

BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN
ORDINANCE NO. 2018-04
CEMETERY ORDINANCE AMENDMENT

ADOPTED: November 13, 2018
PUBLISHED: November 21, 2018
EFFECTIVE: December 20, 2018

AMENDMENT TO THE BIRCH RUN TOWNSHIP CEMETERY ORDINANCE NO. 06-02

An Ordinance to amend and supplement the Birch Run Township Cemetery Ordinance, Ordinance No. 06-02, adopted April 11, 2006, to prohibit mausoleums in any Birch Run Township cemetery.

The Board of Trustees of Birch Run Township, Saginaw County, Michigan, ordains that the Birch Run Township Cemetery Ordinance be amended and supplemented as follows:

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 BIRCH RUN, SAGINAW COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

I. TITLE: This ordinance shall be known and cited as the Birch Run Township Cemetery Ordinance.

II. DEFINITIONS OF CEMETERY LOTS, BURIAL SPACES AND COLUMBARIUM NICHES:

- A. A cemetery plot shall consist of burial spaces to accommodate from one to six burial spaces.
- B. An adult burial space (lot) shall consist of a land area five (5) feet wide and ten (10) feet in length.
- C. An infant or stillborn burial space (lot) shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.
- D. A columbarium niche shall consist of a 12 inches by 12 inches by 12 inches recessed compartment.

III. SALE OF LOTS OR BURIAL SPACES:

A. Hereafter, cemetery lots or burial spaces and columbarium niches shall be sold only to residents or taxpayers of the township for the purpose of the internment of such purchaser or his or her heirs. No sale shall be made to funeral directors or others than as heretofore set forth. The township clerk, 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. Nonresidents buried at any Birch Run Township Cemetery will be subject to the "Nonresidential rate" as established by Township Board resolution.

B. 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 internment space sold. Such form shall be executed by the township clerk.

C. Internment rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or internment spaces within the township cemeteries and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk, approved by said clerk, and entered upon the official records of said clerk. Upon such assignment, approval,

and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

IV. PURCHASE PRICE AND TRANSFER FEES:

- A. Each burial space shall be determined by a fee structure established by resolution of the Township Board.
- B. The charges shall be paid to the township treasurer.
- C. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- D. Once a lot is purchased it may not be transferred to any other lot in the cemetery. If the owner would like a different lot within the cemetery, the owner must sell back the lot for the original price purchased. They must then purchase the new lots at the current cost. (Revision as of 1/12/10).

V. GRAVE OPENINGS:

- A. The opening and closing of any burial space or columbarium niche, prior to and following an interment therein, 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.
- B. No burial spaces/niches shall be opened and closed except under the direction and control of the cemetery sexton. 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, as a result of a court order.
- C. Funeral homes are required to contact the Township Office to set up burials. The burials are to be scheduled with the Township Office at least 48 hours prior to the burial ceremony. Once scheduled, the Township will coordinate with the sexton to ensure all arrangements are made. Funeral homes cannot purchase lots for representatives of the deceased.

VI. MARKERS OR MEMORIALS:

- A. All markers or memorials must be of stone or other equally durable composition.
- B. All markers or monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. No more than two monuments, markers or memorials shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial rest shall be constructed by the township at cost to the owner of the cemetery lot certificate.
- E. The cost of the monument or inscription on the niche face is the responsibility of the purchaser.
- F. Bronze markers provided by the Department of Veteran Affairs shall be placed on the niche face or grave monument only.
- G. Mausoleums are prohibited in any cemetery located within Birch Run Township.

VII. INTERMENT REGULATIONS:

- A. A single lot may hold; one person, a person and an infant, or two cremations.
- B. Up to two containers of human cremations may be placed in a single niche. No other articles are permitted in the niche.
- C. A minimum of 36 hours' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

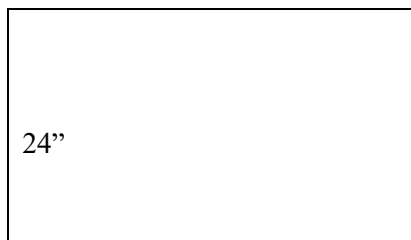
D. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall determine if the person has the legal right to be buried in the burial space before any interment is commenced.

VIII. GROUND MAINTENANCE:

A. Copings, landscaping timbers, fences, curbs, benches, steps, stone, gravel, structures of wood and other perishable materials except mulch are prohibited from use on lots. Tin and glass containers used for flowers are strictly prohibited.

B. Plastic landscape edging is permitted on the gravesite. The edging can start from the lot line on which the headstone is located and will extend no more than 24 inches deep from the front of the headstone.

Edging can be width of lot



*The edging can be 5 to 20 feet wide depending on number of lots owned (the width of each lot is five feet) Within that area an individual may place what they wish, unless prohibited by the Birch Run Township Cemetery Regulations. Nothing is allowed outside the area of the edging.

C. Winter decorations may be maintained on graves thru March 31st. After this date, cemetery personnel will remove and dispose of them.

D. Easter decorations may be set out one week before Easter and left out for one week after Easter. After the two-week period, cemetery personnel will remove them for spring clean-up.

E. Any existing lot that isn't maintained will be cleaned up and returned to a turf grass condition by cemetery personnel.

F. No trees and only the following shrubs will be allowed to be set out on individual lots: dwarf growing evergreens, globe arborvitae, low yews, spreading junipers and dwarf spruce and pine. This is to insure the integrity of the tile and drain system.

G. One bud/flag holder, available through the Township office only, may be placed on the niches face. These holders shall not infringe upon any adjacent spaces.

H. No ring stands, baskets, potted plants, vases, lawn ornaments and the like are to be placed on the outside of the columbarium. This includes the walkway and the grassy area surrounding the columbarium.

I. Any lot that contains prohibited articles on the gravesite whether it is within the plastic edging or outside the edging will be removed by cemetery personnel. By contacting the Township Office up to 30 days after they have been collected, the items can be retrieved.

IX. REPURCHASE OF LOTS OR BURIAL SPACES: The township may repurchase any cemetery lot or burial space from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.

X. RECORDS: The township clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

XI. VAULT: All in ground burials shall be within a standard steel or concrete vault installed or constructed in each burial space before interment.

XII. CEMETERY HOURS:

A. The cemetery shall be open to the general public during the daylight hours.

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

XIII. CORRECTION OF ERRORS:

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

XIV. PENALTIES: Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as may be 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 such ordinance, which shall continue in full force and effect.

XV. 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.

XVI. EFFECTIVE DATE: This ordinance shall take effect thirty days (30) after publication of this ordinance or a summary of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

CERTIFICATION

Adopted: 11/13/18

YEAS: Sheridan, Totten, Trinklein, Moore, Kiessling, Parlberg

NAYS: None

ABSENT: Letterman

STATE OF MICHIGAN)

COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of an amended ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Saginaw County, Michigan, held on the 13th day of November, 2018, and that notice of said meeting was given and in compliance with Act 267, Public Acts of Michigan, 1976. I further certify that the adoption of the instant ordinance was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 14th day of November 2018.

Corey Trinklein, Clerk
Birch Run Township

Date of Publication: November 21, 2018

Newspaper: Birch Run \ Bridgeport Herald .