

**ORDINANCE**

**LEROY TOWNSHIP  
14957 210<sup>th</sup> Ave.  
LEROY, MI 49655  
OSCEOLA COUNTY, MICHIGAN**

**CEMETERY ORDINANCE**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF LEROY, OSCEOLA COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH.**

**SECTION 1: TITLE**

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

**SECTION 2: CEMETERY BOARD**

Elected officials only of LeRoy Township with individual voting rights shall make up the Cemetery Board. "Official" identified as Supervisor, Clerk, Treasurer, and (2) two Trustees. The board members recognize the cemetery advisory committee as a recommending body to them

**Duties:**

- A. The Board may act as the need requires.
- B. Set charges for lots and services.
- C. The Board delegates duties as needed for the care of the grounds.
- D. Sets compensation for caretaker of the grounds.
- E. Appointment of the Sexton is made annually before April 1<sup>st</sup> by the Township Board.
- F. Sets Compensation for the Sexton

**SECTION 3: CEMETERY ADVISORY COMMITTEE**

The Cemetery Advisory Committee shall consist of members of the public and the Township Clerk. The committee shall meet annually in April at the LeRoy Cemetery to discuss matters which need to be taken care of. These problems are then presented to the Township Board at their meeting in May for their consideration.

**SECTION 4: DEFINITIONS OF CEMETERY LOTS**

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate 8 plots.
- B. A plot shall consist of a land area of four (4) feet wide and eight (8) feet in length for LeRoy Township Cemetery.
- C. Up to three (3) cremation burials are permitted per grave site.

- D. One (1) Burial & one (1) Cremation Burial is permitted per grave site.

**SECTION 5: SALE OF LOTS OR BURIAL SPACES**

- A. Due to the limited number of grave sites, the Township of LeRoy will convey grave sites to residents and property owners of the Township.
- B. Cemetery lots shall be regarded as conveyed when paid for in full. Lot owners shall understand that the title to the land is vested in the township and that the person(s) Burial Permit grants to the person(s) the exclusive use of the grave site(s) for burial purposes only.
- C. The Burial Permit shall extend the right of burial in the listed grave sites to the person(s) and members of the person(s) family. The Burial Permit shall not be assigned or transferred to any other person except family members or to the Township of LeRoy; Family members are defined as parents, spouses, children, grandchildren and siblings of the lot owner of the Burial Permit.
- D. All such transfers shall be made on a form approved and executed by the Township Clerk.
- E. If the person(s) wishes to reconvey the burial right back to LeRoy Township, the Township will reimburse person(s) the original fee of burial right. The burden of proof of amount of fees falls on the person(s). If no burden of proof exists the reimbursement will be \$25.00.
- F. Cemetery lots or burial spaces conveyed after the effective date of the ordinance and remaining vacant for 25 years from the date of their conveyance shall automatically revert to the Township upon occurrence of the following events unless arrangements are made.

Notice shall be sent by the Township Clerk by First Class Mail to the last known address of the last owner on the record informing him of the expiration of the 25 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 60 days from the date of mailing of the within notice his desire to retain said lots.

**SECTION 6: PURCHASE PRICE AND TRANSFER FEES**

- A. One lot (8) spaces shall cost the sum of \$400.00 for residents and \$800.00 for non-residents. One plot shall cost the sum of \$50.00 for residents and \$100.00 for non-residents.
- B. The foregoing fees shall be paid to LeRoy Township and shall be deposited in the appropriate account.
- C. The Township Board, by resolution, may periodically alter the fees to accommodate increased costs.

**SECTION 7: GRAVE OPENINGS**

- A. The opening and closing of any grave site shall be at the cost of the family. The charge for full burial interments will be billed directly from the funeral home to the family. Fees are \$400.00 for burials May 1<sup>st</sup> to November 30<sup>th</sup> and \$500.00 from December 1<sup>st</sup> – April 30<sup>th</sup>. Cremation Burials will be \$75.00.
- B. The Sexton shall record burial date and location in the township cemetery records.
- C. Interments may be restricted between November 15 and April 15 during inclement weather at the discretion of the Township Sexton. Any additional cost for winter burials will be passed on to the family.

## **SECTION 8: MARKERS OR MEMORIALS**

- A. The Sexton shall oversee the placement of all markers. The grave marker foundations shall have at least a 2 inch apron around the grave marker base, even with the ground to facilitate maintenance.
- B. All markers must be of stone, cast bronze, or other equally durable composition.
- C. Grave markers shall not be altered or removed.
- D. Grave markers shall be allowed up to 3 feet high, 4 feet wide and 16 inches deep.
- E. Family markers shall be allowed up to 3 feet high, 5 feet wide and 16 inches deep.
- F. If 3 grave markers are required for cremation burials, the extra markers located on another section of the grave site, shall be flush with the ground.
- G. Pouring of foundation will be sole responsibility of Sexton or Monument Co. Sexton must be contacted two weeks prior to any monument or stone being set. Measurements of stone or monument must be disclosed at that time either per Monument Co. or persons needing foundation poured.

## **SECTION 9: INTERMENT REGULATIONS**

- A. All interments must be made under the direction of the Township Sexton, or designated official.
- B. Remains must be placed in a vault.
- C. All grave sites shall be oriented in and East/West direction and headstones shall be placed on the West end of the site.
- D. Generally one person may be buried in a grave site. Exceptions: A mother and infant or two children buried at the same time. If two headstones are required, the second one shall be flush with the ground.
- E. Not less than a 24 hours notice shall be given in advance of any time of any funeral to allow for the opening of the grave site. The grave opening is handled through the Township Clerk.
- F. The Burial Permit for the grave site involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Township Sexton prior to interment. Where such Burial Permit has been lost or destroyed, the Township Sexton shall be satisfied, from his/her records, that the person to be buried is an authorized and appropriate one before any interment is commenced or completed.

## **SECTION 10: GROUND MAINTENANCE**

- A. No grading, leveling or excavating upon a grave site shall be allowed without the permission of the Township Board, or designee.
- B. Upright markers, concrete walls or any enclosure causing an obstruction that will not permit the mowing of grass continuously from lot to lot is prohibited and lots should be kept level to make it practical and convenient for the care of the cemetery.
- C. Permanent plantings shall be allowed as permitted by the Township Sexton as directed by the Township Board.
- D. 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.
- E. Flowers shall be placed as to not interfere in the mowing and maintenance of the area. Artificial and temporary arrangements shall be allowed May 1 through October 15 and

should be removed by the family or removal shall be made by the township maintenance employee.

- F. The township shall have the right and authority to remove and dispose of any and all growth, emblems, display, or containers that through decay, deterioration, damage or otherwise becomes unsightly, a source of litter, or a maintenance problem.
- G. 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.
- H. All monuments that become unsightly, dilapidated, or a safety hazard to visitors, the Township shall have the right at the expense of the lot owner to correct the condition or to remove the same.

### **SECTION 11: RECORDS**

The Township Clerk and Sexton shall maintain records concerning all burials, issuance of burial permits, and records of burial rights ownership, separate and apart from any other records of the township and the same shall be open to public inspection by appointment at reasonable business hours.

### **SECTION 12: PENALTIES**

Any person, firm or corporation who violates any of the provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to One Hundred Dollars (\$100.00) and/or imprisonment for up to 90 days in jail as maybe determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

### **SECTION 13: SEVERABILITY**

The provision of this 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.