

**TOWNSHIP OF SEVILLE
ORDINANCE NO. 2022-1214-3
CEMETERY ORDINANCE**

**ADOPTED: December 14, 2022
PUBLISHED: December 22, 2022
EFFECTIVE: January 22, 2023**

Seville Township Ordains:

Section 1: Title and Purpose

This ordinance shall be known and cited as the Seville Township Cemetery Ordinance. The cemetery, although under Township jurisdiction, shall not be considered as public land in the sense that it is common property and subject to the whims of the public, but it is to be considered as sacred ground dedicated to the peace and repose of the departed and subject to the consideration and respect of all persons who visit or own lots in the cemetery. The following cemetery regulations are adopted by ordinance pursuant to authority granted the Township by PA 113 of 1915, PA 46 of 1931, as amended, PA 95 of 1909, as amended, and PA 215 of 1937, as amended.

Section 2: Rules of Conduct

No Person or Group Shall:

- (1) Enter the cemetery except through an established gate or gateway.
- (2) Write upon, deface or damage any monument, grave site, fence or structure on cemetery property
- (3) Possess or consume alcoholic beverages.
- (4) Use any form of advertising placed on cemetery premises
- (5) Purchase any ground or lots within the cemetery for the purposes of speculation thereon
- (6) Discharge a firearm in or adjacent to any cemetery. This prohibition shall not apply to military burials or at official Memorial Day or Veterans Day services. Liability for approved firearm discharges shall rest with the authorized party.
- (7) Persons entering the cemetery shall be held financially responsible for any damage they cause to the cemetery properties, vegetation, plantings, structures, monuments or grave sites.
- (8) Vehicles shall not be parked so as to infringe upon any lots or graves or to obstruct free passage along any roads or drives within the cemetery with the exception of a funeral procession during a grave side service.

Section 3: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of (4) four burial spaces. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length. An infant or stillborn burial space shall consist of a land area three (3) feet wide and (3 1/2) three and one half feet in length.

Section 4: Sale of Lots or Burial Spaces

Hereafter, cemetery lots or burial spaces shall be sold to resident/taxpayer, non-resident resident/tax payer or non-resident/non-tax payers of the Township 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 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. 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 Township Clerk. Burial rights may only be transferred to those persons eligible or next of kin of original purchasers. Cemetery lots or burial spaces within the Township may be only affected by endorsement. Assignment of ownership based upon the original ownership issued by the Township Clerk and records of said Clerk shall issue a new deed to the assignee and shall terminate the original deed

Section 5: Fees and Charges

Each **Lot** shall consist of (4) four burial spaces. The cost per space shall be listed in the Township Schedule of Fees. Resident taxpayers that lived in the Township for 20 years or more and have moved may purchase burial permits under the same terms and conditions as current resident taxpayers. 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 6: Grave Openings Charges

Grave opening charges to be determined annually by consideration of Township Board. Burial spaces shall not be opened and closed except under the direction of the Cemetery Sexton. This provision shall not apply to proceedings for the removal of reinternment of bodies and remains, which matters are under the supervision of the local health department.

Section 7: Markers or Memorials

- (1) All markers or memorials must be of stone or other equally durable composition.
- (2) Monuments must be located upon a foundation specified by Township.
- (3) Only one monument, marker or memorial shall be permitted per burial space. Veterans' markers may be placed at discretion of cemetery sexton or township clerk. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial site.
- (4) Maintenance of markers and/or monuments is the responsibility of the lot owner(s) and their decedents if available. If lot owner(s) or descendants are not available markers and monuments will be maintained at discretion of Township
- (5) One flag to indicate a Veterans burial will be provided by the Township. The flag will be placed prior to Memorial Day and removed by July 15th
- (6) The Township reserves the right to remove any flag that has become damaged or unsightly without making a replacement following notice to the lot owner(s).
- (7) Persons engaged in placing monuments and markers shall provide adequate planking to protect turf and shall remove materials and equipment immediately upon completion of such work. The site shall be left in a clean and orderly condition. Markers and monuments will not be permitted to be delivered to lots until a proper order for a foundation installation has been placed to Cemetery Sexton and work has been performed.

Section 8: Interment Regulations

No interment shall take place without a burial permit, nor until the person making arrangements for the interment complies with all laws, ordinances and rules and regulations regarding burials. Funeral directors planning for burials shall be responsible for all interment charges if such charges are not paid by the owner or their agent within 36 hours prior to such interment.

- (1) All **full** burials are required to be in a concrete or metal vault or a concrete box.
- (2) Green burials are currently prohibited within the Township cemeteries.
- (3) Mausoleums are not currently permitted.
- (4) Interments per burial **space**; A mother or father and infant or two children, space permitting.
- (5) Four cremation burials are allowed per burial **space**.
- (6) One cremation will be allowed with a **full** burial.

Seville Township, employees or sub-contractors shall not be held responsible for errors in location of burial spaces on lots. Orders from funeral directors shall be construed as orders from the lot (deed) owners. Under no circumstances shall the township assume responsibility for errors in opening graves when orders are given by telephone. Burials shall only be opened and closed by township sexton. A minimum of 36 hours shall be given in advance of any funeral to allow for the opening of the burial spaces. In the event 36 hours' notice is not given a fee will assessed to the lot owner or funeral director. No disinterment shall be allowed, except by authority of the person owning the lot in which the interment is made and except by order of a court with appropriate jurisdiction when proper paperwork from the Mid-Michigan District Health Department for the remains must be given. Graves shall not be opened for inspection of remains except for official investigations. Interment and disinterment may be made only by the regular employees of the cemetery. The Township shall exercise the utmost care in making the removal, but it shall assume no liability for any damage to any casket or burial vault or urn incurred in making the removal. Any markers or monuments designating the location of an interment shall be removed at the time disinterment is made at the expense of lot owners or heirs. All disinterment is at the discretion of the Township.

Section 9: Ground Maintenance

- (1) No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or Township Clerk.
- (2) Surfaces other than earth or sod shall be prohibited
- (3) Mounds which hinder the free use of lawn mower or other gardening apparatus (fencing) are prohibited
- (4) Copings, fences, edging, railing, curbs, benches, steps and structures of vinyl, steel, wood or other equally perishable materials are prohibited, including glass.

- (5) No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or Cemetery Sexton
- (6) Solar lighting or other electronics are at the discretion of the Seville Township Sexton.
- (7) Shepherd hooks may be removed if they pose a danger for grave maintenance
- (8) Spring and summer decorations may be placed May 1 and removed by October 1
- (9) Winter decorations may be placed Nov 1 and removed April 1
- (10) Decorations not removed by deadlines may be removed by Township personnel

Seville Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemeteries in the interest of maintaining proper appearance and the use of the cemeteries. The cemetery Sexton shall have the right and authority to remove and dispose of all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem, at any time and without notice.

Section 10: Forfeiture of Vacant Cemetery Lots or Burial Spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 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 owner of record informing them of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if they do not indicate in writing to the Township Clerk, within 60 days, from the date of mailing the notice to retain their burial rights; and

The Township Clerk does not receive notice to retain cemetery lots or spaces within 60 days.

Section 11: Repurchase of Lots or Burial Spaces

The Township may purchase any cemetery lots or burial space from the owner for the current price, upon written request of the said owner or their legal heirs or representatives.

Section 12: Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care funds, separate and apart from any other records of the township and the same shall be open to public inspection during reasonable business hours.

Section 13: Cemetery Hours

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

Section 14: Financial Responsibility for Property Damage

The Township assumes no responsibility and shall not be liable for damage to any item placed on any cemetery lot or burial space, including without limitation any damage caused by regular maintenance activities, such as mowing, weed whacking and tree removal. Further, the Township assumes no responsibility and shall not be liable for damage to any headstones or markers resulting from regular burial space.

Section 15: Penalties

Any person, firm or corporation who violates any of the provisions this ordinance may be guilty of a misdemeanor and may be subject to a fine of up to \$100.00 and /or imprisonment for up to 90 days in jail as may be determined by a court of law. Each day that a violation continues to exist may constitute a separate offense. Any criminal prosecutions may not prevent civil proceedings for the abatement and termination of that activity. Nothing in this Ordinance shall be construed to limit any other remedy at law or in equity, including but not limited to injunctive relief for violations of this Ordinance. Any such remedies shall be in addition to any other remedy.

Section 16: Severability

The provisions 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 law. The 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 17: Effective Date

All ordinance or parts of ordinance in conflict herewith are hereby repealed.

This ordinance shall take effect on January 22, 2023.