

MIKADO TOWNSHIP ORDINANCE NO. 84-1
COUNTY OF ALCONA, MICHIGAN
CEMETERY ORDINANCE

An ordinance to protect the public health, safety, and general welfare of the Township, by establishing regulations to the operation, control, and management of cemeteries owned by the Township of Mikado, Alcona County, Michigan: to provide penalties for the violation of said Ordinance and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I: Title. This ordinance shall be known and cited as the Mikado Township Cemetery Ordinance.

SECTION II: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES: A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four spaces.

SECTION III: SALE OF LOTS OR BURIAL SPACES.

- A. Hereafter, cemetery lots or burial spaces shall be sold to only Alcona County residents for 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 County or relationship to persons interred therein.
- B. All such sales shall be made on a form (Deed), 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.
- 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 space upon the original burial space 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 space to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

SECTION IV: PURCHASE PRICE.

- A. Each gravesite shall cost fifty (\$50.00) dollars for Mikado Township residents or taxpayers and one hundred (\$100.00) dollars for each gravesite for all other Alcona County residents. Gravesites shall be sold in two (2) or four (4) grave lots.
- B. If the Township Clerk grants permission for out-of-the-county residents to purchase lots in Mikado Township Cemetery, each grave site shall cost two hundred fifty (\$250.) dollars sold in (1), two (2) or four (4) lots.
- C. The Township Board by Resolution may periodically alter the foregoing fees to accommodate increased costs.

SECTION V: GRAVE OPENING CHARGES.

- A. The Township is responsible for the opening and closing of graves.
- B. Grave opening charges shall be handled through funeral directors.
- C. All damage to the grave markers, graves, lots and lot markers incurred during the opening and closing of graves or plowing of roads, is the responsibility of the person or persons doing the excavating or plowing.

- D. The Township Board, by Resolution, may periodically alter the foregoing fees to accommodate increased costs for cemetery maintenance and land acquisition.
- E. All maintenance for a Winter Burial such as snow plowing of roads and ground, snow shoveling around the grave area, warming up of the ground, locating the lot number shall be accomplished by the Township's contracted services. All the incurred costs of a Winter Burial shall be at the deceased family's expense.
- F. All burials shall be within a standard concrete vault installed in each burial space before interment.
- G. All burials of cremated ashes are required to go through a funeral director or the Township Clerk. No personal burials are permitted.

SECTION VI: MARKERS OR MEMORIALS.

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

SECTION VII: INTERMENT REGULATIONS.

- A. Only one person may be buried in a burial space except for one parent and infant, or two children buried at the same time, or the remains of four (4) cremated bodies. (Amended July 8, 1991), or four (4) cremated body remains on top of one vaulted casket, providing the casket in a vault is buried prior to any cremated remains (Amended November 8, 2010).
- B. 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 the Township Clerk prior to interment. The undertaker shall furnish the Township Clerk with a death certificate and burials location.
- C. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION VIII: GROUND MAINTENANCE.

- A. No shrubs or trees shall be planted. Flowers may be planted at owner's risk.
- B. 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.
- C. The Township Board 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, becomes unsightly, a source of litter, or a maintenance problem.
- D. All refuse of any kind or nature including artificial/dried flowers, wreaths, papers, and flower containers must be removed from the cemetery.
- E. Artificial, cut or potted flowers, wreaths, and grave blankets are permissible. Grave blankets can be *affixed* after October 1st, and *removed* by May 1st.

SECTION IX: RECORDS. The Township Clerk shall maintain records concerning all burials, and or burial permits, separate and apart from any records of the Township, and the same shall be open to public inspection at all reasonable business hours.

SECTION X: REPURCHASE OF LOT OR BURIAL SPACES. The Township will repurchase any cemetery lot from the owner, if not used, for the original price paid the Township, upon the written request of said owner or his legal heirs or representatives.

SECTION XI: CEMETERY HOURS.

A. The cemetery shall be open to the general public during the daylight hours. NO person shall be permitted in the Township cemetery at any time other than the foregoing hours, except upon permission of the Township Board.

B. All off-road vehicles are prohibited in the cemetery at all times.

SECTION XII: PENALTIES. Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred (\$100.) dollars, plus costs, or ninety (90) days in the County jail, or both. Each day that a violation continues to exist constitutes a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for injunctive or other relief from the activity complained of.

SECTION XIII: 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 or 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.

EFFECTIVE DATE: Ordinance adopted on July 8, 1991 shall take effect on July 17, 1991. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Amendments to this Ordinance have been included.

MIKADO TOWNSHIP

Everett Frayer, Supervisor

Janet M. Hale, Clerk

** This document has been retyped to provide legible copies.

Original copy of signed Ordinance may be viewed at the Township Clerk's office.

Amendments to this Ordinance have been included.