

## Ordinance No. 64

### Napoleon Township Cemetery Ordinance

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of the Cemeteries owned by Napoleon Township, Jackson County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

The Township of Napoleon (Jackson County, Michigan) Ordains:

**Section 1.** This Ordinance shall be known as the Napoleon Township Cemetery Ordinance.

**Section 2.** The Township Board designates the Township Clerk as the day-to-day administrator of this Ordinance.

**Section 3.** The Township of Napoleon owns 2 Cemeteries, the Eldred Cemetery on Brooklyn Road and the Oak Grove Cemetery on South Brooklyn Road. The Oak Grove Cemetery is open for burials. The Eldred Cemetery is closed to burial.

**Section 4.** Definitions of Cemetery Lots and Burial Spaces:

A burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

A lot shall consist of 8 burial spaces.

**Section 5.** Sale of lots or burial spaces

- A. Hereafter, cemetery lots or burial spaces shall be sold to only residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- B. All such sales shall be made on a form approved by the Township Board, which grants a right to burial only and conveys no other right to any lot or burial space sold. The Township Clerk shall execute such form.
- C. 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 permit upon the original burial permit 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 permit to the assignee and shall cancel and terminate upon such records, the original permit assigned.
- D. Lot owners shall not allow interments in their lots in return for remuneration of any kind.

## Section 6. Fees

The Township shall levy fees for acquisition of cemetery lots and burial spaces, the opening and closing of burial spaces, including the interment of ashes and monument foundations. The Township Board by resolution may periodically adjust these fees to accommodate increased costs and needed reserves for cemetery maintenance and acquisition. No monument foundation fee shall be charged for veterans.

A higher fee shall be set for any acquisition of a lot or burial space by a non-resident.

## Section 7. Opening and closing of burial spaces:

No burial spaces shall be opened or closed except under the direction of the Clerk. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under supervision of the Jackson County Health Department.

## Section 8. Markers or Memorials

- A. All markers or memorials must be of stone or equally durable composition.
- B. Any monument must be located on a suitable solid foundation, which extends at least two inches beyond the marker and is flush with the ground.
- C. Only one monument, marker or memorial shall be permitted per burial space except for Veterans who may have a second marker.
- D. Should any monument or memorial become unsightly, dilapidated or a safety hazard, the Board shall have the right at the expense of the owner, to correct the condition or remove the same.

## Section 9. Interment Regulations

Only one person and one cremain urn or 2 cremain urns may be buried in a burial space.

Not less than 36 hour notice shall be given in advance of any time of funeral to allow for the opening of a burial space.

The appropriate permit for the burial space involved, together with the appropriate identification of the person to be buried herein, 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 appropriate and authorized before any interment is commenced or completed.

All graves shall be located in a neat and appropriate manner within the confines of the burial space involved.

All burials shall be within a standard concrete vault installed in each burial space before interment. Cremain shall be in an approved container. *- have plastic sheeled box.*

No lot shall be used for any purpose except burial of human dead.

## Section 10. Ground Maintenance

- A. No grading, leveling or excavating upon a burial space shall be allowed without permission of the Township Clerk
- B. No shrubs or trees shall be planted without the approval of the Township Clerk. Any of the foregoing items planted without approval may be removed upon order of the Township Clerk.
- C. The Township Board reserves the right to keep or 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.
- D. Mounds, which hinder use of a lawn mower or other gardening apparatus, are prohibited.
- E. The Township Clerk or her designee shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. Any refuse of any kind or nature, including among others, dried flowers, wreaths, papers and flower containers must be removed or deposited in the dumpster located within the cemetery.

## Section 11. Forfeiture of Vacant Cemetery Lots and Burial Spaces

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following two events.

- A. 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 40 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 within 60 days of from the date of mailing of the notice his desire to retain said burial rights.
- B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question if received by the Township Clerk from the last owner of record of said lots or spaces or his heirs or legal representatives within 60 days of mailing of said notice.

It is the responsibility of the lot owner to notify the board of any change of address.

## Section 12. Repurchase of Burial Spaces

The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives. There shall be no exchange of burial spaces.

**Section 13. Records**

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

**Section 14. Penalties**

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be subjected to fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may determined by a court of competent jurisdiction.

**Section 15. Sever ability**

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

**Section 16. Effective Date**

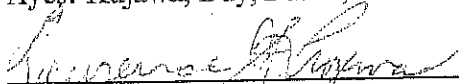
This Ordinance shall take effect 30 days from date of publication.

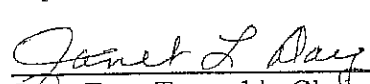
**Approved:**

**Date:** July 8, 2003

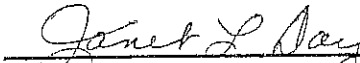
**Ayes:** Kujawa, Day, Butler, Cook.

**Nays:** none.

  
Lawrence J. Kujawa, Township Supervisor

  
Janet Day, Township Clerk

**Date Published:** July 15 2003

  
Janet Day, Township Clerk