

HOUGHTON TOWNSHIP
5059 Fourth Street
Eagle River MI 49950
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CEMETERY ORDINANCE 2018-1

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of cemeteries owned, controlled or operated by the Township of Houghton, in Keweenaw 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 Houghton Township Cemetery Ordinance.

Section 2. Purpose and Intent

The Houghton Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

Section 2: Definition of Cemetery Plot

- A. "Cemetery Plot" consists of land 4 feet wide and 10 feet long whose sole purpose is designed and intended for the interment of human bodies or a human body.
- B. The cemetery is divided into cemetery plots as shown on the map provided.

Section 3: Sale of Cemetery Plots

- A. Cemetery plots shall be sold only for the purpose of the burial of the purchaser or the purchaser's immediate family. No sales shall be made to anyone, including a funeral director, who plans to resell the right to bury in said plot. The township board has the authority to suspend restrictions on sales on a per case basis if special circumstances are involved.
- B. All sales shall be recorded on a form approved by the township board. The form grants only the right of burial and does not convey any other right to the burial plot sold. The township clerk shall complete the form.
- C. Burial rights may not be transferred. The township reserves the right to re-purchase burial plots at the original cost.
- D. The Township Board shall have the authority to place a limit on the number of cemetery plots sold to a particular person, and shall have the absolute right and discretion to determine whether a particular cemetery plot or plots will be sold to a specific person and where such cemetery plot or plots will be located.
- E. The Township shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.

F. The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 4: Purchase Prices

- A. Each cemetery plot costs \$250.00 for residents and \$550.00 for non-residents.
- B. Property tax payers in Houghton Township will be charged the resident rate.
- C. Fees shall be paid to the township treasurer and deposited in the cemetery fund. The township board, by resolution, may periodically alter these fees to accommodate increased costs and needed reserve funds for cemetery management and land acquisition.

Section 5: Markers and Monuments

"Marker" refers to headstone that is flush with the ground; "monument" refers to a headstone that extends above the ground.

- A. All markers, monuments and other memorials must be made of stone or another approved, equally durable composition.
- B. Any large upright monuments or other memorials must be located upon an approved foundation to maintain the monument in an erect position.
- C. Only one marker or other approved memorial is permitted per burial space.
- D. No monument, marker or other memorial shall be installed without the specific approval of the township board, unless the proposed memorial meets the following requirements:
 - 1. The location is at the head of the burial space, parallel to the head of the burial space line.
 - 2. The height of the memorial is not greater than 48 inches, the depth of the memorial is not greater than 12 inches, and the length of the memorial is not greater than 48 inches with the provision that it be centered over two burial spaces.
- E. Monuments, markers and other memorials are not allowed to be installed on burial spaces or lots that have not been fully paid for.
- F. Inscriptions on monuments, markers or other memorials must not be offensive or improper, as judged by the township board. The owner of any such memorial will be responsible for all expenses for removal.
- G. The township board has the authority to deem a marker, monument, or other memorial to be inappropriate and thus prohibit it from being placed in the cemetery.
- H. If a marker, monument or other memorial becomes unsafe in the opinion of the township board, notice of the condition will be sent to the last known address of the owner, and the structure will be removed or repaired at the owner's expense.

Section 6: Interment, Disinterment and Re-interment Regulation

- A. Only one body may be buried in a burial plot, except for a mother and infant or two children buried at the same time.
- B. A maximum of eight cremains shall be allowed to be placed in one burial plot, unless permission is otherwise granted by the township board.
- C. All burial materials must fit into the standard hole size of 3ft x 7ft x 6ft.
- D. The appropriate permit for the burial plot and appropriate identification of the person to be buried, where necessary, shall be presented to the township clerk prior to interment. If a 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 plot is an authorized and appropriate one before starting any interment.
- E. All burial spaces shall be maintained in an orderly and neat-appearing manner within the confines of the space involved.

- F. Burial vaults are not mandatory, but if opted for, must be made of concrete, fiberglass or other material approved by the township board, installed or constructed in each burial space before interment.
- G. No burial shall take place unless the burial plot fee, the fee for services required to open and close the grave, and all other fees have been paid in full.
- H. (a) No disinterment or the digging up of an occupied grave shall occur without a Township disinterment permit.
 - (b) No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township.
 - (c) The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.
- I. The township assumes no responsibility for errors in opening graves when such errors are caused by others.
- J. Scattering cremains over a family lot or anywhere in the cemetery is prohibited.
- K. If a winter burial cannot occur due to inclement weather, frozen ground or similar condition, the deceased person must be kept in winter storage until a spring burial can occur.

SECTION 6.1 EVERGREEN CEMETERY NATURAL BURIAL RULES

Purpose and Intent

Natural burials in Evergreen Cemetery are dedicated to serving individuals and families who desire a natural burial, one in which they can return their bodies to the earth in an ecologically sustainable manner. While Houghton Township reserves the right to revise these rules if future circumstances should require changes, all due consideration will be given to respect the interests of lot holders, the collective concerns of township residents, and the intention of keeping all rules consistent with sound principles of natural burials and natural sustainability.

All Burial Materials and Preparations Must be Natural

All burial materials must be natural and biodegradable. Lot owners and their families should pre-plan carefully with their funeral director to assure compliance at the time of burial.

Natural burials are intended exclusively for full body, non-toxic burials that will experience natural decomposition. Natural burial lots are available in the newer section of Evergreen Cemetery : Section 3, Lots 39 – 58, 97 – 118, 157 – 178.

Embalming is not required. If embalming is desired, bodies can be embalmed with certified green/non-toxic/ biodegradable fluids.

From meeting minutes of January 21, 2019 regular board meeting:

- Motion by Treganowan, seconded by McEvers, to amend the cemetery ordinance for green burials: prices will be \$660 for non residents and \$300 for residents. Lot widths will be 5 feet wide instead of 4 feet wide. Motion passed unanimously.

The grave hole size for a natural burial should be only as wide as necessary, not to exceed 3 feet.

Solid/sturdy containers, if used for the natural burial, must fit easily within the standard grave hole size of 3 ft x 7 ft. by 4 feet deep. For burials requiring a larger hole size, the Township Board must be contacted.

Containers should not be any larger than necessary.

Shroud burials using wrappings such as cloth, blankets, or quilts are permitted when made of biodegradable materials. Burials employing just shrouds or insufficiently sturdy containers will require strapping the body to a biodegradable trundle board for interment. Funeral directors are responsible for assuring trundle boards are of appropriate size and strength and will easily fit into the standard grave hole size above. Trundle boards will remain in the grave at burial unless they can be easily and respectfully removed.

Natural burials can only take place in the designated area of Evergreen Cemetery.

Only cemetery staff or approved contractors will be permitted to dig graves and may use a backhoe and/or other machinery as needed

Section 7: Cemetery Maintenance and Care

- A. No grading, leveling or excavating upon a burial space shall be allowed without permission from the township board.
- B. No flowers, shrubs, trees or vegetation of any type may be planted without the approval of the township board. Any of these items planted without approval may be removed by the township board.
- 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 lawn-care device are prohibited.
- E. The Board shall have the right and authority to remove and dispose of any and all displays that have become unsightly.
- F. Surfaces other than earth or sod are prohibited.
- G. Dried flowers, wreaths, papers, flower containers and all other refuse must be removed from the cemetery.
- H. No glass containers or items are allowed.

Section 8: Forfeiture of Vacant Cemetery Burial Spaces or Lots

- A. Cemetery burial spaces or lots sold after the effective date of this ordinance and remaining vacant for 40 years from the date of sale shall automatically revert to the township if the following events occur:
 - 1. Notice is sent by the township clerk by first-class mail to the last known address of the last owner of record informing his or her of the expiration of the 40-year period and that all right and respect to the burial spaces or lots will be forfeited if the owner does not indicate in writing to the township clerk with 60 days from the date of mailing the notice, the desire to retain the burial rights.
 - 2. A written response indicating the desire to retain the burial spaces or lots in question is not received by the township clerk from the last owner of record, the owner's heirs, or the owner's legal representative of the spaces or lots within 60 days from the date of mailing the notice.
- B. Upon written request by an owner, an owner's heirs, or an owner's legal representative, the township will repurchase any cemetery lot or burial space from the owner for the original price paid to the township.

Section 9: Records

The township clerk shall maintain records concerning all burials, issuance of burial permits separate from any other records of the township. The records shall be open to the public during reasonable business hours.

Section 10: General Regulations

- A. The cemetery shall be open to the general public during daylight hours.
- B. Animals, except leader dogs, are not permitted in the cemetery.

- C. No person shall obstruct any drive, walk or alley.
- D. No person shall injure, deface or destroy any burial space, marker, monument, building, fence, seat, flower, tree, shrub or other item in the cemetery.
- E. Alcohol is not permitted in the cemetery.
- F. No vehicles should drive faster than 5 miles per hour on cemetery roads.
- G. Driving off the established roads is prohibited.
- H. No firearms are allowed in the cemetery without written permission from the township clerk, except in the case of military or law enforcement funerals or ceremonies by official veterans' organizations on federal holidays.

Section 11: Interpretation/Appeals to the Township Board

The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.

(b) Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a Township cemetery, rights to a cemetery plot, or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty (30) days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least ten (10) days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.

(c) The Township Board may set a fee or fees for any such appeal from time to time by resolution.

Section 12: Authority of the Township Board to Remove Unauthorized or Unlawful Items from a Township Cemetery

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this Ordinance, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

Section 13: Penalties

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100) for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

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

Section 14: Township Officials Who Can Enforce this Ordinance

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- Township Supervisor
- Township Clerk
- Any deputy of the county sheriff's department
- Any State Police officer

Section 15: Severability

The provisions of this ordinance are hereby declared to be severable and should any provision, section or part of a section be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section, or part of a section and shall not affect or invalidate the remainder of the ordinance, which shall continue in full force and effect.

Section 16: Effective Date

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member

 Mel Jones and was seconded by Township Board Member

 Kathy McEvers , the vote being as follows:

YEAS: Mel Jones, Mary Long, Carol Jones, Jack Treganowan and Kathy McEvers

NAYS: None

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Houghton Township Board at a regular meeting held on July 16th, 2018, at the Houghton Township Hall, pursuant to the required statutory procedures.

Dated: August 1, 2018

Respectfully submitted,

Carol Jones, Houghton Township Clerk

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CEMETERY ORDINANCE

BURIAL PERMIT

By signing below, I attest that I have received and read the ordinance, procedures, and recommendations that govern my traditional or green burial in Evergreen Cemetery and I agree to all terms as specified.

Lot(s) Identification_____

Name of Primary Owner(Printed) with address, phone number and email

(Signature)

Name of Additional Owner, Printed with address, phone number and email

(Signature)

Date_____ Township Official/Position_____