

**Township of Wells
Tuscola County, Michigan**

**Cemetery Ordinance
Ordinance 04-01**

The Township of Wells ordains:

X.01.00 Title

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

X.02.00 Definitions

X.02.01 Cemetery Lot-shall consist of an area sufficient to accommodate six burial spaces.

X.02.02 Adult Burial Space-shall consist of a land area approximately forty (40) inches wide and seven (7) feet in length.

X.02.03 Infant or Stillborn Burial Space-shall consist of a land area approximately fourteen (14) inches wide and twenty (20) inches in length in areas set aside specifically for such burials.

X.03.00 Sale of Lots or Burial Space

Cemetery lots or burial spaces shall be sold to residents, taxpayers of the township and non-residents for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Cemetery Sexton, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses 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 approved by the township board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the cemetery sexton. In the event the sexton is unavailable the township board shall designate a qualified individual to assume the duties of the sexton and here by be known as the designated agent.

Burial rights may only be transferred to those persons eligible to be the purchasers heirs at law or next of kin. Transfers must be an endorsement of an assignment of such burial permit upon the original burial permit form issued by the sexton or designated agent, approved by the supervisor or clerk and entered upon the official records of the cemetery. Upon such assignment, approval and record, said sexton or designated agent, shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

X.04.00 Grave Openings and Closings

No burial spaces shall be opened and closed, including the interment of ashes, except under the direction and control of the cemetery sexton or designated agent. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

X.05.00 Purchase Price and Transfer Fees

The township board, by resolution, shall set up fees for burial spaces for residents, taxpayers of the township, non-resident, infant or stillborn, transfers of one or more burial spaces from an original purchaser to a qualified assignee, and opening and closing costs. All fees shall be paid to the township treasurer.

X.06.00 Markers or Memorials

All markers or memorial must be of stone or other equally durable composition.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position and approved by the sexton or designated agent.

Only one monument, marker or memorial shall be permitted per burial space. Such monument, marker or memorial shall be placed at the head of the burial space.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township or contractor at cost to the owner of the burial right. The footing or foundation upon which any monument, marker, or memorial must be placed shall extend at least four (4) inches in all directions from the monument, marker, or memorial.

X.07.00 Interment Regulations

Only one person may be buried in a burial space except for a mother and infant or two (2) children buried at the same time, one (1) person and one (1) cremation, or two (2) cremations all at which is at the cemetery sexton discretion.

No less than thirty six (36) hours notice shall be given in advance of any funeral to allow for the opening of the burial spaces. Such notice shall be given to the sexton or designated agent.

The appropriate 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 cemetery sexton or designated agent, prior to interment. Where such permit has been lost or destroyed, the sexton shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced.

All graves shall be located in an orderly and neat appearing manner.

X.08.00 Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the cemetery sexton or designated agent.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or designated agent. Any of the foregoing items planted without approval may be removed by the township or the 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.

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

The cemetery sexton or designated agent, 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.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery. All grave blankets are to be removed by April 1 of each year.

X.09.00 Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant Seventy Five (75) 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 of record informing him or her of the expiration of the Seventy Five (75) year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within sixty (60) days from the date of mailing of the within notice his desire to retain the burial rights.

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 heirs or legal representative, within sixty (60) days from the date of mailing of said notice then said lots or burial spaces shall revert back to the township.

X.10.00 Repurchase of Lots or Burial Spaces

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 their legal heirs or representatives. The cemetery sexton or designated agent has full authority to resell any lots or spaces that has been repurchases by the township.

X.11.00 Records

The cemetery sexton shall maintain records concerning all burials and issuance of burial permits and shall be open to public inspection at all reasonable business hours.

X.12.00 Vault

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

X.13.00 Cemetery Hours

The cemetery shall be open to the general public from sunrise to sunset each day. However, from November 1-March 15 of each year, the cemetery roads will not be snow plowed except for funerals.

No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.

X.14.00 Penalties

Any person, firm or corporation who violates any provisions of the within ordinance shall be guilty of a grade **D** civil infraction.

X.15.00 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.

X.16.00 Effective Date

This amended ordinance shall take effect on May 12, 2005. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Presented at a regular meeting of the Township of Wells held in the township hall on the 9th day of December, 2004

Motion by: Curt Diver Seconded by: Dick Witkovsky
Yeas: 5 Nays: 0 Absent: 0 Abstain: 0

Karen Varney, Clerk

Melvin Witkovsky, Supervisor

