

**LYON TOWNSHIP, ROSCOMMON COUNTY,
MICHIGAN**

**LYON TOWNSHIP OAKWOOD CEMETERY ORDINANCE
Ordinance 59A**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Lyon, Roscommon 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 LYON, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This ordinance shall be known as the Lyon Township Oakwood Cemetery Ordinance

Section 2: Definitions of Cemetery Lots and Burial Spaces

- A. A Cemetery lot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces.
- B. An adult full burial space shall consist of an area of land no bigger than 5 feet wide and 10 feet in length.
- C. A dedicated cremation burial space shall consist of an area of land no bigger than 3 feet wide and 3 feet length.
- D. Cremations are the ashes of cremated human remains.

Section 3: Sale of Burial Rights

- A. Burial rights in cemetery lots shall be sold to property owners in Lyon Township for the purpose of burial of such purchaser. Persons who are not property owners in Lyon Township may purchase burial rights at a cost to be determined by the Current fee schedule that has been approved by the Lyon Township Board. The Township Clerk is granted the authority to determine property ownership for this purpose. No sale shall be made to funeral directors.
- B. All sales shall be recorded on a Cemetery Lot Certificate, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such certificate shall be executed by the Township Clerk or other appointed designee.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces with the Township and may be affected only by endorsement of an assignment of such burial permit upon the original cemetery lot certificate 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 cemetery lot certificate to the assignee and shall cancel and terminate upon such records, the original cemetery lot certificate thus assigned.

Section 4: PURCHASE PRICE AND TRANSFER FEES

- A. The purchase of a burial space, including the interment of ashes, shall be at a cost to be determined by the Current fee schedule that has been approved by the Lyon Township Board, payable to the Township of Lyon. Such purchase must be made prior to interment.
- B. Any transfer of one or more burial rights from an original purchaser to a qualified assignee shall go through the Township Clerk or Sexton and must be accompanied by written request from the original purchaser or remaining family members.
- C. A fee to be determined by the Lyon Township Board's approval of the fee schedule will be collected for processing all transfers and preparing new documentation.
- D. The Township Board, by a vote conducted at a regular board meeting, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5: Grave Opening and Grave Closing Fees

- A. 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 the fee schedule that is currently approved by the Township Board at a Regular Board meeting.
- B. The Township Board, by a vote conducted at a regular board meeting, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- C. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under supervision of the local health department.

Section 6: Rules and Regulations

- A. All up-keep and maintenance will be under the jurisdiction of the Sexton.
- B. Planting of any trees or shrubberies on grave sites must be authorized by the sexton. When any planted trees or a shrubbery becomes unsightly (as determined by the Sexton), the sexton has permission to trim or remove the trees or shrubberies in question.
- C. Before being permanently set, all graves must have conforming foundations in compliance with specifications established by the Sexton, which is a 4" projection on all four sides.
- D. Maximum height for any markers purchased will not exceed 36" in height including the base.
- E. Maximum width for any single site marker purchased will not exceed 44" in width with room for a 4" projection on each side for the foundation. When 2 sites are combined the maximum width for one combined marker will not exceed 88" in width with room for a 4" projection on each side for the foundation.

- F. For identification purposes only, the Sexton will place a temporary marker on the grave after burial.
- G. Anything that becomes unsightly to the cemetery, by reason of neglect or age, shall be removed by the Sexton or appointed designee. Whenever possible, the Sexton will notify the relatives of the deceased prior to the removal.
- H. The Sexton shall not be held responsible for errors in location of graves on lots arising from improper instructions by lot owners.
- I. Memorial ornamentations are to be authorized in writing by the Sexton; they may not exceed the width of the grave in order to facilitate perpetual care. No ornamentation shall be permitted in the pathways. No spreading ground covers shall be planted. Any ornamentation that becomes unsightly over time will be removed by the Sexton.
- J. Fences, shrubs, benches, steps, or any structure are prohibited; also, stone, crushed rocks and bark. Any presently existing structure, as mentioned above, will be removed by order of the Sexton when it (they) become unsightly by neglect or age.
- K. Anything permanently planted on a grave site without permission of the Sexton will be removed without notice. Any bases or headstones placed on graves without notice to the Township may be removed without notice.
- L. Each grave site will be restricted to one regular burial and one cremation per site, or two cremations per site. In the section of the cemetery with dedicated cremation sites only one cremation per site will be allowed.
- M. All caskets must be placed in a permanent outside container. Acceptable containers must be constructed of concrete, copper, or steel.
- N. Disinterment of a body shall not be made without an order from the court for regular burials. Disinterment of cremations shall not be made without an order from the sexton on an approved form.
- O. Permission for burial will not be authorized until payment for the lot(s) is made, or until arrangements for payment have been made with the Township Clerk.
- P. Anyone desiring to sell their cemetery lot must notify the Township Clerk and Sexton before the transaction is made. The Township will consider re-purchasing a cemetery lot or lots at their original price.
- Q. No interment will take place without a Burial Permit and all arrangements are in compliance with the rules and regulations relative to burial by state law.
- R. Unauthorized disruption of trees, plants, shrubs, memorials, cremations vaults or anything in Oakwood Cemetery, Lyon Township is prohibited.
- S. Loitering and all alcoholic beverages in the cemetery are strictly prohibited.
- T. Permission will not be granted to anyone for the burial of animals in Oakwood Cemetery, Lyon Township.

- U. No advertising or election signs will be allowed on cemetery premises.
- V. No building shall be erected on cemetery property without permission of the Lyon Township Board.
- W. No firearms shall be discharged on the cemetery property unless authorized for military or governmental services.
- X. Cemetery property may not be used at any time for a recreation area. All recreation equipment is prohibited on the premises.
- Y. Parents and Guardians will be held responsible for their children's behavior while on cemetery premises.
- Z. It is the responsibility of Lyon Township to provide American Flags and holders for all Veteran's graves.
- AA. There will be no burials in the cemetery from November 1st to April 1st. During this time, bodies will be temporarily place in the chapel storage area.
- BB. All bodies that have been placed into the chapel storage during the winter months MUST be buried and out of storage by June 1st. Burial fees to be paid at the time of burial. Burial fee rates to be determined at the time of the storage.
- CC. All or any alterations of Oakwood Cemetery, Lyon Township, must be approved and authorized by the Township Board.
- DD. All burial blankets and winter wreaths and flowers will be removed from graves site(s) by April 15, unless weather does not permit. Anything not removed by April 15, will be removed by the Sexton.
- EE. The Township will not be held responsible for damage done to memorials due to improper installation of base. The person or agency installing the base will be held accountable.
- FF. A previously purchased lot may be transferred to another section of the cemetery as long as no burial or purchase for the new site has taken place. An administrative transfer fee will be charged to complete paper work and re-certification.

Section 7: Administration and Enforcement.

- A. Any Person in violation of any of the provisions of this Ordinance shall be guilty of a municipal civil infraction as defined by Michigan statute, and is subject to a civil fine of not more than \$500 plus costs. A Person who violates this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- B. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction. In addition, if any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.
- C. Each day that a violation exists shall constitute a separate offense for enforcement purposes.

Section 8 : Severability.

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 9: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

Roll Call:

YEAS: Edward Nellist, Eric Carlson, Craig Williams, Terry Bartel, Dolores Munoz

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE 59A DECLARED ADOPTED.



Edward Nellist, Supervisor

CERTIFICATION

I hereby certify that:

1. The above is true copy of an Ordinance adopted by the Lyon Township Board at a duly scheduled and noticed meeting of the Township Board on October 18th, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance will be duly published in the Houghton Lake Resorter newspaper, a newspaper that circulates within Lyon Township, on October 26th 2017.
3. Within 1 week after such publication, I will record the above Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I will file an attested copy of the above Ordinance with the Roscommon County Clerk on October 30th, 2017.

ATTESTED



Terry Bartel, Clerk