

**WHITEWATER TOWNSHIP  
ORDINANCE NUMBER 12  
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 Whitewater, Grand Traverse 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 WHITEWATER, COUNTY OF GRAND TRAVERSE,  
MICHIGAN. ORDAINS:**

**Section 1      TITLE**

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

**Section 2      DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES**

- A.     A **cemetery lot** shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
  
- B.     An **adult burial space** shall consist of a land area four feet wide and ten feet in length.

**Section 3      SALE OF LOTS OR BURIAL SPACES**

- A.     Hereafter, cemetery lots or burial spaces shall be sold to only residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law of next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is 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.
  
- 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 burial spaces sold. Such form shall be executed by the Township Clerk.
  
- C.     Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township 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.

- D. Lot owners shall not allow interments in their lots in return for remuneration of any kind.

#### **Section 4 PURCHASE PRICE AND TRANSFER FEES**

- A. The Township Board by resolution may periodically set and adjust the fee for burial spaces to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### **Section 5 GRAVE OPENING CHARGES**

- A. The opening and closing of any burial space, prior to and following a burial therein, and 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 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.

#### **Section 6 MARKERS OR MEMORIALS**

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any monument must be located upon a suitable solid foundation which extends at least four inches beyond the marker and is flush with the ground.
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. No more than four markers per grave site for four individual cremains or one marker for all cremains. Individual markers for cremains shall be flush with ground and shall be no more than 12" x 24".
- E. Should any monument or memorial become unsightly, dilapidated or a safety hazard, the Board shall have the right, at the expense of owner, to correct the condition or remove the same.

## **Section 7 INTERMENT REGULATIONS**

- A. Burials are permitted only from April 1 to December 1.
- B. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time. For interment of cremains, up to four cremains may be buried in one burial space.
- C. Not less than 36 hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.
- D. 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 the Township Clerk prior to interment. Where such permit has been lost or destroyed, the 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.
- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- F. No lot shall be used for any other purpose than the burial of the human dead.

## **Section 8 GROUND MAINTENANCE**

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Clerk.
- B. No shrubs, trees, shall be planted without the approval of the cemetery sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.
- C. 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.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The cemetery sexton 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.
- F. Surfaces other than earth or sod are prohibited.

- 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.

## **Section 9 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES**

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. Notice shall be sent by the Township Clerk by First Class mail to the last know address of the last owner of record informing him of the expiration of the 40 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 notice his desire to retain said burial rights.
- B. 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 60 days from the date of mailing of said notice.
- C. It is the responsibility of the lot owner to notify the Board of any change of address.

## **Section 10 REPURCHASE OF LOTS OR BURIAL SPACES**

The township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon the written request of said owner or his legal heirs or representative.

## **Section 11 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.

## **Section 12 VAULT**

- A. All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.
- B. Cremains shall be in an approved container.

**Section 13 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 \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction.

**Section 14 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 15 EFFECTIVE DATE; REPEAL**

This Ordinance shall take effect on July 20, 1982. All ordinances or part of ordinance in conflict herewith are hereby repealed.