

**OTSEGO LAKE TOWNSHIP  
OTSEGO COUNTY, MICHIGAN  
TOWNSHIP ORDINANCE NO. 96-1  
OTSEGO LAKE TOWNSHIP CEMETERY ORDINANCE  
As Amended February 2019**

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 Otsego Lake, Otsego County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

**SECTION 1. TITLE**

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

**SECTION 2. DEFINITIONS**

- A. A "burial space" is an area of land designated for interments on the cemetery map.
- B. A "burial right" is a right to be interred in a burial space located at the Township Cemetery.
- C. The "old section" is the original Otsego Lake Township Cemetery that was established in 1875.
- D. The "new section" is the new addition to the Otsego Lake Township Cemetery that was established in 1972.
- E. A "cemetery lot" is an area of land designated on the cemetery map that contains one or more burial spaces. A cemetery lot in the old section is 16' X 16' containing 8 burial spaces of 4' X 8' and surrounded by a 30" walk way. A cemetery lot in the new section is 8' X 20' and contains 4 burial spaces of 4' X 10'.
- F. The "cemetery map" is a map of burial spaces and cemetery lots in the Township Cemetery that has been approved by the Township Board.
- G. "Township" means Otsego Lake Township, Otsego County, Michigan.
- H. "Township Board" means the board of trustees for the Township.
- I. "Township Clerk" means the clerk for the Township.
- J. "Township representative" means the person who is designated by the Otsego Lake Township Board to perform the noted function.
- K. "Township Cemetery" or "cemetery" means any cemetery owned, operated or controlled by the Township.

L. "Monument" shall mean all markers, monuments, and similar memorials placed on a burial space.

M. "Burial Permit" is issued by the funeral home and presented to the township.

### **SECTION 3. SALE OF BURIAL SPACES**

A. Burial spaces shall be sold to Otsego Lake Township residents and non-residents for the purchaser or his or her heirs.

B. No sale of burial spaces shall be made to funeral directors.

C. All such sales shall be confirmed on a Cemetery Lot Certificate, which grants a burial right only and does not convey any other title to the burial space sold. Such form shall be executed by the Township Clerk.

D. The holder of a burial right may transfer the right only as set forth in this subsection. The holder must submit to the Township Clerk a written endorsement or assignment on the originally issued Cemetery Lot Certificate. The Township Clerk, having verified that the assignment complies with this ordinance, shall enter the assignment upon the official records. Upon such assignment, approval and record, the Township Clerk shall issue a new Cemetery Lot Certificate to the assignee and shall cancel and terminate the original Cemetery Lot Certificate..

### **SECTION 4. PURCHASE PRICE AND TRANSFER FEES**

A. The Township Board shall set the price of each burial space, by resolution.

B. The Township Board shall set all fees for the transfer of any one burial space from the original or subsequent holder of a burial right to a qualified assignee.

C. The foregoing charges and fees shall be set by the Township Board and paid to the Township Treasurer and shall be deposited in the Township's general fund.

D. The Township Board, by resolution may periodically revise fees and charges to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

### **SECTION 5. GRAVE OPENING CHARGES**

A. The Township Board shall set the cost of opening and closing the burial space, both prior to and following a burial, including the interment of ashes.

- B. No burial spaces shall be opened or closed except under the direction and control of the Township representative. The Township Board shall set a locating/marketing fee for the opening or closing of burial spaces. 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. MONEY RECEIVED**

All money received from all sections of this ordinance shall be paid to Otsego Lake Township and deposited by the Treasurer in the Township General Fund.

## **SECTION 7. MONUMENTS**

- A. All monuments must be made of granite, marble, or cast from bronze or other suitable materials that are approved by the Township Representative. The monument must be mounted or fixed upon a suitable foundation to hold the monument erect. The Township Board shall set the fee for the monument foundation.
- B. Only one above ground monument shall be permitted on each burial space, not to exceed thirty (30) inches in height from the foundation, and be of a design that would make it stable and not likely to topple over, spin, or move in any way, or be illuminated.
- C. A double monument shall be: (i) no taller than 30 inches from the foundation; (ii) have a width of no more than eight inches; (iii) have an inscription surface of no more than 48 inches long; (iv) and shall be centered on the double burial spaces.
- D. An in-ground monument shall not have dimensions exceeding 36 inches by 48 inches, and must leave 6 inches of open ground on each side of the monument for maintenance access. Only one in-ground monument is allowed per burial space. An additional in-ground veteran monument may be placed on a burial space. All in-ground monuments must be mounted on a base with the monument top flush with the ground.
- E. The owner is responsible for all monument repairs. If the Township makes repairs, they will charge the owner. Any person who fails to pay maintenance costs within 30 days of invoicing is in violation of this ordinance.

## **SECTION 8. INTERMENT REGULATIONS**

- A. Only one full body interment in any one burial space shall be permitted, except two containers of cremated remains may be buried above one full body interment, with prior approval by the Township.
- B. No individual shall hold an interment or funeral service without first providing notice to the Township at least 36 hours prior to allow for proper burial space location and preparation.

- C. Winter interments, disinterments, or other interments delayed due to ground or weather conditions shall incur winter storage fees which shall be the responsibility of the funeral home arranging the interment, disinterment or delayed interment with written family consent. Any storage under this subsection is temporary, and shall not be deemed an interment.
- D. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried, shall be presented to the Township Clerk prior to interment. The Township Clerk will require a valid burial transit permit issued by a state health department. Where such permit has been lost or destroyed, other reasonable proof that the deceased person to be interred in the burial space is the appropriate person for that space may be accepted by the Township Clerk, when presented prior to any interment commencing.
- E. Cremains may only be buried in a burial space if placed in a container approved by the Township Representative. Cremains may also be placed in a columbarium that has been installed by the Township in the Township Cemetery. No cremains shall be scattered or disbursed within the Township Cemetery.

## **SECTION 9. GROUND MAINTENANCE**

- A. No grading, leveling, or excavating upon a burial space shall be allowed without written permission of the Township Representative.
- B. No trees, shrubs, vines or perennial plants shall be placed on any lot, except by written approval of the Township Representative.
- C. The Township Representative shall direct the removal of flowers, decorations, emblems and personal items that interfere with cemetery maintenance or that are not kept in line with the main monument on the burial space. Items in violation of this subsection will be deemed abandoned and will be discarded at the Township's direction. Artificial flowers and similar arrangements are permitted to be on graves from May first through October first each year, after which time the Township Representative may arrange for their removal and disposal without notice. Items that the Township Representative deems to be in disrepair, shredded or unsightly will be removed and discarded without notice.
- D. The Township may cause the removal or trimming of any tree(s), plant(s), shrub(s) or decorative item(s) located within the Otsego Lake Township Cemetery in the interest of proper grounds maintenance and use of the cemetery.
- E. Burial space surfaces other than earth or sod are prohibited.

## **SECTION 10. FORFEITURE OF VACANT BURIAL SPACE**

- A. A burial space that remaining vacant for forty (40) years from the date of the original sale shall automatically revert to the Township following the procedure set forth below:

1. The Township will send a notice by first class mail to the owner at their last known address of record, informing the owner that:
  - a. The forty (40) year period has expired; and
  - b. All rights with respect to the burial space will be forfeited unless, within 60 days of mailing this notice, the Township Clerk receives a written response affirmatively stating the owner's desire, or the owner's heirs or representative's desire, to retain the burial space.
2. If the Township Clerk does not receive a written response that complies with the above subsection, the burial space shall revert back to the Township and may be offered for resale clear of any claim of the prior owner.

### **SECTION 11. REPURCHASE OF BURIAL SPACES**

- A. The Township will re-purchase any burial space from the owner for the original purchase price paid the Township, upon written request of the owner or the owner's heirs or representative. If no price can be verified, the repurchase price shall be set by the Township Board.

### **SECTION 12. RECORDS**

- A. The Township Clerk shall maintain all cemetery records separate and apart from any other records of the Township and the same shall be open to public inspection during posted business hours or by appointment. The Township Clerk shall further maintain a cemetery map, approved by the Township Board, that indicates the location of cemetery lots and burial spaces.
- B. The owner or the owner's family must keep a current address with the Township for communication purposes.

### **SECTION 13. VAULT**

All burials shall be with a standard concrete vault installed or constructed in each burial space before interment.

### **SECTION 14. CEMETERY HOURS**

The cemetery shall be open from the hours of sunrise until one half hour after sunset.

### **SECTION 15. PENALTIES**

- A. Any person who violates this ordinance is responsible for a municipal civil infraction. Any person who knowingly or intentionally aids or abets another person in violating this ordinance shall also be in violation of this ordinance and shall be responsible for a civil infraction. This civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense, and not less than two hundred dollars (\$200.00) for each subsequent offense, in addition to all other costs, damages, expenses and remedies provided by law. Each day any violation continues shall be deemed a separate offense.

- B. A violation of any permit or permit condition issued pursuant to this ordinance shall also constitute a violation of this ordinance.

## **SECTION 16. SEVERABILITY**

The provisions of this 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 in full force and effect.

## **SECTION 17. EFFECTIVE DATE**

This ordinance shall take effect on March 1, 2019. All previous ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was given publication in the Gaylord Herald Times on the following date: March 15, 2019.

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Margaret Black  
Otsego Lake Township Clerk

Adopted February 21, 2019

Effective: March 1, 2019

Otsego Lake Township Board:  
Tomas Wagar, Supervisor  
Margaret Black, Clerk  
Jerry Brown, Treasurer  
Mary Brown, Trustee  
Gary Johnson, Trustee