

**ECHO TOWNSHIP
CEMETERY ORDINANCE
Ordinance No. 1 of 2022**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND
GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING
TO THE OPERATION, CONTROL, AND MANAGEMENT OF THE
TOWNSHIP'S CEMETERIES AND TO PROVIDE PENALTIES FOR
VIOLATIONS

THE TOWNSHIP OF ECHO HEREBY ORDAINS:

Section 1. Title.

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

Section 2. Definitions. As used in this Ordinance,

- (a). "Burial space" means an area of land within a cemetery lot four (4) feet wide and eight (8) feet long in the old section and four (4) feet wide and twelve (12) feet long in the new section.
- (b). "Cemetery lot" means an area of land within a cemetery sufficient to accommodate from one (1) to four (4) burial spaces.
- (c). "Heirs at law" means a person's spouse, natural and adopted children, natural and adopted grandchildren, parents, grandparents, brothers and sisters.

Section 3. Sale of Lots or Burial Spaces.

- (a). After the effective date of this Ordinance, cemetery lots or burial spaces shall be sold only to taxpayers of the township for the purpose of burying the purchaser or his or her heirs at law. The Township Supervisor may grant exceptions to this sales restriction, but only when the purchaser discloses sufficient personal reasons for burial in the township. In exercising the discretion granted in this section, the Township Supervisor shall apply the following standards: (1) whether the prospective purchaser was a previous taxpayer within the township, (2) the length of time the prospective purchaser was a taxpayer within the township, (3) the length of time that has elapsed from when the prospective purchaser was a taxpayer of the township and the application to purchase a cemetery lot or burial space, and (4) whether the prospective purchaser falls within the definition of an heir at law of any person interred within the cemetery.
- (b). All such sales shall grant a right of burial only and shall not convey title to the cemetery lot or burial space sold. The sale of a cemetery lot or burial space shall be documented on a form approved by the Township Board and shall be executed by the Township Supervisor.
- (c). Cemetery lots and burial spaces may be transferred only to those persons eligible to be original purchasers of cemetery lots or burial spaces under this Ordinance. All such transfers shall be accomplished through the following procedures: (1) the owner of the cemetery lot or burial space to be transferred shall complete and sign the assignment of cemetery lot or burial space on the original burial permit issued by the Township Supervisor, (2) the Township Supervisor shall determine whether the assignee is qualified to hold a cemetery lot or burial space under this Ordinance, (3) if qualified, the Township Supervisor

shall approve the transfer and enter the assignee's interest in the cemetery lot or burial space in the official cemetery records, and (4) the Township Supervisor shall cancel in the official cemetery records the burial permit assigned and issue a new burial permit to the assignee.

Section 4. Purchase Price and Transfer Fees.

- (a). The Township Board shall from time to time by separate resolution establish the purchase price for cemetery lots and burial spaces and the fee for transferring one or more cemetery lots or burial fees to a qualified assignee.
- (b). The charges and fees established pursuant to subsection (a) above shall be paid to the Township Treasurer and deposited in the cemetery fund.

Section 5. Grave Opening Charges.

- (a). The Township Board shall from time to time by separate resolution establish the fee for the opening and closing of a burial space, prior to and following a burial therein, including the interment of ashes.
- (b). The fee established pursuant to subsection (a) above shall be paid to the Township Treasurer and deposited in the cemetery fund.
- (c). No burial space shall be opened and closed, except under the direction and control of the cemetery sexton. However, this provision shall not apply to proceedings for the removal and re-interment of bodies and remains that are under the supervision of the local health department.

Section 6. Monuments, Markers or Memorials.

- (a). Only one (1) monument, marker or memorial shall be permitted per burial space, except as permitted by the Township Supervisor upon a finding of good cause.
- (b). No monument, marker or memorial larger than forty (40) inches wide for a single burial space or sixty (60) inches wide for a double burial space by forty-eight (48) inches in height shall be allowed in any township cemetery.
- (c). All monuments, markers and memorials shall be of granite and bronze and shall be placed on concrete footings or foundations that are no higher than ground level with a minimum of a two (2) inch border beyond the granite or base.
- (d). For monuments, markers and memorials existing within any township cemetery on the effective date of this Ordinance, the Township may construct the necessary concrete footings or foundations on which to place the monument, marker or memorial. The costs incurred by the Township in constructing the necessary concrete footings or foundations shall be billed to the owner of the cemetery lot or burial space, to his or her surviving spouse, or to his or her immediate family who are residents or taxpayers within the township.

Section 7. Internment Regulations.

- (a). Only one (1) person may be buried in a burial space; provided, however, a mother and her child less than two (2) years of age and two (2) children ages ten (10) years or less may be buried at the same time in the same burial space.

- (b). Not less than thirty-six (36) hours advanced notice shall be given to the Township Supervisor or cemetery sexton of the time for any funeral to allow for the opening of the burial space or spaces.
- (c). The burial permit for the burial space involved, together with the identification of the person to be buried, shall be presented to the Township Supervisor or cemetery sexton prior to interment. Where such burial permit has been lost or destroyed, the Township Supervisor shall be satisfied from a review of the official cemetery records that the person to be buried in the burial space is eligible for burial in that burial space before any interment is commenced or completed.
- (d). All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 8. Ground Maintenance.

- (a). No grading, leveling, or excavating upon a burial space shall be allowed without the prior written permission of the Township Supervisor or cemetery sexton.
- (b). No flowers, shrubs, trees or vegetation of any type shall be planted without the prior written approval of the Township Supervisor or cemetery sexton. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.
- (c). The Township reserves the right to remove or trim any tree, plant or shrub located within a township cemetery that hinders the use of a lawn mower or other gardening apparatus.
- (d). All mounds which hinder the use of a lawn mower or other gardening apparatus are prohibited.
- (e). The Township or 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 a source of litter or a maintenance problem.
- (f). Ground surfaces other than earth or sod, such as stones, bark, or wood chips, are prohibited.
- (g). 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 or deposited in containers located within the cemetery for that purpose.

Section 9. Forfeiture of Vacant Cemetery Lots or Burial Spaces.

- (a). If a cemetery lot or burial space remains vacant for more than forty (40) years after a burial permit is issued to an original purchaser or a qualified assignee, the Township Clerk, at the direction of the Township Supervisor, shall send by certified mail, return receipt requested, to the last owner of record a written notice informing him or her that the forty (40) year period has expired and that all rights in the cemetery lot or burial space shall be forfeited to the Township if he or she fails within sixty (60) days of the date of mailing the notice to affirmatively indicate in writing to the Township Clerk his or her desire to retain the cemetery lot or burial space.
- (b). If the Township Clerk receives no written response within sixty (60) days after mailing the notice required to be sent pursuant to subsection (a) above, the

cemetery lot or burial space identified in the notice shall revert to the Township free and clear from any claims of that original purchaser or qualified assignee. The Township Supervisor / Clerk shall then cancel in the official cemetery records the burial permit issued and indicate in those records that the cemetery lot or burial space is eligible for resale under the terms and conditions of this Ordinance.

Section 10. Repurchase of Cemetery Lots or Burial Spaces.

Upon the written request of the original purchaser or qualified assignee of any cemetery lot or burial space, or the legal heirs or representatives of the original purchaser or qualified assignee, the Township shall repurchase the cemetery lot or burial space from the owner at a purchase price of \$100.

Section 11. Cemetery Records.

The Township Supervisor / Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund separate and apart from other township records. These cemetery records shall be open to public inspection during reasonable business hours.

Section 12. Department of Health and Human Services Burials.

No person whose burial is paid by the Michigan Department of Health and Human Services shall be eligible for burial in any cemetery within Echo Township, unless that person was a taxpayer of the township at the time of his or her death.

Section 13. Vault.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

Section 14. Cemetery Hours.

The township cemeteries shall be open to the general public daily between the hours of 8:00 a.m. and 9:00 p.m. No person shall be permitted in the township cemeteries at any other time, except after receiving written permission from the Township Board or the cemetery sexton.

Section 15. Municipal Civil Infractions.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 16. Enforcement Officer.

The Township Supervisor is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 17. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 18. Injunctive Relief.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 19. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Ordinance which can be given without the invalid portion or application.

Section 20. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

Ordinance No. 1 was adopted on the 5th day of January, 2022, by the Echo Township Board as follows:

Motion by: Hott

Seconded by: Graham

Yeas: Hott, Graham, Petrie, Kucharek & Derenzy

Nays: None

Absent: None

Diane Kucharek
Diane Kucharek, Clerk

William Derenzy
William Derenzy, Supervisor

I certify that this is a true copy of Ordinance No. 1 that was adopted at a regular meeting of the Echo Township Board on January 5, 2022 and published in the Antrim Review on January 13, 2022.

Dated: January 5, 2022

Diane Kucharek
Diane Kucharek, Clerk