

TOWNSHIP OF HOLLY
CODE OF ORDINANCE AMENDMENT
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 HOLLY, OAKLAND 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 HOLLY ORDAINS:

SECTION 1 –TITLE:

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

SECTION 2: DEFINITIONS

ADULT BURIAL SPACE shall consist of a land area forty two (42) inches wide and Ten (10) feet in length.

BURIAL SPACE/LOT OWNER: The owner(s) of burial rights. Such rights are limited to a burial privilege as evidenced by a Burial Rights Certificate. The interest created by purchase or transfer of any plot is a personal contract right and not an interest or estate in real property. Spouses, immediate family members or no more than two unrelated persons may be joint owners with rights of survivorship to any burial space.

CEMETERY: A burial ground for earth interments.

CEMETERY SERVICES: All Services offered to the public, including burial space opening, closings and foundation installation.

CREMAINS: The container and incinerated body of the deceased person.

DESIGNATED OFFICIAL: Wherever Designated Official is used in the Ordinance, it shall mean the person appointed by the Holly Township Board for the purpose of managing the cemetery.

INFANT OR STILLBORN BURIAL SPACE shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.

INTERMENT: The term interment shall mean the disposition of the remains of a deceased human by earth interment.

LOT: A cemetery lot shall consist of numbered divisions sufficient to accommodate from one to ten burial spaces.

LOT MARKER: The term lot marker refers to any means used by the cemetery to locate and mark corners of the lot.

MARKER: A marker is a stone or plaque either flush or above the ground indicating the given and/or family name(s).

MAUSOLEUM CRYPTS/NICHES are above ground entombment units for human remains/cremains.

MEMORIAL: Where ever memorial is used in this ordinance it shall mean a marker or monument.

MONUMENT: A monument is a stone extending above the ground inscribed with the family name only and may be placed at a location approved by the Trustee or Designated Official.

PLANTING AREA are directly in front and directly on the east side adjacent to the marker, memorial or monument and shall not extend more than Twelve (12) inches from the base of the marker, memorial or monument.

TRUSTEE: Wherever Trustee is used in the Ordinance, it shall mean the Holly Township Board of Trustees.

URN: A large or decorative vase.

SECTION 3: SALE OF LOTS OR BURIAL SPACES

a. The purchase of burial rights does not convey ownership of land. The purchase of burial rights within Township Cemeteries conveys the right and privilege of burial of approved person or persons upon the location assigned. The right to construct approved markers and other rights are subject to the rules and regulations of the Township Cemetery.

b. The purchase of burial rights within any area of a Township Cemetery shall be made valid only by assignment of a burial rights certificate signed and sealed by the Township Clerk, and indicating the precise location of purchased burial rights.

c. All burial right certificates shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold.

d. The precise location of purchase is designated by the proper combination of lot, block section and burial space values within a particular division of the cemetery. No area of the cemetery will be considered sold until paid for in full.

e. Terms of all burial rights sales are cash or certified check.

f. Payment is due in full at the time of burial rights assignment, unless payment arrangements are accepted by the Township Board of Trustees.

g. No sale shall be made to funeral directors or others than as contained herein.

h. The Township reserves the right to limit the sales of burial rights for burial purposes and intended burial purposes, and will not knowingly sell lots for investment purposes, and no person shall be allowed to speculate in said lots.

i. The lawful owner of any cemetery lot or burial space within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.

SECTION 4: PURCHASE PRICE AND TRANSFER FEES

a. The schedule of fees for the purchase of burial rights and transfer fees shall be determined by resolution of the Township Board of Trustees and may periodically amended from time to time to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

b. The foregoing fees shall be paid to the Township Treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

SECTION 5: BURIAL SPACE OPENING AND CLOSING

a. No burial spaces shall be opened and closed except under the direction and control of the Trustee or Designated Official by a Michigan licensed funeral director. Private party burials are not permitted. 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: MEMORIALS AND FOUNDATIONS

a. No memorials or foundations may be placed on a burial space for which payment in full has not been made.

b. No more than one memorial above ground will be allowed per burial space. A veteran's plaque, not mounted to the monument, may be placed at the foot of a burial space, provided it is flush with the ground.

c. All memorials must be of first quality granite or other equally durable composition. All such memorials which are used in memorial work must be guaranteed by the memorial dealer to be of first grade, clear stone at least four (4) inches in thickness, free from sap or anything which will cause rust stains, resistant to cracking or chipping, and executed in first grade workmanship.

d. All non ground level memorials shall have a foundation upon which any markers, memorials and monuments must be placed and shall be the responsibility of the owner of the burial right. The width of a foundation shall not exceed the width of the space or lot on which it is located.

e. Should any memorial that becomes unsightly, broken, moved off its proper site, dilapidated or is a safety hazard, the Trustee or Designated Official shall have the right at the expense of the owner, to correct the condition or remove the same. The Trustee or Designated Official shall make responsible attempts to contact the owner prior to the beginning any such work.

- f. No memorial shall contain any offensive language or symbols.
- g. The Township reserves the right to refuse the permission for the erection of any Memorial which on account of size, design, inscription, kind or quality of stone, is in its opinion unsuited to the lot or lots, or the location on which it is to be placed.
- h. No memorial may be removed from the lot or lots, or taken from a Township Cemetery, without written notification to the Township.
- i. Monument companies, foundation companies and funeral directors are responsible for all damages to cemetery grounds, structures and surrounding markers, memorials or monuments that occur during their services, delivery or installation of markers, memorials or monuments.
- j. The Township assumes no responsibility for assuring that ordered markers, memorials or monuments are proper for the area and for name placement on markers, memorials or monuments.
- k. The Township shall not be responsible for any damage or vandalism to any Foundation or memorial located in a Township Cemetery.

SECTION 7: URNS

- a. Urns are the responsibility of the lot owners. The Township assumes no responsibility as to the care, maintenance or protection of urns, or any damage, which may result to any urns placed in Township Cemeteries.
- b. The placement of (and planting within) urns is prohibited until a valid burial rights certificate has been issued and paid for.
- c. All urns must be sufficient enough in weight that they remain upright and in place on windy days. Urns which have blown or fallen off their base or are not in the proper place will not be permitted.
- d. One (1) unpainted, heavyweight statute (upon a concrete base) may be substituted for an urn.
- e. Urns or statutes which do not comply with the above rules will be removed from Township Cemeteries without notice. Any urns which are removed will be placed in storage for no more than thirty (30), after which they may be disposed of without notice. Make arrangements with the Holly Township Office to pick up any urns which have been removed.

SECTION 8: BURIAL

- a. No interments will be permitted to be made on any lots for which burial rights certificates have not been issued or which have unpaid charges or liens against them.
- b. No interments will be permitted until payment for burial has been received or payment is arranged by a Michigan licensed funeral director.

- c. No interments will be permitted without a valid Burial Transit Report or Cremation Certificate.
- d. No interment of any body other than that of a human being will be permitted.
- e. All body burials in a Township Cemetery shall be contained in concrete or steel vaults obtained through a licensed Michigan director. Cremains shall be contained in a permanent container.
- f. 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 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.
- g. Burial Restrictions are as follows:
 - 1). Adult space burial restricted to either two (2) cremains and, or one (1) body and one (1) cremains plus one infant.
 - 2). Infant space burial restricted to one (1) cremains and no bodies or one (1) body.
- h. All burial spaces shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- i. Following an interment, all flowers and emblems used at the interment that have become unsightly will be removed and discarded by the Trustee or Designated Official and assumes no responsibility for their return to the owners.
- j. Interments shall not be permitted on Sundays or Holidays, except as ordered by the County or State Health Department.

SECTION 9: BURIAL RIGHTS TRANSFERS

- a. 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 effected only by endorsement of an assignment of such burial rights upon the original burial rights 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 rights certificate to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.
- b. The Township has the right to refuse the transfer of burial rights from one party to another, and require that a Burial Rights Certificate be provided to the Township Clerk before being transferred to another party.

SECTION 9: MISCELLANEOUS RULES AND REGULATIONS.

- a. No perpetual care fund shall be accepted by the Township.
- b. No demonstrations, memorial services or other concerted activity unrelated to funerals or interments may be held in a Township Cemetery without prior authorization of the Township Board of Trustees.

SECTION 10: PLANTINGS

- a. No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn. Any of the foregoing items planted without such approval may be removed and disposed of by the Trustee or Designated Official.
- b. Any plants, bushes or trees already planted on graves or lots must be kept trimmed and maintained by the owner or lot keeper. Any plants which impeded upon a monument will not be permitted. Any plants which are untrimmed, or become a nuisance by reason of their branches, roots, appearance or otherwise become detrimental to adjacent lots, aisle ways or roadways, or an inconvenience to other lot owners or to the upkeep of the cemetery will be removed without notice.

SECTION 11: SURFACES

- a. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Trustee or Designated Official.
- b. Surfaces other than earth or sod are prohibited.
- c. No person shall remove earth or sod from any lot, aisle way or roadway.
- d. No sand, gravel, crushed stone, bricks or other loose material may be used around the bases of markers, memorials, monuments or urns.
- e. Steps or artificial walkways of any kind are no permitted.
- f. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- g. Nothing shall be placed above ground except within the planting area directly in front and adjacent to the marker, memorial or monument and shall not extend more than Eighteen (12) inches from the base of the marker, memorial or monument.

SECTION 12: OTHER DECORATIONS

- a. Decorations other than provided for within this ordinance are prohibited.
- b. Decorations must be placed in the planting area and must have sufficient weight or are attached to the memorial so they will remain in the planting area.
- b. Winter decorations – grave blankets and wreaths are permitted between November 1 and April 1. During this time tripods are permitted for those decorations not secured directly to the memorial.

- c. Veteran flags and flag holders shall be governed by the Veterans Administration Guidelines.
- d. The Trustee or Designated Official shall have the right and authority to remove and dispose of any and all growth, emblems, displays or similar items that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

SECTION 13: PROTECTING THE BEAUTY, UPKEEP and SAFETY OF THE CEMETERY

- a. As part of spring and fall cleanup the Trustee or Designated Official will remove all seasonal and other decorations which have become unsightly in appearance, or a nuisance to the upkeep of the cemetery or to other lot owners. Lot owners that wish to save fall and/or winter decorations shall remove them before April 1. Lot owners that wish to save spring and/or summer decorations shall remove them before October 1. The Township and its personnel shall not be liable for the removal of such decorations and it is strongly recommended that lot owners do not place seasonal decorations on graves until cleanup is complete – contact the Township Office to verify cleanup completion.
- b. The Trustee or Designated Official 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. No trimming, pruning or removal of a branch from any tree or shrub in the cemetery is permitted without approval of the Trustee or Designated Official and under the supervision of the Trustee or Designated Official.
- c. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in receptacles located within the cemetery.
- d. No children shall be allowed in a Township Cemetery unless accompanied by an adult responsible for their conduct.
- e. No person shall discharge a firearm in a Township Cemetery except during memorial services at which firearm is discharged in salute to the deceased.
- f. The speed limit in a Township Cemetery is 10 miles per hour on all cemetery drives. Said drives are not permitted for use as public thoroughfare.
- g. No ATV's or other off - road motorized vehicles are permitted in a Township Cemetery.
- h. The Township and its personnel will not be responsible for loss or damage to any article left upon any lot, grave or other parts of the cemetery.

SECTION 14: 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 75 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

b. 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 75-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.

c. 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 15: REPURCHASE OF LOTS OR BURIAL SPACES

a. The Township will repurchase any cemetery lots or burial space from the owner for the original price paid to the Township upon written request of said owner or his legal heirs or representatives.

SECTION 16: RECORDS

a. The Township Clerk shall maintain records concerning all burials, issuance of burial rights certificate 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 18: 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 anytime other than the foregoing hours, except upon written permission of the Trustee or Designated Official.

SECTION 19: PENALTIES

Any person, firm, or corporation who shall violate any provision of this Code shall be responsible for a municipal civil infraction subject to the penalties set forth in the Holly Township Municipal Civil Infraction Ordinance.