

MILAN TOWNSHIP ORDINANCE NO. _____

MILAN TOWNSHIP CEMETERY ORDINANCE

An Ordinance enacted pursuant to Act 246 of the Public Acts of 1945 (MCL 41.81), as amended, to protect the public health, safety, and general welfare by establishing rules and regulations relating to the use, operation, control, and management of cemeteries owned by the Township of Milan, Monroe County, Michigan; and to provide penalties for the violation of said Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF MILAN, COUNTY OF MONROE, STATE OF MICHIGAN HEREBY ORDAINS:

SECTION 1 – TITLE.

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

SECTION 2 – DEFINITIONS OF CEMETERY LOTS AND GRAVES.

- A. A cemetery lot shall consist of sufficient area to generally accommodate eight (8) graves.
- B. A grave shall consist of a land area four (4) feet wide and ten (10) feet in length.

SECTION 3 – SALE OF LOTS AND GRAVES.

- A. The price of cemetery lots and/or individual graves to be sold by the Township to or on behalf of a person who is a resident Milan Township or owner of land situated in Milan Township for the purpose of the burial of such purchaser or his or her spouse, former spouse, or heir at law (hereafter defined as a “Qualified Person”) shall be as set forth in Section 4 below. The price of cemetery lots and/or individual graves to be sold to or on behalf of a non-qualified person shall be as set forth in Section 4 below. No sale shall be made to funeral directors for their clients, or for resale or assignment, other than for their own burial.
- B. All such sales shall be made on a form approved by the Milan Township Board, which grants a right of burial only and does not convey any other title to the grave or cemetery lot sold. Such form shall be executed by Milan Township Clerk.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of graves or cemetery lots within Milan Township and may be valid only by endorsement of an assignment of such burial permit or deed upon the original burial permit or deed issued by Milan Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and

record, the Clerk shall issue a new burial permit or deed tot the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

SECTION 4 – PURCHASE PRICE AND TRANSFER FEES.

- A. Each adult grave sold to or for a Qualified Person shall cost the sum of \$300.00
- B. Each grave sold to or for a non-Qualified Person shall cost the sum of \$600.00 with a limit of 2 lots per family.
- C. Any transfer of one or more graves from an original purchaser to a qualified assignee shall cost \$25.00 for each grave transfer approved, and if transferred to or for a non-Qualified Person, then the difference in the original purchase price of the grave and the then current cost for a non-Qualified Person to purchase a grave from the Township shall be paid to the Township in addition to the transfer fee.
- D. The foregoing charges shall be paid to Milan Township and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- E. The Milan Township Board, by resolution, may periodically alter or establish additional sales prices and fees to accommodate increased costs and reasonable reserve funds for cemetery maintenance and acquisition.

SECTION 5 – GRAVE OPENING CHARGES.

- A. The opening and closing of any grave, 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 Milan Township Board.
- B. No graves shall be opened and closed except under the direction and control of the cemetery Sexton.

SECTION 6 – MARKERS OR MEMORIALS.

- A. All grave markers must be of stone or other equally durable composition, not greater than 40 inches in width by 48 inches in height and 24 inches in depth.
- B. All upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one grave marker and one Veteran’s marker shall be permitted per interment.

- D. The footing or foundation upon which any grave marker must be placed shall be constructed by the Township Sexton at cost to the owner of the burial right and must be placed on the west end of grave.

SECTION 7 – INTERMENT REGULATIONS.

- A. Only one (1) vault plus one (1) cremation urn, or two (2) cremation urns may be buried in a grave.
- B. Notice of the time and date of any funeral shall be given to the Sexton no less than forty-eight (48) hours in advance to allow for the opening and preparation of the grave site.
- C. The appropriate deed for the grave involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery Sexton or the Milan Township Clerk prior to interment. Where such deed has been lost or destroyed, the Milan Township Clerk must first be satisfied, from his or her records, that the person to be buried in the grave is authorized and appropriate, forty-eight (48) hours before any interment is commenced or completed.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved and the length of the grave situated on an East-West orientation.

SECTION 8 – GROUND MAINTENANCE.

- A. No grading, leveling, or excavating for a grave shall be allowed without the permission of the cemetery Sexton and the Milan Township Clerk.
- B. No shrubs or trees of any type shall be planted without the approval of the cemetery Sexton and the Milan Township Board. Any of the foregoing items planted without such approval may be removed by the cemetery Sexton.
- C. The Milan Township Board reserves the right to remove, replace, or trim any tree, plant, shrub, or landscaping 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 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 contains must be removed or deposited in containers which may be located within the cemetery.

SECTION 9 – FORFEITURE OF VACANT CEMETERY LOTS OR GRAVES.

Cemetery lots and graves sold after the effective date of the predecessor to this Ordinance and remaining vacant 100 years from the date of their sale shall automatically revert to Milan Township without claim or compensation upon occurrence of the following:

- A. Notice is sent by the Milan Township Clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 100 year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Milan Township Clerk within 60 days from the date of mailing of the within notice, his or her desire to retain said burial rights for another 100 year period after which such lots and graves will be subject to the same notice and reversion status after another 100 years, and
- B. No written response to said notice indicating a desire to retain the cemetery lots or graves in question is received by the Milan Township Clerk from the last owner of record of said lots or graves, or from his or her legal representative, within 60 days from the date of mailing of said notice.

SECTION 10 – RECORDS.

The Milan 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 Milan Township and the same shall be open to public inspection at all reasonable business hours.

SECTION 11 – VAULT.

All burials shall be within an industry standard concrete vault installed or constructed in each grave site before interment, unless previous arrangements have been made with the Milan Township Clerk to have a mausoleum interment or green burial.

SECTION 12 – CEMETERY HOURS.

- A. The cemetery shall be open to the general public from the hours of daylight to dusk each day.
- B. No person shall be permitted on the property of the Milan Township cemeteries at any time other than the foregoing hours, except upon permission of the Milan Township Board or the Sexton of the cemetery.

SECTION 13 – PENALTIES.

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor, shall be obligated to pay restitution for all damages and costs, and shall be subject to a fine up to \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall prevent civil proceeding for abatement and termination of the activity complained of.

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 that 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.

This Ordinance shall become effective on the thirty-first (31st) day after it, or a summary of it, is published in a newspaper of general circulation in the Township of Milan.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF MILAN, COUNTY OF
MONROE, STATE OF MICHIGAN

By: _____

Barbra Collins, Milan Township Clerk

AUTHENTICATED:

Date: _____

Published: _____

Effective: _____

By: _____

Phil Heath, Milan Township Supervisor