

Lee Township Police Ordinance

ORDINANCE NO 50-99

An ordinance to protect the health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Lee, Midland 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 LEE, COUNTY OF MIDLAND, MICHIGAN ORDAINS:

Section 1: Title

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

Section 2: Definitions of cemetery lots and burial spaces

A cemetery lot shall consist of five burial spaces.

A. An adult burial space shall consist of a land area (4) feet wide and (8) feet in length.

Section 3: Sale of lots or burial spaces

A. Hereafter, cemetery lots or burial spaces shall be sold only to residents of taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sales shall be made to funeral directors or others than as heretofore set forth. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.

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

C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form 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 burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. If one family member sells to another family member the buyer must pay the difference in cost from original price to price at time of sale to the township.

Section 4: Purchase price and transfer fees

A. Each burial space cost shall be set by the Township Board and included in the General Appropriations Act. Available only to Lee residents as fore mentioned

B. The foregoing charges shall be paid to the township treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.

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B. No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.

C. The township board reserves the right to remove or trim any tree, plant, or shrubs, located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

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

E. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

F. Surfaces other than earth or sod are prohibited.

G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

Section 9: Forfeiture of vacant cemetery lots or burial spaces

Cemetery lots or burial spaces sold after the effective date of the 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 of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

B. No written response to said notice indicating a desire to retain the 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

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 township clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, 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

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

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Section 13: Cemetery hours

- A. The cemetery shall be open to the general public from the hours of Dawn to Dusk each day.
- B. No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.

Section 14: Penalties

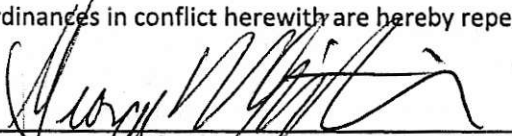
Any person or other entity that violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

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 judicial, such decision shall only affect the particular provision, section or part thereof 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 effective thirty (30) days after publication thereof. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


George Whittington, Supervisor


Ron Rippee, Clerk

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C. 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 opening 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 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 cemetery 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

A. All markers or memorials from hereafter must be of stone or other equally durable composition

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

C. One additional monument or memorial and/or Military marker shall be permitted per burial space.

D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township or agent at cost to the owner of the burial right.

Section 7: Interment regulations

A. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time. Two cremated interments may be permitted within same burial place.

B. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

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 either the cemetery sexton or 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 authorized and appropriate one before any interment is commenced or completed.

D. All graves shall be maintained 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 burial space be allowed without the permission of the cemetery sexton or the township clerk.