.

3.2 All sales and transfers shall be at a cost periodically determined by resolution of the Township Board and shall be evidence by a cemetery lot certificate.

3.3 The cemetery lot certificate shall grant only a right of burial and such certificate shall not convey any other title to the cemetery lot or burial spaces. The form of the certificates shall be approved by the Township Board and each certificate shall be executed by the Township Clerk.

3.4 Only the purchaser and those members of the purchaser's family designated in the cemetery lot certificate may be buried in the burial spaces of the cemetery lot.

3.5 The purchaser may have the cemetery lot certificate amended periodically to designate the members of the purchaser's family who may be buried in the burial spaces of the cemetery lot.

3.6 Burial rights in cemetery lots may only be transferred to those persons eligible to be original purchasers of Township cemetery lots and may be affected only by endorsement of an assignment of such cemetery lot certificate upon the original certificate issued by the Township Clerk, approved by said Clerk and entered upon the official records of said Clerk. Upon assignment, approval and recording, said Clerk shall issue a new cemetery lot certificate to the assignee and shall cancel and terminate upon such records, the original certificate thus assigned.

3.7 The sale proceeds of cemetery lots shall be deposited by the Township Treasurer in the Vernon Township Perpetual Care Trust for the maintenance, upkeep and administration of the Vernon Township Cemetery.

3.8 Effective the date of this ordinance, eligible purchasers of burial lots may reserve lots under the terms and conditions of the ordinance with a down payment of twenty five percent (25%) of the sum of the lot price and perpetual care fee for each lot reserved and the execution of a promissory note to Vernon Township for the balance of the sum to be paid in full within twelve (12) months of reservation. No burial certificate shall be issued until the promissory note is paid in full and in the event said promissory note is not paid within the twelve (12) month period, the Township Board shall terminate said reservation, in which case the purchaser shall forfeit the down payment and any payments made on the promissory note.

#### **SECTION 4 PERPETUAL CARE FEES**

4.1 Each cemetery lot sold shall also incur an additional charge of a one time perpetual care fee that shall be periodically determined by resolution of the Township Board per burial space thereof.

4.2 The perpetual care fees of cemetery lots shall be deposited by the Township Treasurer in the Vernon Township Perpetual Care Trust for the maintenance, upkeep, and administration of the Vernon Township Cemetery.

**SECTION 5**

**GRAVE OPENING CHARGES**

5.1 The opening and closing of any burial space, prior to and following a burial herein, and including the interment of ashes, shall be at a cost periodically determined by resolution of the Township Board, payable to the Township.

5.2 The cost of a cemetery lot and opening/closing of a burial space shall not exceed the limits allowed by the Department of Social Services (Family Independent Agency) for individuals qualifying for such assistance.

5.3 No burial spaces shall be opened and closed except under the direction, control and written consent of the Township Clerk or Township Supervisor.

**SECTION 6**

**MARKERS OR MEMORIALS**

6.1 All markers or memorials must be of stone or other equally durable composition.

6.2 Any markers or memorials must be located upon a suitable solid foundation to maintain the same in an erect position, and said foundations shall be constructed only by the Township and at the sole cost of the plot owner or owner's family.

6.3 Only one marker or memorial shall be permitted per burial space.

6.4 The size and style of all markers or memorials shall be compatible with the markers and memorials now within the cemetery and shall otherwise be designed, engraved and located upon the burial space in a tasteful manner compatible with a place of final interment. The determination of compatibility shall reside solely with the Township Clerk and/or Township Supervisor.

**SECTION 7**

**INTERMENT REGULATIONS**

7.1 The Township Board may periodically, by resolution, develop regulations regarding the general operation of the cemetery including but not limited to regulations regarding markers, memorials, grave upkeep and appearance, visitation hours and the interment of bodies within each burial space.

7.2 Only one person may be buried in a burial space except for a parent and infant, two children of allowable size at the discretion of the Township Clerk and/or Township Supervisor buried at the same time or the cremated remains of four (4) individuals. One cremated remains may be buried in an occupied regular burial space at either the foot or head of the burial space.

7.3 Not less than forty-eight (48) hours notice shall be given in advance of any funeral to allow for the opening of the burial space.

7.4 The cemetery lot certificate for the burial space involved together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Township Clerk prior to interment. Where such cemetery lot certificate 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.

7.5 In the case of cremated remains, no loose ashes shall be interred in the cemetery; all ashes shall be interred in an urn or similar suitable container approved by the Township Clerk and/or Township Supervisor. All cremation containers shall be constructed of material that is non-degradable.

## **SECTION 8                      GROUND MAINTENANCE**

8.1 No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Township Clerk and/or Township Supervisor.

8.2 No flowers, shrubs, trees or vegetation of any type may be planted without the approval of the Township Clerk and/or Township Supervisor. Any of the foregoing items planted without such approval may be removed by the Township.

8.3 The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining the proper appearance and the use of the cemetery.

8.4 Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

8.5 The Township Clerk and/or Township Supervisor shall have the right and authority 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.

8.6 Surfaces other than earth or sod are prohibited.

8.7 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.

8.9 The Township Board reserves the right to erect any structures and to install any landscaping within the boundaries of the cemetery in the interest of maintaining the proper appearance and the use of the cemetery.

8.10 No enclosure of any nature such as curbing, fencing, coping, hedge, ditch or similar encroachment will be allowed around any lot or burial space.

## **SECTION 9**

### **FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES**

9.1 Cemetery lots or burial spaces sold prior to and after the effective date of this Ordinance and remaining vacant thirty (30) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

9.1 Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record of such cemetery lot or burial spaces informing him/her of the expiration of the thirty (30) year period and that all the funds paid will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the within notice his/her desire to retain said burial rights.

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

## **SECTION 10**

### **REPURCHASE OF CEMETERY LOT**

If the owner of a cemetery lot desires to sell the lot, the Township, if it so desires, shall have the first right to repurchase such lot for the original price paid. The perpetual care fees are not refundable.

## **SECTION 11**

### **RECORDS**

The Township Clerk shall maintain records concerning all burials, issuance of cemetery lot certificates, and the perpetual care fund, separate and apart from any records of the Township and the same shall be open to public inspection at all reasonable times.

## **SECTION 12**

### **VAULT**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment, except in the case of cremation remains, as described in Section 7, paragraph 7.5.

## **SECTION 13**

### **PENALTIES**

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to one hundred dollars (\$100.00) and/or imprisonment for up to ninety (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 14**

### **GENERAL RULES and REGULATIONS**

14.1 The cemetery is open to visitors daily from 7:00 AM to sunset.

14.2 Minors are not permitted to enter the cemetery unless accompanied by a responsible person.

- 14.3 Picking flowers, breaking or injuring trees, shrubs or any planting, marring or defacing any stone work, object or structure and the removal of flowers, containers or shrubbery from the graves of others is strictly prohibited and will subject the offender to the penalties of the laws of the State of Michigan provided for such offenses.
- 14.4 No firearms, knives or instruments of like nature such as air guns, slingshots or sharp objects will be allowed in the cemetery, with the exception of military funerals or ceremonies.
- 14.5 No dogs or other domestic animals will be allowed to run about the cemetery unleashed. The owner of any dog or domestic animal shall be responsible to pickup after its animal.
- 14.6 Automobiles entering the cemetery must be driven at a slow speed, not faster than 5 miles per hour. No driving under any circumstances will be permitted on the turf, except at the direction of the Township.
- 14.7 All "summer seasonal" decorations must be removed on or before October 15<sup>th</sup> each year, or cemetery personnel will remove and dispose. All "winter seasonal" decorations must be removed on or before April 1<sup>st</sup> each year, or cemetery personnel will remove and dispose.

**SECTION 15**                      **CONFLICT AND SEVERABILITY**

All Ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section thereof, is hereby declared to be independent, and the finding or holding of any section or subdivision thereof, to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

**SECTION 16**                      **PARAGRAPH HEADINGS**

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be construed to be a part of this Ordinance.

**SECTION 17**                      **PUBLICATION AND RECORDATION**

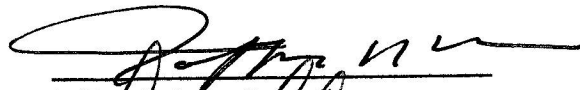
This Ordinance shall be published in full or in summary in a newspaper of general circulation within the Township, promptly after its adoption, and the same shall be recorded in the Ordinance book of Vernon Township and such recording authenticated by the signatures of the Township Supervisor and Clerk.

**SECTION 18**

**EFFECTIVE DATE**

This Ordinance is hereby determined by the Township Board to be immediately necessary for the promotion and preservation of the health, safety and welfare of the Township and shall be in full force and effect thirty (30) days after publication in a newspaper of general circulation within the Township.

This Ordinance adopted at a regular meeting of the Vernon Township Board on the 2<sup>nd</sup> day of August, 2010.



Jeffrey R. Bean, Supervisor



Loren Cole, Clerk

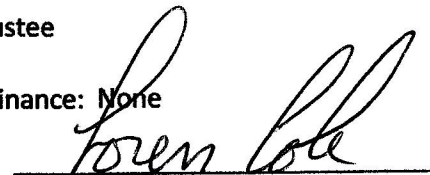
**CERTIFICATION OF TOWNSHIP ORDINANCE**

I, Loren Cole, the duly elected Clerk of the Township of Vernon, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Vernon Township Board on the 2nd day of August, 2010, at which meeting the following named members of the Board were present and voted in person as follows:

(a) Voting in favor of adoption of this Ordinance:

- a. Jeffrey Bean, Supervisor
- b. Loren Cole, Clerk
- c. Vicky Louch, Treasurer
- d. Mike Turner, Trustee
- e. Jacob (Jack) McConnell, Trustee

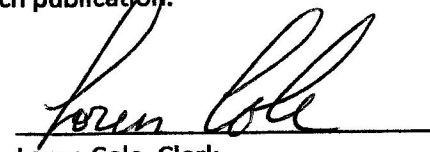
(b) Voting against adoption of this Ordinance: None



Loren Cole, Clerk

I, Loren Cole, the duly elected Clerk of the Township of Vernon, Isabella County, Michigan, hereby certify that a summary of such Ordinance was published in a newspaper of general circulation within the township, on the 2 day of August, 2010, and that this Ordinance and the Publisher's Affidavit, hereto attached are filed in the Vernon Township Ordinance Book on the date of this Certificate, such a date being within one week after the first of such publication.

Certification Date: August 2, 2010



Loren Cole, Clerk