HUMBOLDT TOWNSHIP - CEMETERY ORDINANCE 2021-02

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF A CEMETERY OWNED BY THE TOWNSHIP OF HUMBOLDT, MARQUETTE COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT.

THE TOWNSHIP OF HUMBOLDT, COUNTY OF MARQUETTE, MICHIGAN ORDAINS:

SECTION 1: TITLE

This Ordinance shall be known and cited as the Humboldt Township Cemetery Ordinance 2021-02

SECTION 2: DEFINITIONS

2.1 Adult burial: A rectangular land area four (4') feet wide, ten (10') feet in length, and four (4') deep.

2.2 Burial site: After the effective date of this ordinance, all burial sites shall be sold as single adult burial lots only. Lots sufficient to accommodate up to four (4) burial spaces. (Refer to the Township Cemetery Map).

2.3 Cemetery: A burial park for earth interments.

2.4 Cemetery Management: The person or persons duly appointed by the Humboldt Township Board for the purpose of conducting and administering the cemetery operations and caring for its grounds.

2.5 Cemetery Office: The main office maintained at the Humboldt Township Hall.

2.6 Certificate of Ownership: The original conveyance given by the cemetery management to the original purchaser.

2.7 Interment: The permanent disposition of the remains of a deceased person by cremation and internment, or burial.

2.8 Marker: A memorial object placed flush with the ground, located at the head end of the lot. All grave markers shall be placed in the same location on all lots.

2.9 Memorial: A monument, marker, tablet, or headstone for family or individual use.

2.10 Monument: A tombstone or memorial object made of granite, marble or bronze, which shall extend above the surface of the ground.

2.11 Resident: Shall mean a person residing in Humboldt Township who is paying Ad Valorem Taxes on real property.

2.12 Site Marker: Any means used by the cemetery management to locate the corners of the burial sites.

2.13 Township Cemetery Map: Refers to exhibit and is made an Integral part of this ordinance.

SECTION 3: SALE OF BURIAL SITES and LOTS

3.1 Cemetery burial sites and lots shall be sold only to residents 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 Board, however, is hereby granted authority to vary the aforesaid restriction on sales where the prospective purchaser discloses sufficient reason for burial within the Township through previous residency within the Township or relationship to persons interred therein.

3.2 Sales shall be made on a form approved by the Township Board. The name (names) for which the burial lot is being purchased shall be included in the application. When executed, the purchase agreement grants a right to burial only, and it does not convey any other title to the burial site or lot sold to him/her. Such forms shall be executed by the Township Clerk.

3.3 The Township will repurchase any burial site or lot from the owner for the original price paid to the Township upon written request of said owner or his legal heirs or representatives. In the event that one or more burial lots within a burial site have been used, the repurchase price will be proportional to the unused portion of the burial site remaining.

SECTION 4: TRANSFER AND ASSIGNMENT BURIAL SITES and LOTS

4.1 Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery sites an assignment of the original burial permit upon the original form issued by the Township Clerk, approved by said Clerk, and entered upon the official Township cemetery records. Upon such assignment, approval, and recording, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

4.2 If any indebtedness is due the Township of Humboldt from the owner of any such burial site or lot at the time of such a transfer and assignment request, such indebtedness shall first be paid in full to the Township of Humboldt.

SECTION 5: FEE SCHEDULE, CHARGES AND RECEIPT FOR SERVICES

5.1 The Township Board shall set the fee for each burial site and lot for residents, and those non-residents permitted burial by waiver of the Township Board. Such fees shall be reviewed by the Township Board from time to time, and posted with the Township Clerk, be available for review at the Township Hall and shall be adjusted as economic conditions warrant. Such fees shall be listed in Appendix A of this Ordinance.

5.2 All charges for interment or other services in connection therewith, shall be paid to the Humboldt Township Treasurer, who will issue a receipt referencing to the name of the person whose remains are to be interred.

SECTION 6: HOURS OF OPERATION

6.1 The cemetery shall be open from sunrise until sunset each day and no person shall be permitted within the cemetery grounds after these hours, except by special permission of the Cemetery Management.

SECTION 7: CONDUCT WITHIN THE CEMETERY

7.1 No person shall enter or exit the cemetery except through the entrance gate.

7.2 Pedestrians within the cemetery shall walk only on the roads and walkways between the cemetery sites and lots and no one is permitted to walk upon or across graves, unless it is necessary to do so in order to gain access to one's own burial lot or to the burial lot of another to whom one wishes to pay respect. The Township expressly disclaims liability for any injuries incurred upon anyone violating this rule.

7.3 Persons visiting the cemetery are prohibited from picking flowers, wild or cultivated, breaking any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fence or other structure within the cemetery grounds.

7.4 Recreational activities are forbidden within the cemetery grounds.

7.5 Loud or boisterous talking, yelling, whistling or the blowing of horns is prohibited within the cemetery grounds.

7.6 Littering within the cemetery grounds is prohibited.

7.7 The consumption of alcoholic beverages on cemetery grounds is prohibited.

7.8 Domestic pets, farm animals and horses are not permitted within the cemetery.

7.9 Soliciting or peddling of any commodity within the cemetery grounds is prohibited.

7.10 Firearms, bows and arrows or other weapons are not permitted within the cemetery grounds, except those as otherwise may be authorized, military or other organizations may carry arms for the purpose of firing a salute over the grave during the burial ceremony or other remembrance events.

SECTION 8: VEHICLE OPERATION and SNOW HANDLING

8.1 All traffic laws of the State of Michigan that are applicable to the operation of vehicles shall be strictly observed in the cemetery.

8.2 A person driving in the cemetery shall be held liable and responsible for any injury or damage done by the vehicle in the driver's charge.

8.3 No person shall drive off the established roads unless permission to do so is given by the Township Supervisor.

8.4 The use of a snowmobile or ORV within the cemetery grounds is prohibited except as a basic means of transportation upon cemetery roads only (and as weather conditions may permit) to visit a burial site or lot.

8.5 Driving any motor vehicle across or upon any grave, burial site or lot is prohibited.

8.6 The vehicle speed limit of 5 miles per hour is hereby set and enforced.

8.7 The access road(s) during winter may not normally be plowed of snow. Upon request for a funeral or similar service, the Township may arrange for the access road(s) to be plowed of snow and for the burial site snow to be removed, provided the requesting party has paid in advance for this service. Snow plowing and/or removal may not be practical in all cases.

SECTION 9: INTERMENT REGULATIONS

9.1 No interment shall take place without a burial permit issued by the Township Clerk and approval of the Humboldt Township Cemetery Management. The burial permit, together with appropriate identification of the person's remains to be buried must be presented to the Township Cemetery Management upon arrival at the cemetery.

9.2 No grave shall be opened unless the grave lot has been paid in full, with the exception of indigent cases as determined by the Humboldt Township Board, or unless the undertaker assumes the responsibility for such grave lot. Undertaker making arrangements for burials shall be responsible for all interment if not paid for by the owner or their agent.

9.3 Only Humboldt Township employees, or contractors specifically authorized by the Township Board shall be permitted to open graves, as provided for in Section 9.9.

9.4 Burial site or lot owners shall not allow interments in their lots in return for remuneration of any kind.

9.5 No interment of two or more bodies shall be made in one grave except in the case of a parent and child or two infants buried in one casket. A maximum of three (3) cremation burials on top of the vault shall be allowed on each individual lot.

9.6 No cremains are to be scattered on cemetery grounds.

9.7 In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, it is required that all burials, except in the case of inurnment of cremation remains, must be made with outside containers (vaults) made of natural stone, metal or standard vault quality concrete.

9.8 Humboldt Township shall not be held responsible for errors in the location of graves in burial sites arising from improper instructions of burial site or lot owners. An order from an undertaker shall be construed as an order from a site owner. Under no circumstances shall the Township assume responsibility for errors in opening graves when orders are given by telephone.

9.9 Disinterment.

a. Only when the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Township, shall Township employees or authorized contractors perform such disinterment.

b. Outside agents not employed or affiliated with the Township may open a grave, only when the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Township Clerk his signed authorization to release the body to himself and his lawful agents. In such case the disinterment must be made by the coroner or his lawful agents. Cemetery employees will not be permitted to assist the coroner or his agents.

c. If the Township performs the disinterment, the Township shall exercise due care in making a disinterment and/or removal, but it shall assume no liability for any damage to any casket or burial case, incurred in making the disinterment and/or removal.

SECTION 10: GROUNDS MAINTENANCE

10.1 No grading, leveling, or excavating upon a burial site shall be allowed without the permission of the Township Supervisor.

10.2 The Township of Humboldt reserves to itself the sole right to plant and maintain all permanent plantings within the cemetery, and therefore also reserves the right to remove, trim or replace any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

10.3 Burial site and lot owners desiring special permanent planting(s) on their burial sites or lots shall make their request to the Township Supervisor, who may arrange for such planting(s) to be done at the burial site or lot owner's expense. Such planting(s) shall immediately become the property and maintenance responsibility (per subsection 10.2) of the cemetery.

10.4 Landscape materials (i.e. bark, mulch, chipped rubber and stone) other than natural earth or sod are prohibited.

10.5 Creating a grave site mound, which may hinder the free use of a lawn mower or other cemetery gardening equipment, is prohibited.

10.6 Cemetery Upkeep. The Township shall have the right, authority and responsibility for the presentable appearance and upkeep of the cemetery. To this end, the Township may remove and dispose of any plant materials that have died, become overgrown or have otherwise become unsightly. Likewise, the Township shall remove and dispose of all litter, rubbish and refuse. Finally, the Township may remove and dispose of emblems, floral designs, displays or containers, or wreaths whether real or artificial as soon as they become unsightly, damaged, dangerous, detrimental, deceased, a source of litter, or a maintenance problem.

10.7 Mixed decorations, grave blankets and pillows incorporating both natural and manmade materials, are prohibited and will be removed. Only decorations, grave blankets and pillows that are either 100% natural or 100% artificial are permitted.

SECTION 11: FORFEITURE OF VACANT CEMETERY BURIAL SITES OR LOTS

11.1 Cemetery burial sites and lots sold after the effective date of this Ordinance and remaining vacant for twenty (20) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

a. Notice shall have been sent by the Township Clerk by first class mail to the last known address of the last owner of record informing them of the expiration of the twenty (20) year period and that all rights with respect to

said burial site(s) or lot(s) will be forfeited if they do not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the said notice, the desire to retain said burial rights, AND

b. No written response to said notice indicating a desire to retain the cemetery burial site(s) or lot(s) in question is received by the Township Clerk from the last owner of record of said burial site(s) or lot(s) or from their heirs or legal representative within sixty (60) days from the date of mailing said notice.

SECTION 12: RECORDS

12.1 The Township Clerk shall maintain records concerning all burials and burial permits separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable hours.

SECTION 13: CORRECTION OF ERRORS

13.1 The Humboldt Township Board, reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment or removals, or the description, transfer or conveyance of any interment property either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as is possible, or as may be selected by the cemetery management, or in the sole discretion of the cemetery management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Township Board reserves, and shall have the right, to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

SECTION 14: EXCEPTIONS

14.1 None of these regulations are intended to violate any burial customs of any religious organization, and where any contradictions exist, exceptions to these rules may be permitted by the Township Board if they are not in violation of any other regulations or laws.

SECTION 15: PENALTIES

15.1 Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to $200.00 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 offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION 16: AMENDMENTS

16.1 This Ordinance shall be subject to amendment by the Township Board at any time hereafter in the manner provided by law and said amendment shall become effective upon thirty (30) days following the publication of the amendment thereof.

SECTION 17: SEVERABILITY

17.1 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 18: REPEAL CLAUSE

18.1 Humboldt Township Cemetery Ordinance No. 9601 and all Township cemetery ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 19: EFFECTIVE DATE

19.1 This ordinance supersedes any and all rules and regulations previously implied and/or published. This ordinance shall be published in a newspaper and circulated within the Township of Humboldt within Thirty (30) days following the adoption thereof. This ordinance shall become effective thirty (30) days after it is published herein.

HUMBOLDT TOWNSHIP

Jeffrey P. Ogea
Supervisor

Clerk

8-9-2021
Date of Adoption

RESOLUTION ADOPTING CEMETERY ORDINANCE 2021-02

Motion made by Sarah Etelamaki

Seconded by Chris Grund
that the Township Board of Humboldt Township, Marquette County, Michigan adopts the Humboldt Cemetery Ordinance 2021-02 for Humboldt Township.

Approved by the Humboldt Township Board of Humboldt Township, Michigan on the 9th day of August, 2021.

Roll Call Vote:

	Aye	Nay	Abstain	Absent
Pete Koski	X	___	_____	_____
Chris Grund	X	___	_____	_____
Jeff Ogea	X	___	_____	_____
Sarah Etelamaki	X	___	_____	_____
Betty Grund	X	___	_____	_____

I, Sarah Etelamaki, Clerk of the Township of Humboldt, do hereby certify that this ordinance was published in the Mining Journal on August 27th, 2021.

Sarah Etelamaki, Township Clerk

Revised: August 3, 2021