

**TOWNSHIP OF HOUGHTON  
KEWEENAW COUNTY, MICHIGAN**

**CEMETERY ORDINANCE 2024-02**

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 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: VISION STATEMENT**

A cemetery that, in its simplicity and with maintained and mowed lawns, demonstrates that those who are buried here are not forgotten.

**SECTION 3: BACKGROUND AND RATIONALE**

Houghton Township is entrusted with the perpetual care of the Houghton Township Evergreen Cemetery. The Township believes that a cemetery should be maintained to show respect for those who meant everything to their families, friends and the community. As burial plots in the cemetery are sold and funds for burials are received, the Township is committed to setting aside some of those funds for future maintenance. Those maintenance funds will last longer if the cost of maintenance can be controlled. For example, maintenance costs can be minimized if the cemetery can be efficiently mowed with large riding lawnmowers. To use large mowers and other professional equipment, all above ground monuments and memorials must line up with each other so that the mowers can be operated without fear of damaging them.

The rules and restrictions outlined in this Ordinance are put in place to prevent the cemetery from falling into an overgrown and forgotten place.

**SECTION 4: DEFINITION OF BURIAL SPACES.**

- A. A traditional burial space shall consist of land 4 feet wide, 10 feet long and 6 feet deep (4' x 10' x 6').
- B. A green burial space shall consist of land 5 feet wide, 10 feet long and 4 feet deep (5' x 10' x 4').
- C. A burial space represents a place for interment. There is no sale or transfer of real estate involved, only the purchase of a burial right in a specific space.

**SECTION 5: SALE OF BURIAL RIGHTS**

- A. Burial rights shall be sold to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. The Sexton (or Designee) or Township Clerk is granted the authority to vary the restriction on sales or burial where the purchaser discloses sufficient reason for burial within the Township.
- B. If no record of purchase of burial space(s) exists for designated family site(s), or, if a maximum number of burials or cremains are recorded in a designated space, any future interment of casket or cremains shall require the purchase of a burial right at the current price.
- C. All Ordinance Agreements, Plot Purchase Agreements and Cemetery Logbook recorded sales will be filed in the Houghton Township Cemetery files and maintained by the Township Clerk.
- 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.

**SECTION 6: PURCHASE PRICES OF BURIAL SPACES**

- A. The cost for each burial space purchased by Houghton Township taxpayers or residents, or approved non-residents, shall be set forth by Resolution of the Township Board.
- B. The foregoing charges shall be paid to the Township Treasurer.

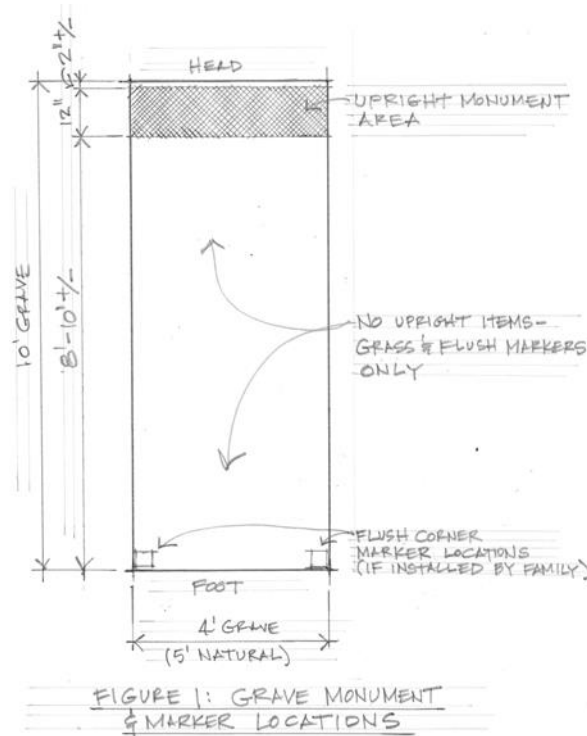
**SECTION 7: GRAVE OPENING CHARGES AND REGULATIONS**

- A. The opening and closing of any burial space, prior to and following a burial therein, and including interment of cremains, shall be at a cost determined by Resolution of the Township Board, payable to the Township Treasurer.
- B. No burial space shall be opened and closed except under the direction and control of the Sexton (or Designee). This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the Keweenaw County and/or Michigan Health Department(s).

- C. Anyone may open and close a burial space as long as the opening and closing is approved and supervised by the Sexton (or Designee) and conforms to the Township Ordinance and to State regulations.
- D. An interment fee, to be determined by Resolution of the Township Board, shall be charged for grave preparation and burial of cremains in the Cemetery, if the interment (grave preparation and burial) is not to be performed by a funeral home. This fee is payable to the Township Treasurer at the time of interment. Houghton Township shall not provide interment services for traditional or green burials. Rather, a funeral home must oversee the interment of a body.
- E. Supervision of all interments shall be performed by the Sexton (or Designee).
- F. For interments of active military service personnel and veterans, the Clerk shall be notified so that appropriate service-related acknowledgements may be made.

**SECTION 8: MONUMENTS, MARKERS OR MEMORIALS**

- A. The footing or foundation upon which any monument, marker or memorial is to be placed shall be approved by the Sexton (or Designee) prior to installation. Any upright monuments or other memorial must be located upon an approved foundation to maintain the monument in an erect position. All costs of such foundation construction shall be borne by the owner of the burial right.
- B. The location of the monument, marker or memorial must be at the head of the burial space, parallel to the head of the burial space line.
- C. The height of the memorial must be not greater than 48 inches, the depth of the memorial must be not greater than 12 inches, and the length of the memorial must be not greater than 48 inches. All upright monuments, markers or memorials must be placed at the head of the grave within the 4' or 5' x 10' burial space. See Figure 1.



- D. Only one upright marker or other approved memorial is permitted per burial space. A family monument identifying a grouping of family graves may span more than one grave and may exceed 48" in width, but it must be within the 12" upright monument area. Any monuments or markers outside the upright monument area must be flush with the ground.
- E. All monuments, markers or memorials shall be of stone or other durable composition.
- F. The Township Sexton (or Designee) shall place a corner marker to delineate boundaries of purchased burial space(s). Purchaser may replace these markers with permanent markers approved by the Sexton (or Designee). Markers shall not protrude above grade. Existing survey and aluminum cemetery markers shall not be removed.
- G. No fencing, curbing or plantings shall be installed to delineate boundaries of burial space(s). Existing fences and/or curbs in the historic inactive portion of the cemetery are grandfathered in. Those that exist in the active portion of the cemetery may remain but may be removed by the Township if the grave is neglected or if their existence complicates maintenance (See Section 18 for additional information).
- H. 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.
- I. 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.
- J. 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 9: INTERMENT AND DISINTERMENT REGULATIONS**

- 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 four (4) cremains may be allowed in one burial plot unless permission is otherwise granted by the Township Board.
- C. All burial materials for a traditional burial must fit into the standard hole size of three feet wide, seven feet long and six feet deep (3' x 7' x 6').
- D. The appropriate Plot Purchase Agreement, Burial Transit Permit (for traditional and green burials, and for cremains upon request from the crematory), Death Certificate and Authorization for Burial Form shall be presented to the Township Clerk prior to interment. If the Plot Purchase Agreement 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. 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.
- H. 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, e.g., frozen ground or similar condition, the deceased person must be kept in winter storage until a spring burial can occur.

**SECTION 10: FORFEITURE OF VACANT BURIAL SPACES**

- A. Burial spaces sold and remaining vacant forty (40) years from the date of sale shall automatically revert back to the Township upon occurrence of the following events:
  - 1. The Township Clerk shall send a notice by certified return-receipt-requested mail to the last known address of the owner of record informing him or her of the expiration of the 40-year period and that all rights with respect to said space(s) shall be forfeited if the owner does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the mailing of the notice that retention of burial rights is still desired.
  - 2. If written response to the Notice is not received within 60 days, or the owner cannot be located, the Township Clerk shall consider the space(s) vacant and offer it (them) to potential buyers from the 61<sup>st</sup> days following mailing of the notice.
- B. Response shall extend burial rights for ten (10) years.

**SECTION 11: REPURCHASE OF BURIAL SPACES**

- A. Burial rights are not transferable.
- B. The Township shall repurchase any unused burial space(s) from the owner for the original price paid the Township, upon the written request of the owner or their legal heir(s) or their representative. Original payment shall be verified by owner or Township records.
- C. If no original payment is verified, repurchase price is as set by Township Resolution.
- D. An administrative fee will be levied for repurchase, set by Township Resolution.

**SECTION 12: NATURAL BURIAL RULES**

- A. Purpose and Intent

Natural burials in the 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 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.

- B. All burial materials and preparations must be natural.
  - 1. 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.
  - 2. Natural burials are intended exclusively for full body, non-toxic burials that will experience natural decomposition. The only exception is that one cremains may be

- buried in the same plot as the body and must be placed in a biodegradable container.
3. Natural burial plots are available in the newer section of Houghton Township Evergreen Cemetery: Section 3, Lots 43 – 58, 102 – 118, 162 – 178.
- C. Embalming is not required. If embalming is desired, bodies can be embalmed with certified green/non-toxic/ biodegradable fluids.
  - D. The grave hole size for a natural burial should be only as wide as necessary, not to exceed 3 feet. Solid/sturdy containers must fit easily within the standard grave hole size of three feet wide, seven feet long and 4 feet deep (3' x 7' x 4'). For burials requiring a larger hole size, the Township Board must be contacted. Containers should not be larger than necessary.
  - E. 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.
  - F. Only funeral home approved contractors will be permitted to dig graves and may use a backhoe and/or other machinery as needed.

### **SECTION 13: GROUNDS MAINTENANCE**

- A. No grading, leveling, excavating or filling shall be allowed without permission of the Sexton (or Designee) or the Township Clerk.
- B. Items planted without approval of the Sexton (or Designee) may be removed by the Township or the Sexton (or Designee) at the expense of the owner.
- C. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the Cemetery.
- D. The Sexton (or Designee) shall have the right to maintain the grounds and dispose of materials, emblems, displays or containers that have become unsightly, become a source of litter, or present a maintenance problem.
- E. Surfaces other than earth or sod are prohibited.
- F. Mounds which hinder the free use of a lawn mower or other lawn care device are prohibited.
- G. Dried flowers, wreaths, papers, flower containers and all other refuse must be removed from the cemetery.
- H. All decorations must be removed by October 1 of each year.
- I. No breakable containers (e.g., glass, ceramic) are permitted.

## **SECTION 14: RECORDS**

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and transit receipts presented by Funeral Directors. These records shall be maintained separately from any other records of the Township and shall be open to the public for inspection.

## **SECTION 15: CEMETERY HOURS**

- A. The Evergreen Cemetery shall be open to the general public each day of the week from sunrise to sunset unless otherwise posted as "Closed" by order of the Township Board.
- B. The Sexton (or Designee) may request any person to vacate the Cemetery for unbecoming behavior.
- C. The Keweenaw County Sheriff shall enforce trespass laws.

## **SECTION 16: PROHIBITED USES AND ACTIVITIES**

- A. No animals are permitted to be buried in the cemetery.
- 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 destroy, deface, apply graffiti or otherwise injure any burial space, marker, monument, fence, seat, flower, tree, shrub or other lawful item located within the Township cemetery.
- E. There shall be no destruction of cemetery property.
- F. There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- G. There shall be no music, playing of any radio or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
- H. Alcohol is not permitted in the cemetery.
- I. No vehicles should drive faster than 5 miles per hour on cemetery roads.
- J. Vehicles shall drive only on designated roadways.
- K. 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.
- L. There shall be no littering or dumping.
- M. Remains of a deceased person shall not be scattered or dispersed.
- N. No burials shall be permitted outside of the platted Sections.



## **SECTION 17: INTERPRETATION/APPEALS TO THE TOWNSHIP BOARD**

- A. 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 Designee) 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 18: AUTHORITY OF THE TOWNSHIP BOARD TO REMOVE UNAUTHORIZED OR UNLAWFUL ITEMS FROM THE TOWNSHIP CEMETERY**

- A. Any monument, marker, curb, fence, 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 the Township cemetery in violation of this Ordinance, or in violation of 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.
- B. No such item (including, but not limited to, a monument, marker, curb, fence, 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 the 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 the Township cemetery.

**SECTION 19: PENALTIES**

- A. A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction.
- B. 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.
- C. Fines are set by Resolution of the Township Board. A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

**SECTION 20: 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 appropriate court, such decision shall only affect the particular provision, section, or part involved and shall not affect or invalidate the remainder of the Ordinance, which shall continue in full force and effect.

**SECTION 21: EFFECTIVE DATE**

This Ordinance shall become effective on December 1, 2024. All ordinances or parts thereof in conflict herewith are hereby repealed. The above Ordinance was offered for adoption by Board Member Steve Kline and was seconded by Tom Hall, the vote being as follows.

<b>Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Absent/Abstain</b>
<b>Ray Chase, Supervisor</b>			Not present
<b>Wanda Kolb, Clerk</b>	X		
<b>Mary Long, Treasurer</b>	X		
<b>Tom Hall, Trustee</b>	X		
<b>Steve Kline, Trustee</b>	X		

**SECTION 22: 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 at the Houghton Township Community Center on October 21, 2024, at 6:00 p.m., pursuant to the required statutory procedures.

Wanda Kolb

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**Name of Houghton Township Clerk**

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**Signature of Houghton Township Clerk**

**AGREEMENT**

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

**Section No(s).** \_\_\_\_\_ **Lot No(s).** \_\_\_\_\_

\_\_\_\_\_  
**Name of Primary Owner (Printed), address, phone number and email address**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Name of Additional Owner (Printed), address, phone number and email address**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Name of Township Official/Position**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**