

**ONEIDA CHARTER TOWNSHIP
ORDINANCE NO. 1-2005**

CEMETERY USE AND MAINTENANCE

ADOPTED: 4/12/05
EFFECTIVE: 5/12/05

ONEIDA CHARTER TOWNSHIP ORDAINS AS FOLLOWS:

- A. Title. This Ordinance shall be known and cited as the Oneida Charter Township Cemetery Ordinance.
- B. Definitions.
 - (1) Cemetery Office. The office for the cemetery records and administration is located at 11041 Oneida Rd. Grand Ledge, MI 48837.
 - (2) Internment. The burial of the remains of a deceased person.
 - (3) Lot. A parcel of land area four (4) feet wide and eight (8) feet in length where internment occurs.
 - (4) Lot Owner. The owner of burial rights on a specific designated lot within the cemetery.
 - (5) Marker/Monument. A stone or plaque either flush or above ground indicating the given family name of the deceased.
 - (6) Sexton. The person who is responsible for the maintenance of the cemetery grounds, ground preparation before and after internment, pouring of monument foundations, enforcement of the cemetery ordinance, and administration of the cemetery.
- C. Sale of lots.
 - (1) Cemetery lots shall only be sold for the purpose of the burial of the purchaser or his/her heirs or next of kin.
 - (2) No sale shall be made to funeral directors or others than as hereto set forth.
 - (3) 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 sold. Such form shall be executed by the Township Clerk.

- (4) Burial rights or lot transfers may only be made after approval by the Oneida Charter Township Board.

D. Purchase Price.

- (1) Cost of each lot will be set by resolution of the Township Board.

E. Grave Opening.

- (1) 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 determined by resolution of the Township Board.
- (2) No burial spaces shall be opened or closed except under the direction and control of the Township Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains that are under the supervision of the local health department or law enforcement agency.

F. Interment Regulations.

- (1) Notice of Funerals must be given to the Sexton at least seventy-two (72) hours in advance of the scheduled burial.
- (2) Funerals shall be scheduled for arrival to the cemetery prior to 3:00 p.m.. Late arrivals shall be assessed an additional charge.
- (3) A copy of the burial permit is required for all burials including cremains.
- (4) Cemetery personnel shall remove funeral designs and floral pieces as soon as they become unsightly, and assume no responsibility for their return.
- (5) Burials shall not be permitted on a Sunday or any Holiday or Election Day. Additional fees will be charged for the day before and the day after Thanksgiving, and the day before and the day after Christmas. Additional fees will be charged for a Saturday burial.
- (6) All interments shall require a cement vault except in the case of cremains and infants in a combination casket/vault.
- (7) Three (3) cremains or one cremain and one regular burial are allowed per lot.
- (8) All disinterment shall be approved by the Oneida Charter Township Board.

- (9) All fees shall be established by resolution of the Oneida Charter Township Board.
- (10) All grave opening request made by Funeral Directors will be considered as coming from the lot owner.
- (11) Oneida Charter Township will not assume responsibility for errors in opening graves when orders are given by any means of communication, other than in person.
- (12) Grave restoration after a burial will occur at the discretion of the Sexton.

G. Markers/Monuments.

- (1) Marker/Monument space shall be designated by the Sexton. All marker/monuments are required to have a foundation. Cemetery personnel shall place foundations only after receiving an order and the appropriate fee to do so. The Sexton shall have the right to correct any error made in the placement of the marker/monument.
- (2) All markers/monuments must be made of natural stone or bronze plaque with the plans and specifications approved by the Sexton.
- (3) Oneida Charter Township assumes no responsibility for assuring that the ordered marker/monument is proper for the area onto which they are to be placed and take no responsibility for the correctness of the names or design on the marker/monument.
- (4) No marker/monument shall be delivered to the cemetery until the Sexton has notified the firm requesting a foundation that the foundation as been installed. Cemetery personnel shall not set upright markers/monuments.

H. Plantings, Flowers, Shrubbery and Urns.

- (1) No plantings of any kind shall take place prior to a foundation and marker/monument being placed.
- (2) Flowers may be planted in a bed not larger than 8 inches in front of the marker/monument.
- (3) No beds may be placed behind the marker/monument.
- (4) Shrubbery must be of the evergreen type and must be of the dwarf variety.
- (5) No plantings that have thorn or pricker type needles will be allowed.

- (6) Trees must be of the dwarf variety.
- (7) All trees and shrubs must be placed at the ends of the marker/monument.
- (8) All trees and shrubs must be approved by the Sexton prior to planting.
- (9) Any planting that is not in compliance with the regulations, becomes unsightly, interferes with grounds maintenance or interferes with abutting lots will be removed at the Sextons discretion without notice.
- (10) Urns are permitted but must be placed in line with the marker/monument and may only be placed if there is adequate room. All urns must be made of concrete, clay or stone. No plastic urns allowed.
- (11) Hanging baskets and their structures may be allowed only if they do not interfere with grounds maintenance. They will be removed without notice if they do.
- (12) Any lot owner requesting the removal of any tree or shrub shall contact the Sexton and sign a release of liability form. A fee may be charged for the removal.
- (13) Any urn not in use will be removed and tagged if the owner is known.

I. Artificial Flowers.

- (1) During the winter period(November 1st to April 1st) artificial flower arrangements , wreaths and grave blankets may be placed on the gravesite.
- (2) All artificial flower arraignment, wreaths and grave blankets must be removed by the owner of the lot or by those who placed them by April 1st.
- (3) Failure to remove these items in two consecutive seasons will be cause to not allow the placement of these items on the gravesite in the future.
- (4) During the summer period(April 2nd to October 31st) no type of artificial flowers will be allowed.
- (5) Cut flowers must be placed in an above ground urn.
- (6) Containers such as glass jars, tin cans, paper cups and plastic containers are prohibited.
- (7) All flowers will be removed when they become unsightly.

J. General Regulations.

- (1) Vehicle entrance and exit to the cemetery shall be made at the established Drives only. Vehicles shall not be driven or parked on the lawn at any time.
- (2) Oneida Charter Township shall not be liable for any personnel or property damage caused by any persons or vehicles, but rather damage caused by persons or vehicles within the cemetery grounds shall be the responsibility of the person, driver or owner of the vehicle and may be subject to prosecution.
- (3) Vehicles such as unlicensed motorcycles, snowmobiles, go-carts etc.. shall not be permitted within the cemetery grounds at any time.
- (4) The consumption or use of intoxicating beverages or mind altering drugs within the cemetery grounds are not permitted.
- (5) The use of firearms in the cemetery is unlawful and prohibited except where firearms are used in conjunction with Township authorized cemetery ceremonies.
- (6) Picking, mutilating or disturbing flowers, trees or shrubs of anything of a memorial nature is prohibited unless deemed necessary by the Sexton.
- (7) The Township shall not be responsible for the theft or damages to anything placed on cemetery lots.
- (8) Chairs, settes and benches at the gravesite are prohibited except during the burial ceremony.
- (10) Oneida Charter Township shall assume no responsibility for damages in the case of any marker, memorial, urn, shrub, tree or flowers being damaged in anyway during the regular course of lot care, maintenance, vandalism or subsequent burials.
- (11) Trash containers will not be provide. Composted materials may be placed rear of the cemetery. All other materials must be removed by the person(s) who brought them.
- (12) Oneida Charter Township reserves the right to maintain all gravesites including, but not limited to filling settled areas and seeding of the same.

(13) No roping, curbing, fencing, hedging, borders or enclosures of any kind are allowed on any lot. No edging, brick walks, aluminum stripping, marble chips, cinder tile, sand, cement, gravel, wood or wood chips etc.. are allowed on any lot. The cemetery Management reserves the right to remove any of the above if so erected or installed.

(14) Toys, ornaments, metal designs, ceramic figures and home made markers/monuments are prohibited.

(15) The Township Cemeteries will be open from 7:00 a.m. until dusk. Access to the cemeteries is limited during the winter months.

K. Records.

(1) The Township Clerk shall maintain all records concerning burials and lot Sales.

L. Penalties.

(1) Any person, firm or corporation who violates any of the provisions of the ordinance shall be guilty of a misdemeanor punishable by up to 90 days in jail and a fine of up to \$ 500.00, unless such violation is designated a municipal civil infraction and in such case will be subject to the penalties set out in the Oneida Township Civil Infractions Ordinance.

(2) Each day that a violation continues to exist shall constitute a separate offense.

(3) Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

M. 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 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.

N. Effective Date,

This ordinance shall take effect on MAY 12 ,2005. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

CERTIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF EATON)

I, David M. Carpenter, Clerk of the Charter Township of Oneida, Eaton County, Michigan, do hereby certify that the above ordinance was adopted at a Regular Meeting of the Board of Trustees held at the Oneida Charter Township Hall, 11041 Oneida Rd, Grand Ledge, Michigan on the 12th day of April 2005.

David M. Carpenter, Clerk

ADOPTED: 4/12/2005
POSTING: 4/17/2005
EFFECTIVE: 5/12/2005