

## **PINCONNING TOWNSHIP CEMETERY ORDINANCE 14-02**

This ordinance shall be known as the Pinconning Township Cemetery Ordinance,

Pinconning Township, County of Bay, State of Michigan, and shall replace Ordinance #27-92A adopted 9-15-1992.

### **PURPOSE AND INTENT:**

The Pinconning Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemeteries owned or controlled by the Township is an important function of the local government. It is also important that burials, disinterment and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health, and general welfare of the community. The Township Board finds this Ordinance is in the best interests of the cemetery properties and the residents of the Township.

### **CEMETERY LOTS AND BURIAL SPACES:**

A cemetery lot shall consist of burial spaces sufficient to accommodate one to four burial spaces. (1-4)

An adult burial space shall consist of a land area four feet wide and 10 feet in length. (4x10)

An infant or stillborn space shall consist of a land area three feet wide (3) and three and a half feet (3 ½) long in an area set aside specifically for such burial or at the foot of a parent or relative.

Cemetery lots are purchased at the Township which grants a right of burial only. "Deeds" to cemetery lots will be honored provided that they are registered with the Clerk's office and documented as the owner of the burial space(s).

All burials will occur in the "New" cemetery only.

### **TRANSFER OF BURIAL SPACES:**

Any sale or transfer of ownership **MUST** be documented by the Clerk's office. A new "Right of Burial" certificate will be issued with the new owner's information. A transfer fee of \$25.00 per space will be charged to the new owner. Unused burial spaces may be sold back to the

Township at a nominal fee upon written request by the said owner or his/her heirs or legal representatives.

## **FORFEITURE OF VACANT PLOTS OR BURIAL SPACES:**

Plots or burial spaces remaining vacant for a period of forty (40) years or more from the date of purchase shall automatically revert back to the Township upon the occurrence of the following events:

- a. Notice shall be sent by Township Clerk by first-class mail to the last known address of the last owner of record informing he/she of the expiration of the 40 year period and that all rights with respect to the lots or spaces will be forfeited if the owner does not affirmatively indicate in writing to the Pinconning Township Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights.
- b. If no written response to said notice indicating a desire to retain the plots or burial spaces in question is received by the Township Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within sixty (60) days from the mailing of the notice, the burial spaces will revert back to the Township.

## **VAULTS:**

Burial vaults shall be required for all interments except cremations, and shall be constructed of reinforced concrete, steel, or other approved material which meets the performance requirements of the vault industry, and are found acceptable by the Township. All concrete vaults shall meet the Performance Standards established by the National Concrete Burial Vault Association (NCBVA).

## **PURCHASING BURIAL LOTS/SPACES:**

Burial spaces/lots shall be sold to residents of Pinconning Township for the sum of \$200.00 each space. To qualify as a resident, one must reside within the limits of the Township and/or pay taxes on a property within the Township.

Non-residents may purchase lots at the cost of \$300.00 per space.

All 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 burial space purchased. The form will be signed by the Clerk. No sales will be made to funeral directors.

## **GRAVE OPENING CHARGES:**

Opening and closing fees shall be as follows:

Burials: \$450.00

Infants: \$ 250.00

Cremations/Urns: \$250.00

No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton, or by court order.

## **MARKERS AND MEMORIALS:**

All markers or memorials must be of stone or other equally durable composition.

The footing or foundation upon any monument, statue, memorial, or marker must be constructed by the Township Sexton at cost to the owner of the burial space.

The Township is not responsible for the loss, theft, or damage to any monument, marker, floral display, or other adornment located within the cemetery including the tribute area. Pinconning Township reserves the right to remove damaged or unsightly arrangements.

The Township board reserves the right to remove or trim any tree, plant, or shrub within the cemetery in the interest of maintaining appearance and grounds keeping.

All refuse from the cemetery must be removed or deposited in the refuse dumpster in the rear section of the cemetery.

Water taps are available for cemetery patrons to use at the cemetery only. Water taps will be available from May to September.

## **CARE OF TRIBUTE AREAS:**

All tribute areas must be kept tidy, pleasing in appearance, and accessible to lawn mowing equipment.

## **CEMETERY HOURS:**

The cemetery shall be open daily to the general public from the hours of dawn to dusk. No person shall be permitted into the cemetery at any time other than the stated hours.

Persons entering the cemetery will be held fully responsible for any damage to the cemetery property.

## **RECORDS:**

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, including the name and address of the last known person/heirs documented as rightful owner. Records will be kept in the Pinconning Township Hall and shall be open to public inspection during normal business hours or by appointment made with the Township Clerk.

## **DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY:**

Persons entering the cemetery do so at their own risk. The Township is not responsible for any injury, accident, or other calamity that may occur while visiting the cemetery. Furthermore, the Township is not responsible for any damage, vandalism, theft, or deterioration of the monuments, headstones, urns, or items placed on a gravesite.

A hold harmless provision shall apply not only to the Township, but also to the Sexton and any employee, officer, official, or agent of Pinconning Township.

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## **ORDINANCE**

All Township Ordinance in conflict herewith, either in whole or in part, shall be and are hereby repealed.

## **EFFECTIVE DATE**

This amendatory Ordinance shall become effective seven (7) days after publication as required by law.

## **Publication**

This Ordinance shall be published in a general newspaper of general circulation within the Pinconning Township as required by law.

Adopted at a regular scheduled meeting of the Pinconning Township, on November 25<sup>th</sup>, 2014.

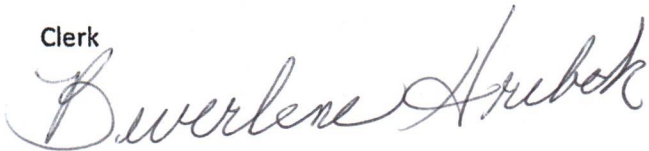
AYES: Switek, Stalsberg, Laframboise, Hribek.

## **CERTIFICATION:**

I do hereby certify that the foregoing is a true and correct amendment to the Zoning Ordinance adopted by the Pinconning Board, Bay County, and the State of Michigan, at a regular scheduled meeting of the Board, held at the Pinconning Township Hall, on the 25<sup>th</sup> day of November, 2014.

Beverlene Hribek

Clerk

A handwritten signature in cursive script, reading "Beverlene Hribek", written in dark ink.