

ECKFORD TOWNSHIP

Calhoun County, Michigan

Our township cemeteries are important historical, cultural, and archaeological resources that provide the community with some of our earliest written history. Cemeteries not only provide a quiet place in which to honor the deceased but they also remind us of the fragility of life today and in earlier times. Whether we seek to research genealogy or delve into local history, it is our responsibility to care for these burial sites for the sake of our respected dead. Benjamin Franklin once said, "Show me your burial grounds and I'll show you a measure of the civility of a community." By taking the responsibility to develop and enforce regulations of our cemeteries, we help to preserve a resource that will benefit not only us but also future generations.

CEMETERIES

An ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operations, control, and management of cemeteries owned by the Township of Eckford, Calhoun 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 ECKFORD, CALHOUN COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE

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

SECTION 2: DEFINITIONS

1. Burial Space:

- a. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- b. Grave openings shall be dug six (6) feet deep or as specified by state regulations.

- c. A space for the cremated remains or ashes of a deceased person shall consist of a land area three (3) feet by three (3) feet in areas set aside specifically for such burials.
2. **Cemetery:** Any cemetery owned and operated by Eckford Township.
3. **Cremains:** The cremated remains or ashes of a deceased person.
4. **Double Monument:** A monument (as described below) that is larger and is placed upon two graves or gravesites.
5. **Family Lot:** A family lot consists of a minimum of six (6) contiguous graves or gravesites. The six (6) or more graves or gravesites may be in a line or in a double line of three (3) or more and three (3) and so on.
6. **Family Monument:** A monument larger than a double monument.
7. **Fees:** A list of fees and charges will be established by the Township Board and periodically reviewed and updated.
8. **Flower Urn:** A non-permanent receptacle made of concrete, granite, marble, bronze, or other material equivalent in durability for the planting of flowers.
9. **Grave and Gravesite:** A grave is a site wherein there has been an interment. A gravesite has not yet had an interment. Dimensions are listed under "Burial Spaces."
10. **Marker:** A memorial made of granite, marble, bronze, or other material of equivalent durability approved by the Sexton. **Flush markers** are level with the turf, while bevel or slant markers extend above the turf.
11. **Military Service Plaque:** A plaque constructed of bronze or similar material listing a veteran's name, branch of the service, rank, conflict, etc.
12. **Monument:** A tombstone or memorial that extends above the turf and made of granite, marble, bronze, or other material of equivalent durability.
13. **Resident:** A person who claims a "homestead" exemption (as defined by State of Michigan law) on property in the township or a person who paid township property taxes in the preceding year. Or a resident of Eckford Township who has been a resident for at least 36 continuous months of occupancy may receive one (1) burial plot.
14. **Township:** Eckford Township, Calhoun County, Michigan.

SECTION 3: SALE OF BURIAL SPACES OR LOTS

Eckford Township residents may apply to the Township Clerk for up to two (2) spaces free of charge for the purpose of the burial of the resident or his or her immediate family. The two (2) burial spaces shall be called a burial site.

Sales of burial spaces shall be made to non-residents only for the purpose of the burial of the purchaser, his or her immediate family. All such sales shall be made on a form approved by the township board that grants a right of burial only and does not convey any other title to the lot or burial space sold. The Township Clerk shall execute such form. No sales shall be made to funeral directors or other commercial entities for resale purposes. The Township Board shall set fees for the sale of burial spaces or lots.

The Township Clerk is hereby granted authority to vary the aforesaid restriction on assignments and 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.

Burial rights may only be transferred to those persons eligible to be original grantees of cemetery lots or burial spaces within the township and may be effected only by 1.) the endorsement of an assignment of such burial permit upon the original burial permits form issued by the Township Clerk, 2.) approval by said Clerk, and 3.) entry upon the official records of such Clerk. Upon such assignment, approval, fee payments, and recording, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records the original permit thus assigned.

SECTION 4: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces assigned or sold after the effective date of the ordinance and remaining vacant 40 years from the date of their assignment or sale shall automatically revert to the Township according to the following procedure:

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/her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he/she or heir or legal representative does not affirmatively indicate in writing to the Township Clerk within thirty (30) days from the date of mailing of the notice, his/her desire to retain said burial rights.

SECTION 5: PURCHASE PRICE AND TRANSFER FEES

Current prices for cemetery services shall be determined by the Township Board that may, by resolution, alter the fee schedule to accommodate changing costs and needed reserve funds for cemetery maintenance and acquisition.

A list of prices and fees shall be available upon request to the Township Clerk or his or her agent.

SECTION 6: GRAVE OPENING CHARGES

The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, and payable to Eckford Township.

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton or his or her agent. This provision shall not apply to proceedings for removal and re-interment of bodies and remains when such matters are under the supervision of the local health department or by court order.

SECTION 7: MARKERS OR MONUMENTS

All markers or monuments must be of granite, marble, bronze, or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one monument, marker, or memorial shall be permitted per burial space except for the addition of a plaque denoting military service.

A bronze (or similar) plaque denoting a veteran's military service may only be affixed to the back side of a marker or monument or affixed to a foundation placed directly over the grave so that the plaque is level with the turf. All markers and monuments must be placed at the head of the burial site. Foot-stones are not permitted.

The footing or foundation upon which any monument, marker, or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.

Double Monuments shall only be placed at the head of two (2) contiguous graves or gravesites.

Family Monuments: One family monument shall be allowed on a family lot. The family monument shall be placed across the head of three (3) or more contiguous graves or gravesites claimed or owned by a family or group. The family

monument must not exceed two (2) feet in depth (front to back) and shall be aligned with other monuments

SECTION 8: INTERMENT REGULATIONS

Only one person may be buried in a burial space except for a mother and infant or two (2) children buried at the same time. One (1) vault and up to three (3) cremain vessels may be interred in one (1) burial space.

Cremains sent or delivered to the Township shall be permanently interred within a period of four (4) weeks after receipt. If the cremains are received between November 1st and April 1st, they shall be permanently interred within four (4) weeks after April 1st. If arrangements are not made for permanent interment within these time periods, the Township shall not be liable or responsible for damage to or loss of cremains or the container holding the remains.

The cremation section is the area of the cemeteries reserved for cremains only. Each gravesite in the cremation sections shall be thirty-six (36) inches x thirty-six (36) inches. A flush marker made of granite, marble, bronze, or other equally durable composition may be placed over the cremains when affixed to an appropriate base. The flush marker must be sized appropriately and must not exceed two (2) square feet in area, nor be more than two (2) feet in length or width. Cremains placed in a regular burial space are to be interred to allow adequate access to the burial space and adequate room between each burial space

Not less than forty-eight (48) hours notice shall be given in advance of the time of any burial to allow for the opening of the burial site.

SECTION 9: GROUND MAINTENANCE

No grading, leveling, or excavating shall be allowed without the permission of the Cemetery Sexton or the Township Supervisor.

All flowering plants must be in a flower urn.

Flower urns shall be placed at the sides of markers and monuments.

No shrubs, trees, flowers or vegetation of any type shall be planted without the approval of the Sexton or the Township Supervisor. Any of the foregoing planted without such approval may be removed by the Sexton or the Township. In no case shall any plantings be made at gravesites.

The Township Board 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.

Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers that through decay, deterioration, damage, or otherwise become unsightly, a source of litter, or a maintenance problem.

Surfaces other than earth or sod are prohibited.

All refuse, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

All flowers, real and artificial, are to be placed on gravesites after May 1st and removed by October 1st. An exception will be made for grave blankets and wreaths, which are to be removed by March 1st.

SECTION 10: RECORDS

The Township Clerk shall maintain records concerning all burials, sales and/or assignments of burial spaces and lots, and any perpetual care fund, 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 11: PAUPERS' FIELD

The Township shall maintain a series of burial sites that shall be reserved for the township's poor, as determined by the Township Supervisor and Township Clerk or the Township Board. All rules and regulations regarding size, markers, etc. shall apply.

SECTION 12: PENALTIES

Any person, firm, or corporation who violates any provision of this ordinance is responsible for a municipal civil infraction and is subject to fines according to the Eckford Township's Municipal Civil Infraction Ordinance. In addition to ordering the defendant to pay a civil fine, costs, damages, and expenses, the judge or district court magistrate may issue a writ or order under Section 8727 of the Public Acts No. 12 and 14 of 1994, State of Michigan.

SECTION 13: VALIDITY AND SEVERALTY CLAUSE

The provisions of this ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section, or part thereof involved in such decision and shall not affect or

invalidate the remainder of such ordinance which shall continue in full force and effect.

SECTION 14: HOURS OF OPERATION & VANDALISM

Hours of operation shall be sunrise to sunset.

No person shall destroy, deface, apply graffiti to, or otherwise injure any monument, sign, tree, fence, or other lawful item located within a Township cemetery.

No person shall disturb the peace, annoy, harass or disturb any other person who is lawfully located on the grounds of a Township cemetery.

No wheeled or motorized vehicles (including, but not limited to: bicycles, snowmobiles, motorcycles, ATV's) shall be permitted in the cemetery except on the roadway paths.

SECTION 16: EFFECTIVE DATE

This ordinance shall take effect on May 19, 2008. All ordinances or parts of ordinances in conflict herewith are hereby repealed.