

# **Pleasantview N. Ayr Eastern Cemetery**

**Ordinance # 2-2014**

Pleasantview Township

County of Emmet

2982 South Pleasantview Road

Harbor Springs, MI 49740

## ***CEMETERY RULES AND REGULATIONS***

An ORDINANCE for the protection of lot owners, and the Cemetery as a whole, public health, safety, and general welfare by establishing regulations relating to the operation, control and management of cemeteries owned by the Township of Pleasantview, Emmet County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith. The following rules and regulations have been adopted by the PLEASANTVIEW TOWNSHIP BOARD (hereafter referred to as “the Board”) as the rules and regulations of the Pleasantview N. Ayr Eastern Cemetery and all lot owners and visitors within the *cemetery* and all burial spaces sold, shall be subject to said rules and regulations, effective as of November 24, 2014 .And subject further, to such other rules and regulations, amendments or alterations as shall be adopted by the Board.

The Township of Pleasantview, Emmet County, Michigan Ordains:

### **Section 1: *Title***

This ordinance shall be known and cited as the Pleasantview N. Ayr Eastern Ordinance.

### **Section 2: *Definitions of Cemetery Lots and Burial Spaces***

A Cemetery lot shall consist of burial rights sufficient to accommodate from one to eight burial spaces.

Lots size consists of a land area of sixteen (16) feet in width from 16 feet in length. Any length variation is due to the different people who originally marked out the *cemetery*.

### **Section 3: *Sale of Lots of Burial Spaces***

Hereafter, *cemetery* lots of burial rights shall be sold only to residents or taxpayers of the Township for the purpose of the burials of such purchaser or his or her heirs at law or next of kin. Only (2) burial sites can be purchased per individual. No sale shall be made to funeral directors, state, or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction of sales where the purchaser disclosed sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

All such sales shall be made on a form (Burial Certificate) approved by the Township Board, which grants a right of burial only and does not convey and other title to the burial space sold. Such form shall be executed by the Township Clerk.

Burial Certificates may only be transferred to those people eligible to the original purchasers of cemetery burial spaces within the Township and may be affected only by endorsement of an assignment of such Burial Certificate upon the original burial official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new Burial Certificate to the assignee and shall cancel and terminate upon such records, the original Certificate thus assigned.

The purchase of a burial space does not transfer ownership of a parcel of property but is the transferring of the right of burial on the burial space purchased from the Board to the burial space owner. The ownership of burial rights to any burial space in the *Cemetery* passes to the heirs or assigns of the original owner or owners as stated on the certificate of ownership. The Board does not allow the ownership of burial rights to be sold by burial space owner. The burial space may be returned to the Board and the prorated purchase price will be refunded for any unused portion of the burial space. Before any burial is made in a burial space, a burial space must be paid for in full. No burial space shall be used for any other purpose than the burial of the human dead. The Sexton will take all reasonable precautions to protect burial space owners, and the burial rights of burial space owners within the *Cemetery* from loss or damage: but the Board disclaims all responsibility of loss or damage for causes beyond its reasonable control.

### **Section 4: *Burial Site Prices***

Sites are purchased per grave site. You can only purchase up to two sites and must fill them before purchasing more. If you have special circumstances, please contact the clerk, and she will bring it to the Board during their next regularly scheduled meeting. We reserve the right to refuse sale of burial sites to non residents. Resident -----\$100.00 per grave site. You may petition the township board for sale of a burial site.

### **Section 5: *Purchase Price and Transfer Fees***

The charges for the Burial Certificates shall be paid to the Township Clerk or Sexton and shall be deposited in the general fund. (For the use of maintenance involved in said *cemetery*.)

The Township board, by resolution, may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

### **Section 6: *Grave Openings and Closings***

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. No burial spaces shall be opened or closed except by the Cemetery Sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matter are under the supervision of the local health department or court.

Burials should be set Monday through Friday between 8:00 a.m. and 4:00 p.m. After hours, Saturday, Sunday and holidays burials are allowed in emergencies only. An additional charge may be made for opening and closing.

### **Section 7: *Interment Regulations***

The original Burial-Transit Permit must be presented to the Sexton before burial or cremation can occur and must be human remains only.

No interment of two or more bodies shall be made in one grave except in the case of adult and child or two infants under the age of one buried in one casket. Only one body and one cremation shall be allowed in one burial space. In the case of cremation the *Cemetery* will allow two cremations per grave space or the combination of one cremation urn and one interment of a human body.

No more than two containers of cremation remains may be buried on one burial space.

At this time no green burials are allowed.

The appropriated 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 Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, or the person to be buried in the burial space is an authorized one before any interment is commenced or completed. Any interment other than the owner of the burial space must have written permission from the owner.

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

When an interment is to be made in a burial space, the burial space owner should designate the location of such interment. Should the owner fail or neglects to make such designation, the Board reserves, the right to make the interment in a location designated by the Sexton.

The Board reserves and shall have, the right to correct any errors that may be made either in making interments, disinterment's 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 possible, or as may be selected by the sexton, by refunding the amount of the 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 Board reserves, and shall have the right to remove or transfer such remains so interred to other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

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 be made in outside containers made of natural stone or of metal, or of reinforced concrete. All such containers must be so made and installed as to meet specifications of the Sexton.

The right is reserved by the Board to insist upon at least 48 hours notice prior to any interment and at least one weeks' notice prior to any disinterment or removal.

No cremation ashes or marker may be placed on a lot without permission of the Sexton.

### **Section 8: *Disinterment***

Disinterment of a body, once properly interred, shall not be made without a properly executed disinterment permit. Graves which must be opened for inspection for any official investigation shall require an order signed by a court of competent jurisdiction.

### **Section 9: *Care of Burial Spaces***

Glass jars or vases are not allowed. Clay pots and urns are allowed. Winter ornamentation from the previous year must be removed by April 1<sup>st</sup> or will be disposed of.

Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or any part of the grounds, or in the buildings, is prohibited.

### **Section10: *Markers or Memorials***

All specifications and locations of markers or memorials are subject to approval of the Board. All markers or memorials must be of stone or other equally durable composition. Wood or composite will not be permitted. Only those markers, monuments, memorials, mausoleums or tombs constructed of granite, marble or bronze will be permitted. Natural native boulders of fieldstone will not be permitted to be placed in the *Cemetery* unless Sexton deems necessary.

So that all memorials be in good taste, adding to the beauty of the *Cemetery*, the sexton retains the right to reject any memorial which, on account of size, design, or inscription shall be limited to : Legal names or socially accepted nicknames; Significant personal dates; Emblems of organizations or institutions incorporated in or recognized by the federal or Michigan governments; suitable quotations from any nationally distributed books of quotations, poetry, or religious text; Exceptions as approved in advance solely at the discretion of the Board.

Should any monument, marker become unsightly, dilapidated, or safety hazard to visitors or Board employees, the Board retains the right at the expense of the owner to correct the condition or remove the same.

The Board at its expense may without any liability, correct any error that may occur in the placing of a monument, marker or foundation. The Board assumes no liability for monuments, markers or foundations placed by others.

Monuments or markers will not be allowed on the graves of welfare or social services cases unless the Board is reimbursed for the standard charges in effect of the time of burial. The Board will place a small temporary marker on the grave to identify the burial.

All markers, monuments or foundations will be placed by the Sexton, to protect the burial space owner and the *cemetery* as a whole.

Monuments must not exceed four (4) feet in length by three (3) feet in height and must not exceed 24 inches in width. All monuments shall have a foundation which extends at least four (4) inches on all sides of the stone and be flush or below the ground level.

Only one family monument, marker or memorial shall be permitted per burial space and two headstones per burial space if no family monument, with the exception of cremations. Birdbaths are considered statuary.

Commercial headstones or monuments are recommended. Any alternatives must be approved by the Board.

### **Section 11: *Ground Maintenance***

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

No shrubs, trees or invasive vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

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*.

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

The Cemetery Sexton Shall not be responsible for any kinds of plantings damaged by the elements, thieves or by other causes beyond its control. The Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, floral designs, flowers, weeds, trees, shrubs, plants or containers or herbage of any kind from the *Cemetery*, or otherwise become unsightly, dangerous, diseased, a source of litter or when they do not conform to the standard maintenance or become a problem.

Urns not in use for one year will be removed and if not claimed within one year will be discarded.

The Board reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbal of any kind unless the Board gives consent.

The placing of chairs, settees and similar articles, upon lots will not be permitted and if so placed the Sexton reserves the right to remove them.

No remembrance lights' or any other lights may be placed on individual lots.

### **Section 12: *Forfeiture of Vacant Cemetery Lots and Burial Spaces***

Cemetery burial spaces sold after the effective date of the ordinance and remain vacant forty (40) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

Notice shall be sent by the township clerk by first class mail to the last known address of the last owner on record informing him of the expiration of the forty (40) year period and that all rights with respect to said burial spaces will be forfeited if he does not affirmatively indicate in writing his desire to retain said burial rights to the Township Clerk within sixty (60) days from the date of mailing.

### **Section 13: *Repurchase of Burial Spaces***

The Township will repurchase any burial space from the owner at the original said price paid to the Township upon written request of said owner or his legal heirs or representatives.

### **Section 14: *Records***

The Township Clerk shall maintain records concerning all burials, issuance of Burial Certificates, and any maintenance and utility cost and income from burial space sales apart from any other records of the township and same shall be open to public inspection at all reasonable business hours.

**Section 15: *Vault***

All burials and or cremations shall be within a standard concrete vault that meets standard cemetery specifications. These are usually obtained from funeral director.

**Section 16: *Penalties***

Any violation of any provision of this ordinance is hereby declared to be a civil infraction which, upon an admission or judgement of responsibility, shall be punishable by a fine of up to Two Hundred Fifty (\$250.00) Dollars for the first violation hereof and by a fine of up to Five Hundred (\$500.00) Dollars for the second and each subsequent violation hereof. Each day that a violation continues shall be considered a separate violation of this ordinance.

**Section 17: *Severability***

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part hereof be declared invalid or unconstitutional by an court of compentent, 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: *Effective Date***

This ordinance shall take effect thirty (30) days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 19: *Pleasantview Township Board Rights***

The Township Board reserves the right to make any changes to this ordinance any anytime they deem necessary.

Note: Pleasantview N. Ayr Eastern Cemetery closed as of July 25, 2011 to any and all future sales.

**ADOPTED BY THE TOWNSHIP BOARD OF PLEASANTVIEW TOWNSHIP, EMMET COUNTY,  
MICHIGAN, AT A REGULAR MEETING HELD ON THE 24th DAY OF November**

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**Debra E. Bosma, Pleasantview Township Clerk**

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**William Wiechmann, Pleasantview Township Supervisor**

I do hereby certify that the above and foregoing is a true and correct copy of an ordinance approved at a regularly call meeting of the Township Board held on the 24th day of November at which a quorum was present.

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Debra E. Bosma, Pleasantview Township Clerk