

CHARTER TOWNSHIP OF MONROE

ORDINANCE NO. 137

An Ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, maintenance, and management of cemeteries owned, controlled, or operated by the Charter Township of Monroe, in Monroe County, Michigan; to provide penalties for the violation of said Ordinance, and to repeal all Ordinances or parts of Ordinances in conflict therewith.

The Charter Township of Monroe, Monroe County, Michigan ordains:

Section 1: TITLE.

This Ordinance will be known and cited as the Monroe Charter Township "Cemetery Ordinance."

Section 2: GENERAL PROVISIONS.

2.1 Purpose and Policy.

The Monroe Charter Township Board recognizes and concludes that the proper and reasonable maintenance, appearance, and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments, and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health, and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

2.2 Rule of Construction.

Any word or term not defined herein will be considered to be defined in accordance with the Code, or if not defined in the Code, will be in accordance with its common or standard definition.

2.3 Definitions. For the purpose of this Ordinance, the following definitions will apply:

- (a) "Authorized Township Official" means the Township Supervisor, Township Clerk, or the Township Sexton.
- (b) "Cemetery Plot" means an area in a Township cemetery sufficient to accommodate one burial space for one deceased person. It will consist of a land area at least thirty-eight (38) inches wide and ninety-six (96) inches in length, subject to Section 13.1 (Exceptions).
- (c) "Eligible Purchaser" means any resident or taxpayer of the Township on their own behalf or on behalf of his or her immediate family members.
- (d) "Township" means Monroe Charter Township.
- (e) "Township Cemetery" or "cemetery" means any cemetery owned, operated and/or controlled by the Township.
- (f) "Township Sexton" The Township Board will appoint a Township Sexton or Sextons, who will serve at the discretion of the Township Board. The Township Sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board.
- (g) "Cemetery Deed Form" means that certain Cemetery Deed Form M-206 granting a right to a specifically designated Cemetery Plot, granting a right to burial in such Cemetery Plot.

Section 3: SALE OF CEMETERY PLOTS; NON-TRANSFERABILITY; REPURCHASES

3.1 Sale of Cemetery Plots.

- (a) Eligible Purchaser. After the effective date of this Ordinance, any Cemetery Plot will be sold by the Township to an Eligible Purchaser, or to those acting as an agent for an Eligible Purchaser, and pursuant to a Cemetery Deed Form.
- (b) Permit for Burial. The sale of a Cemetery Plot grants a right of burial only and does not convey any other title or right to the Cemetery Plot sold.
- (c) Non-transferable. Each Cemetery Plot will be assigned the name of the specific Eligible Purchaser who will be interred in that Cemetery Plot upon death. No other person may be buried in the Cemetery Plot, as the Cemetery Deed Form and the resulting burial permit are not transferable. In order to effectuate a transfer, an Eligible Purchaser must convey the Cemetery Plot back to the Township and repurchase the Cemetery Plot in the name of another Eligible Purchaser, pursuant to this Cemetery Ordinance.
- (d) Limitations or Restrictions. The Supervisor or Clerk will have the authority to place a limit on the number of Cemetery Plots sold to a particular person, as well as such person's family and relatives. Furthermore, the Township will have the absolute right and discretion to determine whether a particular Cemetery Plot or plots will be sold to a specific person and where such Cemetery Plot or plots will be located and within which Township Cemetery. Such decision will be based upon reasonable factors, including, but not limited to, the number of vacant Cemetery Plots available and whether family or relatives of the person seeking to purchase a Cemetery Plot or plots are buried adjacent or nearby the Cemetery Plot or plots requested.
- (e) Indigent Burials. The Township Board may set aside a portion of a Township cemetery or cemeteries for the burial of indigent persons.

3.2 Repurchase of Cemetery Plots.

The Township may repurchase any Cemetery Plot from the owner for a price set by the Township Board, upon the written request of said owner or his or her legal heirs or representatives. If an Eligible Purchaser wishes to transfer his or her ownership rights to another Eligible Purchaser, the Township will repurchase the Cemetery Plot for the original purchase price and resell the same Cemetery Plot to the other Eligible Purchaser for the then-current fee.

3.3 Corrections.

The Township will have the right to correct any errors that may be made concerning interments, Disinterments, or in the description, transfer or conveyance of any Cemetery Plot, either by canceling the permit for a particular vacant Cemetery Plot or plots and substituting and conveying in lieu thereof another vacant Cemetery Plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the Cemetery Plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township will have the right to remove and transfer the remains so interred to another Cemetery Plot in a similar location in the same Township cemetery in accordance with law.

3.4 Address Changes.

The owner of every Cemetery Plot will be responsible for notifying the Township whenever that person's mailing address changes.

Section 4: FEES AND CHARGES

4.1 Purchase Price.

The purchase price for each Cemetery Plot will cost the sum of \$ 500.00 for a Township resident or \$2,000 for a non-resident of the Township. The Township Board may waive some or all fees for the burial of indigent persons at their discretion.

4.2 Grave Opening Charges.

The Township may charge reasonable fees for the opening and closing of any Cemetery Plot, before and after a burial, including fees for the interment of ashes. 2019 Fees are as follows:

Adult/Child Grave Opening:	Summer Weekday - \$750
	Winter Weekday - \$850
Infant (Aged 0 – 1) or Cremation Urn:	Summer Weekday - \$250
	Winter Weekday - \$350
All Saturday Funerals:	Add \$200 to Weekday price

4.3. Changes to Purchase Price, Fees, or Charges.

The Township Board may, by resolution, periodically establish or alter the purchase price or any fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5: MARKERS OR MEMORIALS; PROHIBITION OF MONUMENTS

5.1 Rules and Regulations Regarding Markers or Memorials.

- (a) All markers and memorials must be comprised of stone or other equally durable composition and will face the same direction as the markers and memorials around them.
- (b) The footing or foundation upon which any marker or memorial must be placed will be provided by a certified monument company or constructed by the Township, or such person(s) as may be designated by the Township Board. Fees for such work will be set from time to time by resolution of the Township Board, payable to the Township.

5.2 Prohibition of Monuments.

Except for monuments that existed in a Township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery. For purposes of this Ordinance, "monument" will be defined as any marker, memorial, statue or similar item which exceeds thirty (30) inches in height above normal ground level or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Only one (1) marker or memorial will be permitted per Cemetery Plot, or one marker or memorial in total where two adjoining plots share that one marker or memorial. Markers will be no more than thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Individual markers for cremains will be flush with the ground and will be no more than twelve (12) inches by twenty-four (24) inches in size.

5.3 Maintenance Obligations; Township Remedies.

- (a) The maintenance, repair, and upkeep of a cemetery memorial, marker, urn, monument or similar item (including any monument or memorial that was in place before this Ordinance became effective) is the responsibility of the heirs or family of the person buried at the Cemetery Plot. Further, it is the responsibility of the heirs or the family

of the person buried at the Cemetery Plot to keep the surface of all graves in an orderly and neat-appearing manner within the confines of the Cemetery Plot and in accordance with this Ordinance. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

- (b) If any memorial, marker, urn, monument or similar item (including any monument or memorial that was in place before this Ordinance became effective) becomes unsightly, broken, moved off its proper site, dilapidated, or a safety hazard, the Township will have the right, at the expense of the owner of the Cemetery Plot, to correct the condition or remove the same. The Township will make reasonable attempts to contact the owner of the Cemetery Plot before any such work begins.

Section 6: INTERMENT AND DISINTERMENT REGULATIONS

6.1. Interment Regulations.

- (a) Only one (1) person may be buried in a Cemetery Plot, except for a parent and infant child or two (2) children buried at the same time, when approved in writing by the Township Supervisor or Clerk.
- (b) The Township will be given at least forty-eight (48) hours' prior notice of any funeral to allow for the opening of the Cemetery Plot. No Cemetery Plot will be opened or closed except under the direction and control of the Township Sexton or other Township Official. This will not apply to any grave opening, disinterment, or similar matter done pursuant to a valid court order or under the supervision and direction of local or state health department authorities, provided that the Township Sexton will be given at least forty-eight (48) hours' prior notice of when such grave opening or closing will occur.
- (c) The appropriate permit or form issued by the Township for the Cemetery Plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit will be presented to either the Township Sexton or the Township Clerk (or designated Township official) prior to interment. Where such permit or form has been lost or destroyed, the Township Clerk must be satisfied, from his or her records, that the deceased person to be buried in the Cemetery Plot is an authorized and appropriate person for that space before any interment is commenced or completed.
- (d) No winter burials will occur without the prior consent of a Township Official.
- (e) All burials will be within a standard concrete vault, which must meet all applicable laws, installed or constructed in each Cemetery Plot before interment. Vaults of other suitable materials may be allowed at the discretion of a Township Official.
- (f) Cremains may be buried in a container approved by the Township in a Cemetery Plot.

6.2 Disinterment Regulations.

- (a) No digging up of an occupied Cemetery Plot ("Disinterment") may 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 will have the authority to refuse to allow a Disinterment, unless the Disinterment is ordered by a court of competent jurisdiction.

- (c) The Township will be given at least forty-eight (48) hours' prior notice of Disinterment. No Cemetery Plot will be opened or closed except under the direction and control of the Township Sexton or other Township Official.

Section 7: GROUNDS MAINTENANCE

The following rules and regulations will apply to the maintenance of any Cemetery Plot:

- (a) Flower pots, urns and grave blankets 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 (1) week prior and one (1) week following the holiday. Veteran flags and flag holders will be governed by the Veteran's Administration rules and guidelines.
- (b) No grading, leveling or excavating within a cemetery will be allowed without the prior permission of the Township Sexton or the Township Clerk. Furthermore, no tree, shrub, landscaping or similar plantings will occur outside of an urn without the prior permission of the Township Sexton or the Township Clerk.
- (c) The Township reserves the right to remove or trim any existing trees, plants, or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery, or if planted in violation of this Ordinance.
- (d) Mounds, bricks, blocks, and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- (e) Any Township Official will have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem.
- (f) Surfaces other than earth or sod are prohibited.
- (g) All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within 14 days after a burial.
- (h) No glass containers or items are allowed.

Section 8: DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY

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 will apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

Section 9: FORFEITURE OF CEMETERY PLOTS

A Cemetery Plot sold after the effective date of this Ordinance and remaining vacant for forty (40) years or more from the date of sale will result in a forfeiture of the Cemetery Plot, if:

- (a) The Township Clerk sends a notice by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 40-year period, provided that the notice explicitly states that the owner's rights to Cemetery Plot will be forfeited if he/she does not respond indicating his or her desire to retain the rights to the Cemetery Plot (i) within sixty (60) days; and (ii) in writing to the Township Clerk; and
- (b) If the owner of the Cemetery Plot at issue, or his or her heirs or legal representatives, does not respond in writing within the sixty (60) day time frame to confirm that the owner desires to retain the Cemetery Plot in question, the ownership of the Cemetery Plot will automatically revert to the Township.

Section 10: RECORDS

The Township Clerk will maintain records concerning all burials, Cemetery Plots, issuance of burial permits and any other records of the Township related to Township cemeteries, and the same will be open to public inspection at all reasonable business hours.

Section 11: CEMETERY HOURS

Unless otherwise specified by the Township Board by resolution, all Township cemeteries will be closed from dusk until dawn. During those hours of darkness, no person is allowed in the Township cemetery, with the exception of a Township Official, a person accompanied by the a Township Official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.

Section 12: PROHIBITED USES AND ACTIVITIES

The following prohibitions will apply within any Township cemetery:

- (a) No person will destroy, deface, apply graffiti to or otherwise injure any cemetery property, or any monument, sign, tree, or other lawful item located within a Township cemetery.
- (b) No person will disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.
- (c) There will be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.
- (d) There will be no digging, grading, or mounding in the cemetery unless expressly authorized by this Ordinance.
- (e) No automobile, truck or any vehicle is permitted in the Cemetery except on designated roads or drives. No recreational vehicles, including snowmobiles or four-wheelers are permitted in the Cemetery.
- (f) There will be no gathering of persons in excess of 50 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).
- (g) There will be no possession or consumption of any alcoholic beverage or intoxicating substance in the cemetery.
- (h) There will be no picnicking or consumption of food without prior Township approval.
- (i) There will be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
- (j) There will be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (k) There will be no littering or dumping.

- (l) There will be no interference with or disruption of a lawful funeral or funeral procession.
- (m) There will be no private signs, lighting, moving displays or changeable copy on a sign.
- (n) There will be no fires, candles or open flames.
- (o) No children under twelve (12) years of age will be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- (p) There will be no domestic animals of any kind allowed within the cemetery grounds. However, this prohibition will not apply to animals assisting handicapped persons.
- (q) No firearms or archery arrows will be discharged or shot except that military or other veterans' organizations may carry arms for the purpose of firing over the grave at the burial of a member.
- (r) No person will engage in any fight, quarrel or disturbance.
- (s) Cremains will not be scattered or dispersed in a Township Cemetery.

Section 13: EXCEPTIONS; INTERPRETATION; APPEALS TO THE TOWNSHIP BOARD

13.1 Exceptions.

Exceptions may be made with written permission by the Township Supervisor or Clerk to any regulation or requirement under this Cemetery Ordinance (i) to the requirements of the size of a Cemetery Plot to accommodate infant burial or the burial of cremains; (ii) the definition of Eligible Purchaser, where a person discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred in the Township cemetery involved

13.2 Binding Interpretation.

The Township Board will have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.

13.3 Appeals.

Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township Official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a Township cemetery, rights to a Cemetery Plot, or other matter arising pursuant to this Ordinance, will have the right to appeal that determination/decision or matter to the Township Board. Any such appeal will be in writing and will be filed with the Township within thirty (30) days of the date of the decision, determination or other matter being appealed from. The Township will give the aggrieved party who filed the written appeal with the Township at least ten (10) days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the Township will utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board will be final. The Township Board may set a fee or fees for any such appeal from time to time by resolution.

Section 14: REMOVAL OF ITEMS

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this Ordinance, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township will still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

Section 15: PENALTIES

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, will be in violation of this Ordinance and will be responsible for a civil infraction. The civil fine for a municipal civil infraction will be not less than one hundred dollars (\$100) 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. 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 will be deemed a separate offense.

A violation of any permit or permit condition issued pursuant to this Ordinance will also constitute a violation of this Ordinance.

Section 16: SEVERABILITY; REPEAL

16.1 Severability.

The provisions of this Ordinance are severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision will only affect the particular provision, section or part thereof involved in such decision and will not affect or invalidate the remainder of this Ordinance, which will continue in full force and effect.

16.2 Repeal.


All Ordinances or parts thereof that are in conflict in whole or in part with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration, and endorsement of this Ordinance only will in no way, manner or form repeal, modify or otherwise change the definition of any such terms as used in other Ordinances of the Charter Township of Monroe.

Section 17: EFFECTIVE DATE


This Ordinance will become effective thirty (30) days after its publication, or publication of a summary thereof, in a newspaper in general circulation within Monroe Charter Township.

This Ordinance was adopted at a Regular Meeting of the Monroe Charter Township Board of Trustees held on June 18, 2019 with Five (5) Board Members being present and Five (5) voting in favor.

**MONROE CHARTER TOWNSHIP BOARD OF TRUSTEES,
MONROE COUNTY, MICHIGAN**

By: 
Bob Schnurr, Monroe Charter Township Clerk

ATTESTED:

By: 
Alan Barron, Monroe Charter Township Supervisor