

PUBLIC NOTICE

PAID PUBLIC NOTICE
BEDFORD TOWNSHIP



ORDINANCE NO. 56A-2 AMENDMENT TO BEDFORD TOWNSHIP CEMETERY ORDINANCE

An Ordinance enacted pursuant to Public Act 246 of 1945, as amended, to repeal and restate the entire Bedford Township Cemetery Ordinance, Ordinance No. 56, effective October 6, 1981, and amended March 5, 1991; 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 Bedford, Monroe County, Michigan, to provide penalties for the violation of said Ordinance; and to repeal all ordinances and regulations or parts of ordinances in conflict therewith.

THE TOWNSHIP OF BOARD OF THE TOWNSHIP OF BEDFORD, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. TITLE.

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

SECTION 2. DEFINITIONS.

A. "Burial Space" shall be defined pursuant to the following:

1. "Adult Burial Space" shall consist of a land area four feet wide and eight feet in length.

2. "Cremation Burial Space" shall consist of a land area two feet wide and two feet in length.

3. "Infant or Stillborn Burial Space" shall consist of a land area two feet wide and four feet in length in areas set aside specifically for such burials.

4. "Monument Burial Space" shall consist of a land area four feet wide and nine feet in length.

B. "Cemetery lot" shall consist of burial spaces sufficient to accommodate from one to eight burial spaces.

C. "Immediate Family" shall consist of a spouse, parent, stepparent, grandparent, child, stepchild, grandchild and spouse of the aforementioned, of the owner(s), and shall include "great-" to the above where applicable.

D. "Resident" shall mean any person who declares Bedford Township to be his or her "domicile", as defined by the United States Treasury Regulations, in which a person may only have one domicile and a domicile must be the place where the person intends to reside permanently. The Sexton may waive residency application to certain persons, depending on factors such as previous residency in the Township or military service.

E. "Service Drive" is an area on which equipment may be driven without traversing a burial space.

F. "Sexton" shall be the Township Clerk or the Township Clerk's designee.

G. "Walkway" is the open space designated in various areas throughout the Cemetery.

SECTION 3. SALE OF LOTS OR BURIAL SPACES.

A. Cemetery lots or burial spaces may be sold to residents or nonresidents. The Township Board may sell cemetery lots or burial spaces to nonresidents at an increased price, as established by Resolution. No sale shall be made to funeral directors, other than for personal use, except as otherwise granted by the Sexton.

B. All such sales shall be made on a form 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 Sexton.

C. Burial rights may be transferred and may be effected only by endorsement of an assignment of such cemetery lot certificate upon the original cemetery lot certificate form issued by the Sexton, approved by said Sexton, and entered upon the official records of said Sexton. Upon such assignment,

approval, and record, said Sexton shall issue a new cemetery lot certificate to the assignee and shall cancel and terminate upon such records, the original certificate, thus assigned.

SECTION 4. PURCHASE PRICE AND TRANSFER FEES.

The purchase price of a burial space and any transfer fees shall be established by the Township Board by Resolution, and may be periodically altered 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 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, MEMORIALS AND OTHER ADORNMENT OF GRAVES.

A. Prior to the placement of a marker or monument on a burial space, all fees shall be paid in full for that burial space, except as otherwise determined by the Sexton.

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

C. Only one monument, marker or memorial shall be permitted per burial space, except that an additional flat marker, as approved by the Veteran's Monument Service, for the memorial of military service may be added to a burial space.

D. All monuments shall be approved as to design of the monument by the Sexton. Each person applying for approval of a monument with the Sexton shall include a picture or a drawing of the monument, as well as the dimensions of the monument.

E. No floral display, planting, or other adornment is permitted in a walkway or service drive.

F. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right, as follows, to wit:

1. Two feet by one foot or less . . . \$100.00

2. Foundations larger than two feet by one foot shall cost \$50.00 additional for each foot or portion thereof.

3. Monuments may be subject to increased cost depending on the size and nature of the monument.

G. The Township Board by Resolution may periodically alter the foregoing fees to accommodate increased costs in the construction of such foundations or markers and memorials.

SECTION 7. INTERMENT REGULATIONS.

A. Only one person may be buried in a burial space except as follows:

1. A mother and infant,

2. Two children buried at the same time,

3. Up to four cremains where all are within the same immediate family, and

4. One person and one cremains.

B. Not less than 48-hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.

C. The appropriate cemetery lot certificate for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Sexton prior to interment. Where such cemetery lot certificate has been lost or destroyed, the Sexton 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.

D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved, as determined by the Sexton.

SECTION 8. INDIGENT BURIALS.

The Township may provide for the burials of indigent persons, as determined by the Sexton. Indigent burials shall be cremation burials, unless it is shown to the Sexton that the indigent person's affiliation with a certain religion prohibits such cremation burial.

SECTION 9. GROUND MAINTENANCE.

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

B. No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the Sexton. Any of the foregoing items planted without such approval may be removed by the 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 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 by March 15th of each year.

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 representatives.

SECTION 11. RECORDS.

The Sexton shall maintain records concerning all burials, issuance of cemetery lot certificates, 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.

All burials shall be within a standard concrete grave-liner or vault installed or constructed in each burial space before interment.

SECTION 13. CREMAINS.

All cremains shall be interred or buried in a sealed, recoverable container, except those cremains stored in a niche wall or columbarium, or as otherwise provided by the Sexton.

SECTION 14. CEMETERY HOURS.

A. The cemetery shall be open to the general public from the dawn to dusk each day.

B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Sexton.

SECTION 15. 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 \$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 not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION 16. PRIOR AND INCONSISTENT ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict with this ordinance are to the extent of such conflict repealed.

SECTION 17. SEVERABILITY.

This ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are hereby declared severable, and if any of them are adjudged to be unconstitutional or invalid, it is hereby directed that the remainder of the ordinance shall not be affected.

SECTION 18. EFFECTIVE DATE.

This ordinance shall become effective the 31st day after it or a summary of it is published in a newspaper of general circulation in the Township of Bedford, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD,
BEDFORD TOWNSHIP,
COUNTY OF MONROE,
STATE OF MICHIGAN:

Robert A. Schockman,
Bedford Township Clerk
FEBRUARY 7, 2011