

Ordinance Number 02-1

Amended: October 5, 2009, March 14, 2016, April 4, 2016, May 1, 2017

Coldwater Township Cemetery Ordinance

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation to the operation, control and management of cemeteries owned by the Township of Coldwater, Branch County, Michigan; to provide penalties of said Ordinance, and to repeal al ordinances or parts of ordinances in conflict therewith.

Section 1: Title;

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

Section 2: Definition of Cemetery Lots and Burial Space;

A. Cemetery lots shall consist of the following burial spaces:

- Mason Cemetery – the old section has (6)
- Mason Cemetery – the new section has (4)
- Hurley Cemetery-CLOSED FOR BURIALS

B. Burial spaces shall consist of the following land areas:

- Mason Cemetery – old section 4' x 12' grave size (12' x 24' lot size)
- Mason Cemetery – new section 4' x 10' grave size (16'x10' lot size)
- Hurley Cemetery-CLOSED FOR BURIALS

Section 3: Sale of Lot or Burial Spaces;

- A. No sale shall be made to funeral directors. The township board has the authority to vary the aforesaid restriction on sales.
- B. A cemetery lot may be sold in its entirety or each burial space may be sold individually.
- C. All such sales shall be made in the form of a burial deed, which grants a right of burial only and does not convey any other title to the lot or burial space sold. The Township Clerk shall execute such burial deed.
- D. A burial deed may be transferred only after contacting the Township Sexton and or Clerk to document the transfer of the burial space. The original burial deed shall be endorsed by the original purchaser and surrendered to the Township Clerk for assignment to the assignee. Upon such assignment, approval and record, said clerk shall issue a new burial deed to the assignee and shall cancel and terminate upon such records, the original deed.

Section 4: Purchase Price and Transfer Fees;

- A. Each burial space shall cost \$200.00 for residents and \$400.00 for non-residents.
- B. Weekend and holiday burial rates are an additional \$200.00 per burial.
- C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$25.00 per burial space.
- D. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the general fund.
- E. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Township Resident Rates for Niches in Columbarium

ROW #1 (TOP) \$750.00
ROW #2 \$700.00
ROW #3 \$650.00
ROW #4 (Bottom) \$600.00

Non-Resident Rate per Niche is \$200 More Than a Resident

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

Section 6: Markers or Memorials;

- A. All markers or memorials 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. Only one monument, marker or memorial 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 Sexton at cost to the owner of the burial right.

Section 7: Interment Regulations;

- A. Only human remains may be interred in Township Cemeteries.
- B. Only one person may be buried in any burial space, except:
 - A mother and infant or;
 - Two children buried at the same time or;
 - Two infants buried separately on separate occasions or;
 - One to four cremations buried either at the same time or on separate occasions.
- C. Should a vault already be interred; a spouse or lawful next of kin's cremains may be added to the same grave provided sufficient space is available.
- D. Cremations may be placed inside a casket only prior to interment of the casket.
- E. When a cremation is requested to be buried in the same grave where there is a vault; the Township Sexton must determine if there is physically enough space for the cremation to be properly buried in this grave.
- F. Availability of space is determined by the Township Sexton.
- G. Burial permits and cremation certificates shall be provided to the Township Sexton prior to any grave opening or interment for Township record keeping purposes.
- H. 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 space.
- I. The burial deed for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the township sexton or the township clerk prior to interment.
- J. 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 burial space shall be allowed without the permission of the Township Sexton.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Township Board. The Township or the Township Sexton may remove any of the foregoing items planted without such approval.
- C. The Township Board reserves the right to remove or trim any tree, plant or shrub 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 gardening apparatus are prohibited.
- E. The Township 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. Summer decorations will be removed by October 15th. Winter blankets will be allowed between November 15th and April 1st.

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/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/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice indicating a 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/her heirs or legal representative, within 60 days from the date of mailing of said notice.

Section 10: Repurchase of Lots or Burial Spaces;

Except for those lots or spaces that have been forfeited pursuant to Section 9, 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/her legal heirs or representatives.

Section 11: Records;

The Township Clerk or their designee 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 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, except for cremations which must be buried in on-disposable state approved containers.

Section 13: Cemetery Hours;

- A. The Cemetery shall be closed to the general public from dusk to dawn each day.
- B. No person shall be permitted in the Township Cemeteries at any other time than the foregoing hours, except upon permission of the Township Board or the sexton of the cemetery.

Section 14: Penalties;

Anyone violating any provisions of this Ordinance (Coldwater Township Cemetery Ordinance) is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. A second infraction within six (6) months shall subject the violator to payment of a civil fine of not less than \$100.00. A third or more infraction within six (6) months of the previous infraction shall be subject to a fine of not less than \$250.00.

Section 15: Each day a separate Offense;

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 16: 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 17: Effective Date;

This ordinance shall take effect thirty (30) days after publication following its adoption. Amendments shall take effect immediately after publication.

Section 18: Adoption and Certification;

This Ordinance is hereby declared to be adopted by the Township Board of the Township Coldwater, Branch County, Michigan, at a **REGULAR** meeting held on Monday, July 1, 2002.

Moved by Clerk Knisely and supported by Treasurer Rogers that the foregoing Ordinance be adopted.

Ayes: Kopacz, Daniels, Kellogg, Rogers and Knisely
Nays: None

I hereby certify that the foregoing is a true copy of an Ordinance entitled "Coldwater Township Cemetery Ordinance", which was adopted by the Township Board of Coldwater Township, Branch County, Coldwater, Michigan on July 1, 2002, and which was published in the Coldwater Daily Reporter on July 18, 2002.

Peggy J. Knisely, Township Clerk

AMENDMENTS:

The amendments to this Ordinance are hereby declared to be adopted by the Township Board of the Township of Coldwater, Branch County, Michigan at a **REGULAR** meeting held on Monday, October 5, 2009.

Moved by Treasurer Rogers and supported by Trustee Daniels to adopt the revisions and amendments to the Cemetery Ordinance as follows:

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 by resolution of the Township Board, and **payable to Coldwater Township.**

Section 7: Interment Regulations;

- C. Should a vault already be interred; a spouse or lawful next of kin's cremains may be added to the same grave provided sufficient space is available.
- D. Cremations may be placed inside a casket only prior to interment of the casket.
- E. When a cremation is requested to be buried in the same grave where there is a vault; the Township Sexton must determine if there is physically enough space for the cremation to be properly buried in this grave.
- F. Availability of space is determined by the Township Sexton.
- G. Burial permits and cremation certificates shall be provided to the Township Sexton prior to any grave opening or interment for Township record keeping purposes.
- H. 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 space.
- I. The burial deed for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the township sexton or the township clerk prior to interment.
- J. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

I hereby certify that the foregoing is a true copy of an Ordinance, as amended, entitled "Coldwater Township Cemetery Ordinance", which was adopted by the Township Board of Coldwater Township, Branch County, Coldwater, Michigan on October 5, 2009.

Diane Morrison, Township Clerk

AMENDMENTS:

The amendments to this Ordinance are hereby declared to be adopted by the Township Board of the Township of Coldwater, Branch County, Michigan at a **REGULAR** meeting held on Monday, March 14, 2016.

Moved by Supervisor Rogers and supported by Treasurer Sowles to amend this Ordinance to establish weekend and holiday burial rates as an additional \$200 per burial effective immediately be adopted.

Moved by Supervisor Rogers and supported by Clerk Morrison to adopt affidavit for persons buying cemetery burial rights at Mason Cemetery effective immediately.

Moved by Clerk Morrison and supported by Supervisor Rogers to increase cost of cemetery lots to \$200 for residents and open the cemetery to non-residents for \$400 per lot effective immediately.

I hereby certify that the foregoing is a true copy of an Ordinance, as amended, entitled "Coldwater Township Cemetery Ordinance", which was adopted by the Township Board of Coldwater Township, Branch County, Coldwater, Michigan on March 14th 2016.

Diane Morrison, Township Clerk

AMENDMENTS:

The amendments to this Ordinance are hereby declared to be adopted by the Township Board of the Township of Coldwater, Branch County, Michigan at a **REGULAR** meeting held on Monday, April 4, 2016.

Moved by Treasurer Sowles and supported by Trustee Kellogg to charge non-residents \$200 over the resident rate for purchasing a niche in the Columbarium effective immediately.

I hereby certify that the foregoing is a true copy of an Ordinance, as amended, entitled "Coldwater Township Cemetery Ordinance", which was adopted by the Township Board of Coldwater Township, Branch County, Coldwater, Michigan on April 4, 2016.

Diane Morrison, Township Clerk

AMENDMENTS:

The amendments to this Ordinance are hereby declared to be adopted by the Township Board of the Township of Coldwater, Branch County, Michigan at a **REGULAR** meeting held on Monday, May 1, 2017.

Moved by Clerk Morrison and supported by Treasurer Sowles to amend this Ordinance as follows:

Remove the word "deed" and replace it with "certificate".

Section 8: Ground Maintenance;

- H. Summer decorations will be removed by October 15th. Winter blankets will be allowed between November 15th and April 15th.

Section 13: Cemetery Hours;

- A. The Cemetery shall be closed to the general public from dusk to dawn each day.

I hereby certify that the foregoing is a true copy of an Ordinance, as amended, entitled "Coldwater Township Cemetery Ordinance", which was adopted by the Township Board of Coldwater Township, Branch County, Michigan on May 1, 2017 and published in the Coldwater Daily Reporter on May 8, 2017.

Diane Morrison, Township Clerk