

OCT 15 2007

Jordan Township Cemetery Ordinance

BY _____

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 Jordan, Antrim 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 Jordan, Antrim County, Michigan, Ordains:

Section 1: Title

This ordinance shall be known and cited as the Jordan Township Cemetery Ordinance

Section 2: Records:

The Township Clerk, or other person as appointed by the Jordan Township Board, shall maintain records concerning all burials, issuance of burial permits, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

The Township Clerk is hereby granted the authority to make exceptions or modifications of any sales where the purchaser discloses sufficient reason.

Section 3: Definitions of Cemetery Lots and Burial Spaces.

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

A cemetery burial space shall consist of burial space sufficient to accommodate one standard burial vault. (4 feet wide, 10 feet long). This will allow room for placement of monuments or markers within said burial space.

A cremation burial space shall be defined as 4 feet wide and 4 feet long. Maximum of two cremation burial spaces per standard burial space.

Section 4: Sales of Lots or Burial Spaces (Right of Burial)

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of Jordan Township for the purpose of the burial of such purchaser or his or her heirs or next of kin. No sales shall be made to funeral directors.

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 lot or burial space sold. Such form shall be executed by the Jordan Township Clerk.

Burial rights may only be transferred by endorsement of an assignment of such burial right upon the original burial right form issued by the Jordan 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 right to the assignee, shall cancel and terminate upon such records the original right thus assigned.

Section 5: Purchase price.

Each burial lot shall cost the sum of \$200.00 (Two hundred dollars). Each burial space shall cost \$100.00 (One hundred dollars)

The Jordan Township Board, by resolution, may periodically alter the forgoing fees to accommodate increased costs for cemetery maintenance.

Section 6: Grave openings.

No burial space 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/or reinterment of bodies and remains, which matters are under the supervision of the local health department.

All burials must be made in an approved vault or similar receptacle designed or intended to enclose or receive a casket or cremains.

Section 7: Markers or Memorials.

All markers or memorials must be made of stone or other equally durable composition. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one monument or memorial shall be permitted per burial space.

Section 8: Interment Regulations.

Jordan Township cemeteries may be used for interment of human remains only.

Not less than 48 hours notice shall be given in advance of the time of any funeral to allow for the opening of the burial space. If weather related conditions (snow, rain, wet soil) the cemetery sexton has the right to refuse burial at that time.

The appropriate burial right for the burial space involved, together with appropriate identification of the person to be interred therein, where necessary, shall be presented to the cemetery sexton prior to interment. Where such burial right has been lost or destroyed, the Jordan Township Clerk shall be satisfied, from his or her records, that the person to be interred in the burial space is an authorized and appropriate one before any interment is commenced or completed.

Section 9: Ground Maintenance.

Township care consists of cutting grass, brush and tree trimming.

No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton.

Dirt mounds, or other gardening apparatus, which hinder the free use of a lawn mower are prohibited.

The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem. Surfaces other than earth or sod are prohibited.

The driver of any vehicle, motorcycle or other conveyance, will be held responsible for any damage said driver may do, whether intentional or not intentional.

The cemetery, although under governmental jurisdiction, will not be considered as public land in the sense that it is common property and subject to the whims of the public, but is to be considered as holy ground dedicated to the peace and repose of the interred and subject to the consideration and respect of all who visit or own burial rights in the cemetery. Any conduct deemed disrespectful, will be considered a misdemeanor and prosecuted as such.

Section 10: Penalties.

Any person who shall violate the provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of \$100.00. Each day that a violation continues to exist shall constitute a separate offense. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 11: 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 decisions 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 12: Effective Date

This Ordinance shall take effect on Oct. 8, 2007. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was given publication in the Petoskey News Review on the following date. Oct. 8, 2007

Lucille Leavelle, Clerk