

**OTSEGO LAKE TOWNSHIP  
OTSEGO COUNTY, MICHIGAN  
TOWNSHIP ORDINANCE NO. 96-1  
OTSEGO LAKE TOWNSHIP CEMETERY ORDINANCE  
AS AMENDED ON JANUARY 20, 2011**

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 OF CEMETERY LOTS AND BURIAL SPACES**

A. A cemetery lot shall consist of a land area four (4) feet wide and ten (10) feet in length.

**SECTION 3. SALE OF LOTS OR BURIAL SPACES**

A. Cemetery lots shall be sold to Otsego Lake Township residents and non-residents for the purchaser or his or her heirs. Residents of Otsego Lake Township shall be defined as residents or taxpayers of the township.

B. No sale of burial rights or cemetery lots shall be made to funeral directors.

C. All such sales shall be made on a form approved by the township board, which grants a right of burial only and does not convey any other title to the burial space sold. Such form shall be executed by the township clerk.

D. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots within the township and may be effected only by written endorsement of or assignment of such burial permit upon the original permit form issued and approved by the Township Clerk, and entered upon the official records. Upon such assignment, approval and record, 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. PURCHASE PRICE AND TRANSFER FEES**

A. The price of each adult burial space shall be set by the Township.

B. A fee shall be set by the Township Board, by resolution for the transfer of any one burial space from an original purchaser to a qualified assignee or a subsequent assignee or future assignee.

C. The foregoing charges and fees shall be paid to the township clerk and shall be deposited in the township general fund.

D. The Otsego Lake 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 OPENINGS CHARGES**

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 by the funeral home handling the burial.

B. No burial spaces shall be opened and closed except under the direction and control of the township clerk, for a fee set by resolution by the Township Board. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

## **SECTION 6. MARKERS OR MEMORIALS**

A. All markers or memorials must be made of granite, marble, or cast from bronze or suitable materials approved by the Township Clerk.

B. Any monuments must be located upon a suitable foundation to maintain the stone in an erect position. Any monument, marker or memorial that is placed shall be constructed by a reputable monument company.

C. Only one monument, marker or memorial shall be permitted per burial space.

## **SECTION 7. INTERMENT REGULATIONS**

A. Only one interment in any one grave shall be permitted, except that two containers of cremated remains may be buried above another grave with the approval of the Township Clerk.

B. Not less than 36 hours notice shall be given to the Township Clerk in advance of the time of any interment to allow for the proper marking of the burial space involved.

C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Township Clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is eligible pursuant to this ordinance to be interred in the Township Cemetery before any interment is commenced or completed.

D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

## **SECTION 8. GROUND MAINTENANCE**

A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Township Clerk.

B. Flowers, decorations, emblems and other personal items will be removed from graves if such items become unsightly or interfere with cemetery maintenance. The Township Clerk reserves the right to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind whether real or artificial from the cemetery as soon as, in the judgment of the Township Clerk they become unsightly, dangerous, detrimental, or diseased, or whenever they don't conform to the decorum of the cemetery.

C. No trees, shrubs or vines shall be placed upon any lot except by approval of the Township Board.

D. The Township Board or its designee reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

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

F. Surfaces other than earth or sod are prohibited.

G. Any artificial flowers, wreaths, papers, flower containers or other artificial decorations shall be permitted only between May 1<sup>st</sup> and October 1<sup>st</sup> of each year. Any such items that are placed or remain in violation of this provision shall be considered abandoned and may be removed and disposed of at the direction of the Township Clerk.

## **SECTION 9. FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES**

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

A. 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 or 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 or she does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his or her desire to retain said burial rights.

B. When no written response to said notice indicating a desire to retain cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

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

Otsego Lake Township will repurchase any cemetery lot 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. If no price can be verified, the repurchase price shall be set by the Township Board by Resolution.

## **SECTION 11. RECORDS**

The Township Clerk shall maintain records concerning all burials and issuance of burial permits 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.

## **SECTION 12. VAULT**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment in accordance to the laws of the state.

### **SECTION 13. CEMETERY HOURS**

The cemetery shall be open from the hours of 7:00 a.m. until one half hour after sunset.

### **SECTION 14. PENALTIES**

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 23 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than One Hundred and 00/100 (\$100.00) Dollars. Each day this ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

### **SECTION 15. SEVERABILITY**

The provisions of the within 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 16. EFFECTIVE DATE**

This ordinance shall take effect on February 16, 2011. All 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: February 16, 2011

Lorraine Markovich  
Otsego Lake Township Clerk  
Adopted January 20, 2011  
Effective: February 16, 2011

Otsego Lake Township Board  
Thomas Wagar, Supervisor  
Lorraine Markovich, Clerk  
Christie Jacobs, Treasurer  
Mary Brown, Trustee  
Timothy Baker, Trustee