

# **SAGOLA TOWNSHIP CEMETERY ORDINANCE**

**#107-1993**

An ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of the cemetery owned by the Township of Sagola, to provide penalties for the violation of the ordinance, and to repeal all ordinances or parts of ordinances in conflict with this ordinance.

THE TOWNSHIP OF SAGOLA, DICKINSON COUNTY, MICHIGAN, ORDAINS:

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Date Adopted: July 7, 1993

Date Revised: June 3, 2019

At a regular meeting of the Sagola Township Board held on June 3, 2019, the Board by a Roll Call Vote, approved the revision of the "Sagola Township Cemetery Ordinance." This amended Ordinance shall take effect on the date of its publication in The Daily News. A copy of the complete ordinance is available for inspection at the Post Offices of Channing and Sagola, or can be viewed on the Township website: [www.sagolatwp.com](http://www.sagolatwp.com).

Julie Roell, Clerk

Sagola Township



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An ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of the cemetery owned by the Township of Sagola, to provide penalties for the violation of the ordinance, and to repeal all ordinances or parts of ordinances in conflict with this ordinance.

### **THE TOWNSHIP OF SAGOLA, DICKINSON COUNTY, MICHIGAN ORDAINS:**

#### **SECTION 1: TITLE**

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

#### **SECTION 2: DEFINITION**

- A. Burial space is a space for the burial of one person, except as provided otherwise herein.
- B. A cemetery lot, hereafter referred to as "Lot" shall consist of from one to eight contiguous burial space.
- C. Cemetery sexton is the person appointed by the Township Board to manage the affairs of the cemetery. The Township Board has the same authority as the cemetery sexton, hereafter referred to as the "Sexton."
- D. Child is a person 12 years or less. Infant is a person 1 year or less.
- E. Non-resident does not reside or own property in Sagola Twp. and is not a registered voter of the Township.
  - a. If a Sagola Twp. Resident is forced to leave Sagola Twp. for medical reasons, that person shall still be considered a resident.
- F. Sagola Twp. property owner.

#### **SECTION 3: SALE OF LOTS**

- A. Lots shall be sold for the purpose of the burial of the purchaser or his/her heirs at Law.
- B. All sales of lots grant a right-of-burial only and do not convey any other title to the Lot
- C. Lots may be transferred or sold by the owner at any price agreed upon. However, transfer shall become effective only by endorsement of an assignment upon the original burial form issued by the Sexton and entered upon the official record book of the Township.

#### **SECTION 4: PURCHASE PRICE**

- A. Each burial space shall cost: \$75 – Resident; \$200 – Non-Resident/Property Owner
- B. The Sexton is hereby granted the authority to determine whether purchaser is a resident, property owner, or non-resident, in order to determine appropriate price.
- C. All lots that have not been paid for within 60 days, remain the property of the Twp.
- D. The foregoing charges shall be collected by the Sexton, or by the Twp. Treasurer and shall be deposited in the cemetery fund.
- E. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

## **SECTION 5: GRAVE OPENINGS**

- A. The opening and closing of any burial space, including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.
- B. No burial spaces shall be opened and closed except under the direction and control of the Sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

## **SECTION 6: MARKERS OR MEMORIALS**

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

## **SECTION 7: INTERMENT REGULATIONS**

Only one person may be buried in a burial space except for a mother and infant or two people, both of whom are either children of infants buried at the same time. A total of three cremation burials may share a single burial space. A cremation burial may be placed on top of a previous burial.

## **SECTION 8: GROUND MAINTENANCE**

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Sexton.
- B. No shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton. Any of these items placed without approval may be removed at the discretion of the Sexton.
- C. The Township Board reserves the right to require removal or trimming of any tree, plant, or shrub located within the cemetery in the interest of maintaining proper appearance.
- D. Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
- E. The 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 by October 1.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, among other: dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery by October 1<sup>st</sup>.

## **SECTION 9: FORFEITURE OF VACANT LOTS**

If a burial space(s) has remained vacant for 40 years from the date of sale, notice shall be sent as notified by the Sexton, to the Twp. 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 the lot or lots will be forfeited if he/she does not affirmatively indicate in writing to the Twp. Clerk within 60 days from the date of mailing of the notice, a desire to retain the lot. If no written response is received by the Twp. Clerk to that notice indicating a desire to retain the lot in question by or on behalf of the last owner on record of the within 60 days from the date of mailing to the notice, the burial space(s) shall automatically revert to the Twp.

## **SECTION 10: REPURCHASE OF LOTS OR BURIAL SPACES**

The Township will repurchase any cemetery lots 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.

**SECTION 11: RECORDS**

The Sexton shall maintain a duplicate record book concerning all burials, 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 12: VAULT OR GREEN BURIALS**

Burials can be within a standard concrete vault installed in each burial space or can be installed without a concrete vault. Wooden caskets or burial shrouds may be used in lieu of concrete vaults.

**SECTION 13: CEMETERY HOURS**

- A. The cemetery shall be open to the public from daylight to dark each day.
- B. No person shall be permitted in the township cemetery at any time other than the foregoing hours, expect upon permission of the Sexton.

**SECTION 14: ORV'S PROHIBITED**

No snowmobiles or recreational vehicles are permitted in the cemetery, other than those operated by or under the direction of twp. Employees.

**SECTION 15: PENALTIES**

Any person, firm or corporation who violates any of the provision of this Ordinance shall be guilty of a misdemeanor and shall be subject of fines of up to \$500 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offence. Any criminal prosecutions shall not prevent civil proceedings for abatement and determination of the activity complained of.

**SECTION 16: SEVERABILITY**

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

**SECTION 17: EFFECTIVE DATE**

This amended Ordinance shall take effect upon publication in The Daily News. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Date Adopted: July 7, 1993**

**Date Revised: June 3, 2019**

**Roll Call Vote: Ayes: M. Kroll, T. Roell, D. Minerick, R. Rotter, J. Roell**  
**Nays: None** **MOTION CARRIED**