

## Chapter 14

### CEMETERIES

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#### ARTICLE I.

#### IN GENERAL

Secs. 14-1--14-18. Reserved.

#### ARTICLE II.

#### TOWNSHIP CEMETERY\*

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\* **State Law References:** Township cemeteries, MCL 128.1 et seq.

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#### Sec. 14-19. Location of cemetery, title and conveyance.

The township cemetery, hereinafter called the cemetery, comprises all of the lands now held in trust for public cemetery purposes by the township board, heretofore acquired and now set apart and dedicated for cemetery purposes, situated in said township and described as follows, to wit:

Part of NW 1/4 Sec 33 T10N R 15 W Lying North of Evanston Ave. The E 660 Ft. of the S 889 FT. of the W 1/2 of NW 1/4 Sec 33 T10N R 15 W Lying North of Evanston Ave., also the N 495.63 ft. of S 763.03 Ft of the W 600 Ft. of E 1/2 NW 1/4 SD Sec. Lying N of Evanston Ave, Egelston Township, Muskegon County, Michigan. (Rev. 6/15/98)

Upon and after the effective date of the ordinance from which this article is derived, the care and maintenance thereof, the sale of burial spaces in the cemetery according to the plat of the cemetery, on file with the clerk of the township, as may be from time to time hereafter amended or extended, and interment therein and the payment of expenses incident thereto, shall be governed by this article. The title in fee simple to each burial space in the cemetery heretofore conveyed, whether presently constituting an occupied lot or not, and to any burial space hereafter conveyed, remains and shall remain vested in the board as trustee, but such conveyance vests and shall vest in each purchaser full burial rights therein, subject to the regulations herein contained. A cemetery deed in form approved by the superintendent and executed by him in behalf of the board on payment of the purchase price to the treasurer, shall be issued and delivered to the purchaser or purchasers as grantees of a burial space or burial spaces, containing an accurate description thereof, and the name and address of the purchaser or purchasers thereof, and a permanent record thereof shall be kept and maintained by the superintendent in his office. The grantee or grantees therein shall thereafter be deemed the owner or owners thereof subject to the provisions of this article and any amendment or amendments thereof hereafter adopted, until such title shall be divested by conveyance, devise, inheritance, or operation of law, in the same manner as provided by law for the devolution of title to real estate, except that the evidence of any such devolution shall be filed and recorded in the office of the superintendent instead of the office of the register of deeds.  
(Compiled Ords. 1990, § 35.051)

#### **Sec. 14-20. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means the township board of Egelston Township, Muskegon County, Michigan.

*Burial* includes "interment" and also the deposit of cremated remains in a burial space.

*Burial space* means a lot or portion thereof in the cemetery designed and intended for the interment of a human body, but not in use for such purpose.

*Interment* means the burial of a noncremated body in a burial space in the township cemetery. It does not include a burial of cremation remains.

*Occupied lot* means any burial space in which a human body has been and remains therein interred.

*Owner* means any person or persons owning the privilege, license, or right of interment of a human body in any burial space in the cemetery.

*Resident* means a resident of the township. For the purpose of determining fees or prices, a person must have been a resident during some period within five years before the time when the fee or purchase price in question is due. The term "resident" includes a person whose intended bona fide place of living at the time of his death is an existing residential unit in the township, in which the person has a legal interest carrying the right of occupancy, even though the person was confined at a facility outside the township.

*Superintendent* means the supervisor of the township, member of the board, or such other suitable person residing in the township as shall be appointed by the board to act as superintendent, who shall have the

powers and duties prescribed by this article. Superintendent is defined as a person who supervises or manages and/or delegate any or all duties described herein. **Amended June 02, 2014**

*Treasurer* means the township treasurer of Egelston Township.  
(Compiled Ords. 1990, § 35.052)

**Sec. 14-21. Sale prices and fees for services.**

(a) On and after the effective date of the ordinance from which this article is derived, burial space in the cemetery shall be sold for prices set by the township board, said prices to be determined in recognition of a reasonable differential between residents and nonresidents of the township, the cemetery being in part maintained by public monies in addition to fees paid for burial spaces and the several services set forth in subsection (b). The township may require an additional fee for the burial of a nonresident in a space that has been sold for the price afforded to township residents. Prices and fees shall be determined by the township from time to time by resolution and shall reasonably reflect the costs of operation of the cemetery. All monies received for sale of burial spaces and all fees shall be deposited in the general fund of the township.

(b) The township shall provide by resolution for prices and fees for the following:

- (1) Purchase price for burial spaces for residents.
- (2) Purchase price for burial spaces for nonresidents.
- (3) Differential fee for burial spaces purchased at resident rate but used for interment of a nonresident.
- (4) Grave opening.
- (5) Grave closing.
- (6) Fees for the transfer of ownership of burial spaces.
- (7) Fees for administrative services, labor and other charges especially requested by an owner or funeral director.

(Compiled Ords. 1990, § 35.053)

**Sec. 14-22. Conduct in cemetery.**

No person shall:

- (1) Enter a cemetery except through an established gate.
- (2) Deposit rubbish or debris on cemetery grounds, except in receptacles provided.
- (3) Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.

- (4) Write upon or injure any monument, fence or structure within the cemetery.
  - (5) Consume refreshments or alcoholic beverages in the cemetery or carry same upon the premises.
  - (6) Disturb the quiet or good order by noise or improper conduct, in any manner whatsoever.
  - (7) Except as provided in section 502c of the Michigan Penal Code, permit any dog, horse or other domestic animal to enter or remain in the cemetery.
  - (8) Use any form of advertising on cemetery premises.
  - (9) Purchase any ground or lots within said cemetery for the purpose of speculation thereon.
- (Compiled Ords. 1990, § 35.054)

**Sec. 14-23. Admittance of persons under 18 to cemetery.**

No person or persons under 18 years of age shall enter the cemetery unless attended by an adult or adults responsible for their conduct or until permission to enter has been obtained at the cemetery office.

(Compiled Ords. 1990, § 35.055)

**Sec. 14-24. Financial responsibility of board for property damage.**

The board shall not be financially responsible for any damage to lots and structures, markers or objects thereon, or for flowers or articles removed from any lot or grave.

(Compiled Ords. 1990, § 35.056)

**Sec. 14-25. Supervision of workmen.**

Masons, stonecutters and all other workmen shall at all times be under the supervision of the superintendent and must carry off all rubbish and restore the avenues and paths injured by their operation as he shall direct. Any workmen failing to conform to these regulations may forthwith be excluded from the grounds, and the person employing him shall be responsible for the injuries sustained through his neglect.

(Compiled Ords. 1990, § 35.057)

**Sec. 14-26. Lot boundaries.**

All landmarks or cornerstones shall be set by the superintendent or under his supervision and shall not be altered or removed. No landmarks or cornerstones indicating boundaries of lots shall be set above the surface of the ground.

(Compiled Ords. 1990, § 35.058)

**Sec. 14-27. Grades established.**

The superintendent shall establish the grade of all lots, lawns and avenues, and shall have general supervision of improvements within the cemetery upon all lots, before and after interments are made therein,

and no lot shall be filled or raised above the established grade. He shall have charge of planting trees, shrubs, sodding, surveying and of improvements generally.  
(Compiled Ords. 1990, § 35.059)

**Sec. 14-28. Traffic regulations.**

(a) The speed of cars and other vehicles driven in the cemetery shall not be in excess of 15 miles per hour.

(b) No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction, or turn around, or attempt to turn around on any of the roads, alleys or avenues, or drive upon or across any lot, or ornamental ground, or through any alley within said cemetery. Nor shall any person in charge of a vehicle whatsoever, enter or leave said cemetery except by gates established for that purpose. No person shall ride a bicycle in said cemetery faster than ten miles per hour, or ride the same at all except upon the roads and avenues where ordinary vehicles are allowed to travel.

(Compiled Ords. 1990, § 35.061)

**Sec. 14-29. Parking restrictions.**

No vehicles shall be parked or permitted to stand as to infringe upon any lots or graves, nor to obstruct free passage along any roads or drives within the cemeteries.

(Compiled Ords. 1990, § 35.062)

**Sec. 14-30. Cemetery hours.**

The open hours of the cemetery are now from sunrise to sunset.

(Compiled Ords. 1990, § 35.063)

**Sec. 14-31. Decoration of lots.**

Lot decorations shall be deemed to include all structures, ornaments, plantings, or other embellishments, with the exception of monuments and markers or mausoleums, which are placed on cemetery lots with the intention of improving their appearance. Lot decorations are subject to the following restrictions:

- (1) Copings, fences, curbs, benches, steps, structures of wood or other equally perishable material are prohibited, except one four foot long bench clearly marked with the owners name, per burial space or one five foot long bench for purchasers of multiple, contiguous burial sites if not anchored, and to allow wooden religious symbols such as crosses, Star of David and similar symbols with a height limitation of six feet from the ground surface and positioned flush with the monument or marker. These structures or enclosures established on any lot previous to the adoption of these regulations that have in the judgment of the board, become unsightly by reason of neglect or age shall be removed. **Amended June 02, 2014**
- (2) No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the superintendent.

- (3) Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn. The use of glass jars or bottles as receptacles for cut flowers is prohibited.
  - (4) Winter decorations may be maintained on graves until March 1. If such decorations are not removed by March 1, they shall be considered abandoned and may be disposed of by the superintendent.
  - (5) Urns shall be permitted only if properly installed on either side of the monument or marker and maintained. **Amended June 02, 2014**
  - (6) Arches for hanging baskets and urns are permitted only when they are in use and they must not be anchored.
  - (7) Toys or other unsightly objects will not be permitted as grave decorations and when used, they will be removed without notice. No toys shall be placed on crosses.
  - (8) Plantings shall be permitted only within the confines of hanging baskets or urns. **Amended June 02, 2014**
  - (9) The planting of hedges is prohibited. Existing hedges will be removed whenever they become unsightly or encroach upon an adjoining lot or path.
  - (10) The superintendent will remove all flowers, trees and shrubs that have become unsightly or dangerous.
  - (11) No deciduous tree or conifer shall be removed or pruned except under the direction and with the consent of the superintendent.
  - (12) One flag holder will be permitted for the grave of each veteran who is interred in the cemetery.
  - (13) In areas designated for cremated remains only, one flat marker will be allowed, no other decoration of any kind will be allowed. **Amended 6/02/2014**
- (Compiled Ords. 1990, § 35.064)

#### **Sec. 14-32. Funerals and interments.**

(a) No interment shall take place without a burial permit, nor until the person making arrangements for the interment has complied with all laws, ordinances and rules and regulations relative to burials. Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or his agent.

(b) Charges shall be paid to the superintendent for such burial permit, which shall include charges for opening, closing and all interment expenses in accordance with the schedule of fees for residents and nonresidents of the township determined by resolution of the township board. All monies received shall be deposited in the general fund of the township.

(c) Only one interment in any one grave shall be permitted, except in the case of mother and infant, or two children buried at the same time. The superintendent shall not be held responsible for errors in location of graves in burial spaces arising from improper instructions of lot owners or funeral directors. Orders from funeral directors shall be construed as orders from owners.

(d) Cremation remains may only be buried in a burial space in the cemetery, and at no other place, and may be buried only as follows:

- (1) Cremation remains must be contained in a waterproof and watertight container approved by the superintendent.
- (2) Cremation remains shall not be buried in the same burial space with a burial vault or casket.
- (3) The cremation remains of a total of two persons may be buried in one burial space.
- (4) Burial of cremation remains shall be accomplished only at the direction of the superintendent by township personnel, and the superintendent shall maintain records of the location of all buried cremation remains.
- (5) Charges for the burial of cremation remains shall be established as by resolution of the township board.

(e) Under no circumstances shall the superintendent assume responsibility for errors in opening graves when orders are given by telephone. No graves shall be opened except by workmen employed by the superintendent. Funeral directors are to arrange the times of funerals so that cemetery workmen can complete interment by 5:00 p.m. In case this cannot be done, a reasonable additional charge shall be paid to the superintendent for all overtime worked by cemetery employees.

(f) No burial of a noncremated body shall take place without a vault and a casket or appropriate container.

(Compiled Ords. 1990, § 35.065)

### **Sec. 14-33. Monuments and markers.**

Monuments and markers placed by owners in the cemetery shall be placed upon such foundations and in such locations as shall be approved by the superintendent to conform with permanence and uniformity. Only one headstone shall be allowed per grave, which shall be placed at the head of the grave, except in areas next to the road curb. On veterans' graves with a headstone, service plaques shall be mounted on the back of the stone at the owner's expense.

(Compiled Ords. 1990, § 35.066)

### **Sec. 14-34. Unused burial spaces.**

(a) The township may purchase, in its sole discretion, unused burial spaces from their owners for such price as the township may determine, not to exceed, however the original purchase price. In determining what price to pay for such repurchase, the township may take into consideration the length of time the burial

space was available for the use of the owner, the proximity of family plots or usages, location of the cemetery, or any other factor which reasonably would affect the township's ability to resell the burial space. No interest or premium shall be paid by the township beyond the original purchase price actually received.

(b) In the event any burial space or spaces shall remain unused for a period of 30 years from the time of sale, all rights of ownership in the burial space shall revert to the township, provided that written notice to the owner thereof at his last known address shall be given, and the township shall offer in said written notice to repurchase the burial space as set forth above. In the event the owner of the burial space cannot be located after reasonable investigation, the township may by resolution declare the burial space reverted and available for sale.

(Compiled Ords. 1990, § 35.067)