

HOUGHTON TOWNSHIP
CEMETERY *RULES*

Section 1: Title

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

Section 2: Definition of Cemetery Burial Spaces

- A "Burial Space" consists of land four 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 burial spaces as shown on map.

Section 3: Sale of Burial Spaces

- A. Cemetery burial spaces 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 space. 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 space sold. The township clerk shall complete the form.
- C. Burial rights may not be transferred. The township reserves the right to re-purchase burial spaces at the original cost.

Section 4: Purchase Prices

- A. Each burial space costs \$200.00 for residents ; \$500 for non-residents
- B. A resident is defined as a property tax payer in Houghton Township
- C. Fees shall be paid to the township treasurer and deposited in the cemetery fund of the cemetery involved in the sale.
- D. 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 a 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 granite 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" 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 Reinterment Regulation

- A. Only one body may be buried in a burial space, except for a mother and infant or two children buried at the same time.
- B. A maximum of two cremains shall be allowed to be placed in one burial space, unless permission is otherwise granted by the township board.
- C. The appropriate permit for the burial space 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 space is an authorized and appropriate one before starting any interment.
- D. All burial spaces shall be located in an orderly and neat-appearing manner within the confines of the space involved.
- E. All burials shall be within a standard vault made of concrete, fiberglass or other material approved by the township board, installed or constructed in each burial space before interment.
- F. No burial shall take place unless the burial space fee, the fee for services required to open and close the grave, and all other fees have been paid in full.
- G. No burial spaces shall be opened or closed except under the direction and control of the township board. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains; this matter is under the control of the local health department.
- H. The township assumes no responsibility for errors in opening graves when such errors are caused by others.
- I. Scattering cremains over a family lot or anywhere in the cemetery is prohibited.

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.

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 him or her of the expiration of the 40-year period and that all rights with respect to the burial spaces or lots will be forfeited if the owner does not indicate in writing to the township clerk within 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 road.
- 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: Penalties

- A. Any person, firm or corporation who violates any of the provisions of the ordinance shall be guilty of a misdemeanor as determined by a court of competent jurisdiction.
- B. Any person, firm or corporation who causes damage in excess of \$100 or who directs illegal acts against two or more burial spaces shall be guilty of a felony as determined by a court of competent jurisdiction.
- C. Each day that a violation continues to exist shall constitute a separate offense.
- D. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION 12: 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 13: Effective Date

The rules shall take effect on January 1, 2000. All *rules* or parts of *rules* in conflict of ~~the rules~~ are hereby repealed.