

NORTH STAR TOWNSHIP CEMETERY ORDINANCE

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of North Star Cemetery owned by the Township of North Star, Gratiot County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF NORTH STAR, GRATIOT COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definition of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

A burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

Section 3: Purchasing Procedures

Cemetery lots or burial spaces shall be sold to residents of North Star Township and/or non-residents of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin.

The purchase of a cemetery lot or burial space shall be evidenced by execution of a cemetery Right of Burial Certificate, issued by the Township Clerk, stating the new owner(s), burial space(s) location, purchase price, and date of payment for said space(s).

Such purchases are subject to approval of the Cemetery Sexton/Township Clerk. Lots must be paid for in full before a Right of Burial Certificate shall be issued.

When a burial space is purchased by more than one person, each person's interest in the lot shall be specifically stated.

Burial assignments in any unused spaces bought and left vacant upon the Original Right of Burial Certificate holder's death and burial in his/her space(s) will be left to the discretion of his/her heirs or next of kin unless otherwise designated in his/her estate planning.

Burial rights may be transferred to other family members or other assigned individuals upon submitting a notarized letter describing the transfer assignment and signed by the original burial right holder or their heirs. Upon such assignment, approval, payment and record, said Township Clerk/Sexton shall issue a new burial permit to the assignee and shall cancel and terminate upon such records the original permit thus assigned.

Burial rights may revert to the Township for a cemetery plot or burial space which have remained unused for a period of fifty (50) years. No such reversion shall occur, however, until the Township has made a reasonable effort to locate the person or person identified in Township records as having burial rights in said area to ascertain whether said person continue to exist and/or the intend of such persons.

Right of Burial Certificates may be sold back to North Star Township at the same monetary rate in which they were originally purchased upon written notarized request of said owner or his/her legal heirs or representatives.

Section 4: Purchase price and transfer fees

- Each burial space shall cost the sum of \$300.00 each.
- Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$50.00 for each transfer within one cemetery lot.

The foregoing charges shall be paid to North Star Township and given to the Township Treasurer to be deposited in the general fund.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5: Grave opening charges

The opening and closing of any burial space, prior to and following a burial therein, and including the internment of ashes, shall be as follows:

<u>Adult or Child</u>		<u>Baby</u>		<u>Ashes</u>	
Weekday	\$500.00	Weekday	\$350.00	Weekday	\$150.00
Saturday	\$700.00	Saturday	\$500.00	Saturday	\$250.00
Sunday/Holiday	\$1,000.00	Sunday/Holiday	\$700.00	Sunday/Holiday	\$500.00

Winter Rates will be in effect from December 1st through March 31st with an **additional** charge of \$100.00 for a grave opening.

Burials after 3pm Mon – Fri will be charge **Saturday** rates.

The foregoing charges shall be re-determined from time to time by resolution of the Township Board, and shall be payable to North Star Township and given to the Township Treasurer to be deposited in the general fund.

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton/Township Clerk. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: Interment regulations

No interment shall take place in a burial space without the appropriate permit and or proper identification of the person to be buried therein. All interment charges are required to be paid within 24 hours prior to interment. Funeral directors making the arrangements for burials shall be responsible for all interment charges if such charges are not paid by the grave owner or his or her agent.

The Cemetery Sexton/Township Clerk 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 or completed.

Not less than 48 hours notice shall be given in advance of any time of any funeral or memorial service to allow for the opening of the burial spaces.

If less than 48 hours notice is given, an additional fee of \$100.00 will be charged.

The following interments are allowed in one (1) burial space in North Star Cemetery:

- a. One (1) person in a concrete vault
- b. One (1) person in a concrete vault along with one (1) cremation
- c. Two (2) cremations

Cremains are required to be interred and not sprinkled in North Star Cemetery.

No graves shall be opened or closed except by workmen employed by Township Board.

The Cemetery Sexton/Township Clerk or cemetery representative shall not be held responsible for errors in the location of graves on lots arising from improper instructions of lot owners or funeral directors. Orders from the funeral director shall be construed as orders from the lot owners. Under no circumstances shall the Township assume responsibility for errors in opening graves when orders are given by telephone.

Section 7: Markers, Monuments, Materials & Foundations

1. All monuments and markers shall be placed at the head of a grave as platted. No monument or marker shall be set unless the burial space is paid for in full.
2. All monuments and markers shall be placed on a foundation of a depth and size and of a material deemed adequate by the Township Clerk/Cemetery Sexton.
3. Foundations may be requested through the Township Clerk/Cemetery Sexton and will be installed by cemetery management. Foundation fees will be assessed on a square inch of surface area basis.
4. North Star Township shall, under no circumstances, assume responsibility for the maintenance, repair or replacement of any marker or monument placed or erected upon a burial space.

Section 8: Decorations of Burial Spaces

In order to preserve a peaceful, sacred resting place at North Star Cemetery, decorations must be done in a way that does not create a safety hazard, impede proper maintenance, infringe on other graves, offend others or diminish the character of the cemetery.

A burial space may consist of only the following:

- a. A Foundation and a Headstone
 - In addition to having a headstone, veteran plaques are allowed but must be a flush mount and will be placed at the foot of the grave or on headstone.
 - Any additional markers necessary to identify cremains must be a flush mount
- b. Up to 2 unbreakable urns properly installed on the foundation and maintained.
- c. Flowers placed inside the urns must be tightly secured and maintained.
- d. Flower saddles are allowed on top of the headstone only.
- e. Flowers in durable planters/pots are allowed on the foundation. If foundation is not present, they must be placed in line with the stone. If not maintained, excessive or unsightly, all the above will be removed. Do not place any flowers prior to May 1st.
- f. Planting of flowers in front of the headstone/foundation is allowed with approval from the Township Clerk/Cemetery Sexton but must not exceed twelve (12) inches from the stone and maintained. If not approved or maintained, they will be removed.
- g. Funeral flowers may be left on grave but will be removed once they deteriorate.
- h. Winter grave blankets and wreaths are permitted after November 1st and must be removed by April 1st. After April 1st all remaining decorations will be removed.
- i. One flag holder will be permitted for the grave of each veteran whose last service was honorable and is interred in North Star Cemetery. Veteran flags will be placed by cemetery management or its agents prior to Memorial Day and removed by the 2nd week of June. The Cemetery Sexton/Township clerk reserves the right to remove any personal flags that have become damaged or unsightly without making a replacement.

Any items that do not comply with the above may be removed by cemetery management.

- 1) Shrubs, trees, bushes, rose bushes or any thorn bearing bush of any type is prohibited.
- 2) Lighting of any kind is prohibited. This includes but not limited to all solar & battery-operated lights.
- 3) Iron or metal fixtures including shepherd's hooks and 3-legged stands are prohibited.
- 4) Glass containers of all types as well as statuary items of any size are prohibited.
- 5) Toys, small objects, food, bottles or cans which may or may have contained alcohol or other beverage will not be permitted as grave decorations, and when used, they will be removed without notice.
- 6) No artificial flowers or objects can be stuck directly in the ground or they will be removed.
- 7) Fencing, edging, loose stones, wood chips or other ground cover other than earth or sod are prohibited, as they can be hazardous to maintenance personnel and/or damaging to lawn mower parts. Any non-conforming items will be removed at the discretion of Cemetery Management.
- 8) North Star Township reserves the right to remove or trim any existing trees, plants, or shrubs located within the cemetery which have become unsightly or dangerous in the interest of maintaining proper appearance and use of the cemetery.

Section 9: Ground Maintenance

- General maintenance of North Star Cemetery, which is designed to improve the overall appearance and condition of the cemetery, shall be the responsibility of North Star Township.
- Maintenance shall include such items as mowing, trimming of the grass, landscaping, the upkeep of the drives, buildings, water pumps, and fences of the cemetery.
- North Star Township and his/her designees shall establish the grade of all lots, lawns, and avenues, and shall have general supervision of improvements within the cemetery upon all lots; before and after interments are made.
- No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton/Township Clerk. No lot shall be filled or raised above the established grade. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

The well water in the cemetery HAS NOT BEEN APPROVED FOR DRINKING.

- 1) The North Star Cemetery, shall have the right and authority to remove and dispose of any and all growth, decorations, displays or containers therefore that through decay, deterioration, damage or otherwise has become unsightly, a source of litter, or a maintenance problem.
- 2) All refuse of any kind including but not limited to dried flowers, wreaths, papers, and flower containers must be removed by residents. Trash bins are not available in the cemetery.
- 3) The North Star Cemetery shall not be financially responsible for any damage to lots, markers, or objects thereon, or for flowers or articles removed from any lot or grave.

Section 10: Records

The Cemetery Sexton/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.

Section 11: Cemetery hours

The North Star Cemetery shall be open to the general public from the hours of dawn to dusk each day.

No person shall be permitted in the North Star Cemetery at any time other than the foregoing hours, except upon permission of the Cemetery Sexton/Clerk or Township Board.

Section 12: 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 the activity complained of.

Section 13: Severability

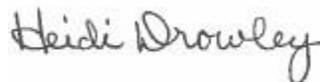
The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 14: Effective Date

This ordinance shall take effect and be in force 20 days from and after its adoption by the North Star Township Board.

All existing ordinances and/or parts of ordinances in conflict with this ordinance are hereby repealed.

I, the undersigned, Clerk of North Star Township do hereby certify that the above and foregoing Ordinance, known as the North Star Township Cemetery Ordinance was revised, updated, and approved at a regular meeting of the North Star Township Board, held on May 10, 2021 at 7:30pm at the Township Hall.



Heidi Drowley, Clerk