

**WHITE PIGEON TOWNSHIP
COUNTY OF ST. JOSEPH, MICHIGAN**

**ORDINANCE TO AMEND THE CODE OF ORDINANCES BY ADDING CHAPTER 7 TITLED
“CEMETERIES”**

ORDINANCE NO.: 62
ADOPTED: 11/3/2010
EFFECTIVE: 12/15/2010

WHITE PIGEON TOWNSHIP ORDAINS:

The text that follows this opening paragraph adds Chapter 7 “Cemeteries” to the Code of Ordinances of the Township of White Pigeon. Should any provision or part of this ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this ordinance which shall remain in full force and effect. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to such extent as they are in conflict or inconsistent with this ordinance; however, the adoption of this ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance. This ordinance shall take effect on 12/15 , 2010, which is at least thirty (30) days after its publication or a publication of a summary of this ordinance.

Chapter 7

CEMETERIES

ARTICLE I. IN GENERAL

Secs. 7-1 – 7-30. Reserved.

ARTICLE II. CEMETERIES

Sec. 7-31. Short title.

The provisions in this Article shall be known as the White Pigeon Township Cemetery Ordinance.

Sec. 7-32. Purpose.

It is determined to be desirable and necessary to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by White Pigeon Township, St. Joseph County, Michigan; to provide for penalties for those who violate this ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

Sec. 7-33. Definitions.

“Township cemetery” or “cemetery” means any cemetery owned, operated and/or controlled by the Township.

Sec. 7-34. Purchase of Burial Rights.

After the effective date of this ordinance, burial rights shall be sold by the Township for the purpose of burial for the purchaser, the purchaser’s family, or the purchaser’s relative. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

The purchase of burial rights within a Township cemetery grants a right of burial subject to the regulations in this Article and does not convey any other title to the lot or burial space sold. The purchase of burial rights within any area of a cemetery shall be made valid only by assignment of a Burial Rights Certificate signed and sealed by the Township, and indicating the precise location of purchase of burial rights. The precise location of purchase is designated by the proper combination of lot, block section and grave values within a particular division of the cemetery. In addition, no area of the cemetery will be considered sold until paid for in full. The purchaser must be present at the location chosen at the time of purchase to sign an agreement of location.

Terms of all burial rights’ sales and other fees are cash or check. Fees shall be set by resolution of the Township Board and are subject to periodic review and/or changes. Payment is due in full at the time of burial rights assignment.

Burial spaces are exempt from taxation and liability for debt and no mortgage or other encumbrance shall be placed upon them.

Sec. 7-35. Burial Rights Transfers.

Burial Rights shall not be transferred from one party to another without the consent of the Township and without following the proper procedures, as determined by the Township Board. Burial Rights Certificates, deeds, or any other agreements, written or otherwise implied, made or agreed to by anyone other than the Township and the party approved by the Township shall not be valid and will not be honored. The Township has the right to refuse the transfer of burial rights from one party to another, and may require that a Burial Rights Certificate or formerly issued deed be repurchased by the Township before being transferred to another party.

Sec. 7-36. Interment Regulations.

The following regulations shall apply to interments:

- (1) Interments will only be permitted on lots for which Burial Rights Certificates or deeds have been issued by the Township and only after all current and past due charges have been paid.
- (2) Interments will not be permitted until payment for burial has been received.
- (3) Interments will not be permitted without a valid Burial Transmit Report or Cremation Certificate.
- (4) Interments in lots shall be restricted to members of the family and relatives of the owner or owners thereof.
- (5) No interment of any body other than that of a human being will be permitted.
- (6) The interment of two bodies in one grave is prohibited, excepting the simultaneous death and burial of either a mother or father and infant, infant twins or two infants that died at the same

time, provided that this does not involve the burial of two caskets on top of each other, and does not in any manner encroach upon adjacent lots, grave spaces or aisleways.

- (7) Burial restrictions are as follows:
 - a. A grave space in Baby Memorial Park: Burial restricted to one infant burial or one infant cremation.
 - b. A special cremation grave space: Burial restricted to one or two cremations; body burials are not allowed.
 - c. A regular, adult burial space: Burial restricted to either: one or two cremations and no bodies; or, one body and one cremation.
- (8) All burials, including the burial of ashes, are to be made in concrete or metallic outer cases. Concrete outer cases are defined as concrete vaults, concrete boxes, and wood, metal or other substance encased in concrete. Metallic outer cases are those constructed of material not less than 12 gauge thickness.
- (9) The Township reserves the right to refuse any order for interment unless the application for the same is made at least thirty-six (36) working hours in advance of the scheduled time of the funeral.
- (10) The Township will not assume any responsibility for errors in location in the opening of graves when such orders are given by telephone. Orders by funeral directors for the opening of graves will be construed as orders from the lot owner(s).
- (11) A change of location after the grave space has been dug or after interment will be made at the expense of the lot owner or funeral director.
- (12) Interments or disinterments during the winter months when the ground is frozen will incur charges in accordance with the difficulty of the work.
- (13) The Township Clerk or her/his duly appointed assistant shall supervise all interments and make all charges as they have been designated by the Township Board, incidental to said interments.
- (14) No demonstrations, memorial services or other concerted activity, unrelated to funerals, cenotaph services or interments may be held in the cemetery without prior authorization from the Township.
- (15) All outer burial cases over five (5) feet in length will be classed as adult size.
- (16) All graves will be opened and closed by employees or appointees of the Township. 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.
- (17) All vaults that are used for burials must be in place to receive the casket one hour prior to the scheduled time of the funeral service.
- (18) The Township shall not be responsible for any damage that might occur in the placing of a body in any mausoleum or crypt.
- (19) Funeral directors shall contact the cemetery caretaker before establishing the time of the funeral. The Township reserves the right to ask for a change in the funeral hour so as to best serve the families of the deceased.
- (20) All funerals and interments are to be conducted in an orderly and dignified manner. The Township Clerk, cemetery caretaker or a duly appointed assistant are authorized to take the means necessary to preserve this order and dignity.
- (21) All funeral processions, while in the cemetery, will be under the direction and control of the Township Clerk, cemetery caretaker or a duly appointed assistant and all funeral processions and cemetery vehicles shall have preference over all other vehicles.
- (22) Strangers shall not approach a grave during a funeral. When deemed necessary by the Township Clerk, or upon request of the lot owner or his representative, a funeral zone may be established

and no one except persons attending the funeral or otherwise authorized will be permitted within its boundaries.

- (23) No burials will be permitted to be marked with a vase, urn, memorial, receptacle, or other article of any nature bearing the name of the mortician, memorial dealer, or other dealer, trade names excepted.
- (24) No responsibility will be assumed for the protection and maintenance of flowers, wreaths, emblems or other items used at funerals. As soon as such items become unsightly or faded, they will be removed.
- (25) No disinterment of a body will be made unless and until the next of kin of the person whose body is to be disinterred consent and/or a court order is received by the Township and all other legal documentation has been submitted.

Sec. 7-37. Foundations.

It is the intent of the Township to have foundations installed at least three times yearly. April 15th-30th, June 1st-15th, and September 1st-15th. If quantities are great enough, an outside contractor may be asked to help. The cemetery caretaker or his designee may install foundations at other times, schedule permitting. All foundations will be installed with the top of the foundation conforming to the lot grade as determined by the cemetery caretaker or his/her designee. All foundations shall be six (6) inches larger than the largest part of the base of the memorial. All foundations for memorial work shall be installed by the cemetery caretaker or another authorized agent and all such work shall be under the direction of the Township Clerk or designee.

All orders for the installation of foundations for memorial work must be submitted on the order blank of that monument dealer with full particulars thereon. These blanks must give all information as requested and the material certification must be signed by a responsible party of the person, firm or corporation ordering the foundation. The Township will not be bound to honor these foundation orders until the above instructions have been complied and paid for.

Sec. 7-38. Memorials.

The following regulations shall apply to memorials, mausoleums, crypts, and other structures:

- (1) All mausoleums, monuments, headstones, markers or other permanent memorials above ground or partly above ground must be constructed of first quality granite. 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 six inches in thickness, free from sap or anything which will cause rust stains, resistant to cracking or chipping, and executed in first-grade workmanship. Grave markers made from US Standard Bronze or its equivalent will be allowed.
- (2) No mausoleum, crypt, mausoleum work or any structure above or below ground, other than standard memorials, may be constructed until complete designs, details and specifications have been submitted to the Township Board for its approval and suitable arrangements, acceptable to the Township Board, have been completed for future maintenance.
- (3) No monuments may be placed on a lot before the foundation has been installed.
- (4) Graves are to be marked only with standard memorials which comply with these regulations.
- (5) Written permission of the Township must be obtained before a cenotaph marker can be placed in the cemetery. Purchase of a cenotaph site will be required.

- (6) The Township reserves the right to prohibit the erection of any memorial that due to its size, design, inscription, kind or quality of stone is unsuited to the lot or lots or the location on which it is to be placed.
- (7) No more than one monument above ground shall be allowed per grave. This includes any Veterans memorial or plaque. All Veterans memorials or plaques must be attached to the individual's monument. If an individual chooses not to have a monument then the Veteran's memorial or plaque may serve as the monument. All monuments must have a foundation.
- (8) All memorials shall occupy the proper monumental positions on lots, as determined by the Township or cemetery caretaker. Memorials other than single markers will be allowed on a single grave space and these shall be placed in the marker location.
- (9) All memorials to be set on a lot as platted or which is described as a family lot in the official records of the Township, must match as to size, design, color and lettering. The maximum size for single markers shall be one foot in width, two feet in length, and one foot in height, except:
 - a. Where memorials are to match memorials already on a lot.
 - b. When slant-faced single memorials are used the maximum size allowed will be one foot in width, two feet in length, and sixteen inches in height.
- (10) The maximum size for memorials in Baby Land will be twenty inches in length, ten inches in width, and six inches in height.
- (11) Memorials placed upon any special cremation grave (a grave set up for and burial rights purchased solely for the purpose of cremations) shall be flush with the ground. No more than two cremations shall be permitted to be buried on a regular, adult-classed burial space. Although this results in two persons on one burial space, any marker erected on such space may not exceed the width of the single grave space.
- (12) No memorial may be erected on any lot or grave until such lot or grave space is fully paid for and the burial permit issued or until any other charges are paid in full.
- (13) All memorials which are determined as monuments are to be leveled when set and the bases are to be securely attached to the foundation.
- (14) Any damage to turf, trees, shrubs, flowers or structures resulting from the delivery or setting of memorial work will be assessed to the person(s), firm(s) and/or corporation(s) selling and/or setting the memorial work.
- (15) The Township shall not be responsible for any damage or vandalism to any foundation, monument or mausoleum.
- (16) If a memorial shall become unsightly, in need of repair or attention, or a menace, the Township will attempt to notify the owner(s) thereof to take such steps as necessary to place the structure in satisfactory condition. If such owner(s) cannot be located or fail to comply with the notice within a reasonable length of time, the Township shall have the right to cause the necessary repairs to be made and the cost thereof shall be charged to the owner(s). Any such charge resulting from such action remaining unpaid for a period of six months or more will constitute a lien upon the lot or lots.
- (17) No memorial may be removed from the lot or lots or taken from the cemetery without prior notification to the Township Clerk.
- (18) Notwithstanding anything herein to the contrary, a funeral home will be permitted to install a temporary marker as long as there is no logo or advertisement on the marker. For the purposes of this paragraph "temporary marker" means a marker bearing the deceased's name, date of birth and/or date of death, that can be installed and remain in place for up to ninety (90) days until a foundation and permanent marker can be installed in place of the temporary marker. The Township Clerk or his/her designee shall have discretion to extend the ninety (90) day period upon receipt of documentation showing that the foundation and permanent marker have been

ordered and will be installed by a reasonable date. All other regulations that are not in conflict with this paragraph shall apply to temporary markers.

Sec. 7-39. Ground Surfaces.

The following regulations regarding ground surfaces shall apply:

- (1) Surfaces other than soil and sod are prohibited.
- (2) No person shall remove sod or soil from any lot, aisleway or roadway.
- (3) No sand, gravel, washed gravel, crushed stone or other loose material may be used in the construction of washes around the bases, markers or monuments.
- (4) Steps or artificial walkways of any kind are not permitted.
- (5) Mounds raised around graves will not be permitted.
- (6) No lot area shall be covered with carpets, cloth burlap or any other material during the winter months. Leaves or evergreen boughs may be used instead.

Sec. 7-40. Urns.

Urns are regulated as follows:

- (1) Urns are the liability of the lot owners and the Township shall not be obligated to care for, maintain, or protect urns. The Township shall not be liable for any damage to urns. Urns not filled by June 15th each year will not be permitted to remain in the cemetery.
- (2) The planting and placement of urns is prohibited without the consent of the Township Clerk, cemetery caretaker or other approved authority. The planting and placement of urns is also prohibited until a valid Burial Rights Certificate or deed has been paid for and issued by the Township.
- (3) All urns must be of a conventional urn type and style as approved by the Township. All urns must be semi-permanent or permanent in type, and must be placed upon a concrete base. This base must be at least as wide as the urn. The base is to be placed upon the lot in such a location as approved by the cemetery caretaker, in either the monument or marker row, and must not encroach on any adjacent grave or lot owned by another, or encroach upon an aisleway or walkway. Urns shall not be placed in front of or behind a monument.
- (4) All urns must be sufficient enough in weight that they will remain upright and in place on windy days, with the exception of extreme weather conditions.
- (5) A maximum of one urn (upon a concrete base) per single monument or two urns upon two separate bases per double monument is permitted.
- (6) One unpainted, heavyweight statue (upon a concrete base) may be substituted for an urn.
- (7) An urn may not be used in place of a monument.
- (8) Urns which become broken, unsightly in appearance or a nuisance to the upkeep of the cemetery or to other lot owners will not be permitted.
- (9) Urns or statues which do not comply with all of the above will be removed without notice. Any urns which are removed will be placed in storage for not more than one year after which time they may be disposed of without notice. Arrangements may be made with the Township Clerk to pick up any urns which have been removed and are still in the Township's possession.

Sec. 7-41. Plantings.

Plantings are regulated as follows:

- (1) Hereafter, bushes, trees and live perennial plants may not be planted in the cemetery (including on any lot) except by the Township.
- (2) Any bushes or trees already planted on a lot or lots must be kept trimmed to specification by the lot owner or lot keeper. Any plants which impede upon a monument will not be permitted. Any plants which are untrimmed, or which become a nuisance by reason of their branches, roots, appearance or otherwise become detrimental to adjacent lots, aisleways or roadways, or an inconvenience to other lot owners or to the upkeep of the cemetery, will be removed without notice and at the expense of the lot owner.
- (3) Potted plants, whether real or artificial, may not be planted in the ground, but must be left in the pot above the surface of the ground. Potted plants must not be placed in front of or behind graves, but to the side to aid in mowing. All such potted plants may be in pots not to exceed ten (10) inches in diameter and limited to one (1) per single marker, two per double marker. Any potted plant must be sufficient enough in weight that it will remain upright and in place on windy days, with the exception of extreme weather conditions.
- (4) Any plant or artificial flower or flower arrangement not in a pot must either be securely attached to the monument itself or be placed in an urn.
- (5) The use of wire, nails, iron rods or other devices to anchor flower vases, baskets, or other objects to the ground will not be permitted.
- (6) Mounds, plantings, or other objects which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

Sec. 7-42. Decorations.

Decorations are regulated as follows:

- (1) The decoration of lots or graves with fencing, edging, boxes, toys, shells, images, sculptures and painted statues (ceramic or otherwise), wire screens, arbors, trellises, individual artificial flowers anchored in the ground or any objects of a similar nature is prohibited. No shepherds staffs, hooks, hangers, etc., are allowed. No glass or ceramic objects or containers of any kind are permitted.
- (2) Winter decorations-decorative balls and wreaths-are welcome between October 31st and April 1st. Tripods are welcome for those decorations not secured directly to the headstone. Winter decorations may be placed anywhere on a lot.
- (3) Summer decorations (annual flowers in pots, urns, saddles) are welcome from April 1st to September 15th. All decorations must be located to the side of a headstone so not to impede mowing. Decorations shall not exceed the following limits:
 - Single marker – One potted plant and/or one flower saddle; or one urn and/or one flower saddle.
 - Double marker – Two flower pots and one flower saddle; two urns and one flower saddle; or one flower pot, one urn and one flower saddle.No additional decorations are allowed.
- (4) Settees, benches and chairs are not permitted without written permission from the Township.

- (5) Service markers are allowed (but not as a substitute for a monument) and will be cemented into the foundation, wash around monuments and markers whenever possible. If this is not possible, service markers should be placed to the right or left of the monument.
- (6) As part of the annual spring and fall cleanup, the Township will remove all decorations it determines to have no further use. If lot owners wish to save their winter decorations, they must remove them before April 1st. If they wish to save their summer decorations, they must remove them on or before September 15th.

The Township shall not be responsible for loss or damage to any articles left in the cemetery.

Sec. 7-43. Protecting the beauty, upkeep, and safety of the cemetery.

The following additional regulations shall apply:

- (1) The Township will furnish water for the use of all who wish to maintain flowers, urns, etc. This water will be available from various outlets within the cemetery from April 1st until September 15th.
- (2) No person shall leave any refuse in the cemetery except that which they deposit in the trash receptacles provided.
- (3) No glass or ceramic objects or containers of any kind are permitted in the cemetery.
- (4) No children are allowed in the cemetery unless accompanied and supervised by an adult who shall be responsible for their conduct.
- (5) The use of the cemetery as a playground is not permitted.
- (6) The speed limit on all cemetery drives is 10 miles per hour.
- (7) Vehicles shall not turn around on the drives and must drive around a section as turning around and backing up cause increased risk of running into headstones and other objects.
- (8) No ATV's or other off-road motorized vehicles are permitted within the cemetery.
- (9) No dogs, horses or other domesticated animals are permitted within the cemetery.
- (10) The cemetery shall be closed to the public from one hour after sunset until sunrise.

Sec. 7-44. Forfeiture of Vacant Cemetery Lots or Burial Spaces.

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant for 50 years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

- (1) Notice shall be sent by the Township by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 50 year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
- (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 from the last owner of record of said lots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Sec. 7-45. Sanctions.

Any person who violates any of the provisions of this ordinance chapter shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
• 1 st Offense within 3-year period*	\$ 75.00	\$500.00
• 2 nd Offense within 3-year period*	\$250.00	\$500.00
• 3 rd Offense within 3-year period*	\$500.00	\$500.00
* Determined on the basis of the date of commission of the offense(s).		

The Township Supervisor and/or Township Clerk are hereby authorized to issue citations for municipal civil infractions for violation of this chapter.

The foregoing ordinance was offered by Krogh and supported by Gloy, the vote being as follows:

YES: Phillips, Gloy, Krogh, Girton, Schroen

NO: None

ABSTAIN: _____

ABSENT: _____

Ordinance declared adopted.

Lois K. Phillips
Township Clerk

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the White Pigeon Township Board held on 11/3, 2010. I further certify that a summary of this ordinance was published in the Sturgis Journal, Sturgis Michigan, on 11/10, 2010 and an attested copy was filed with the St. Joseph County Clerk's office on 11/19, 2010.

Dated: 11/19, 2010

Lois K. Phillips
Township Clerk