

**TOWNSHIP OF ARCADIA  
CEMETERY ORDINANCE  
ORDINANCE NO. 2500**

An ordinance to establish regulations relating to the operation, control and management of cemeteries owned by the Township, to provide penalties for violations thereof and to repeal other ordinances in conflict therewith.

THE TOWNSHIP OF ARCADIA HEREBY ORDAINS:

**Section 1. TITLE.**

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

**Section 2. DEFINITIONS OF CEMETERY SITES AND BURIAL SPACES.**

- (1) A 'Lot' is the numbered section in said cemetery. A 'Plot' is the assigned numbered area in that section and a "cemetery site" shall consist of burial spaces sufficient to accommodate one burial space in that plot.
- (2) An "adult burial space" shall consist of land area 42 inches wide and nine (9) feet in length.
- (3) The "purchaser" shall be the person who purchased the cemetery site or burial space or his or her duly appointed Personal Representative or Trustee.

**Section 3. SALE OF SITES OR BURIAL SPACES.**

- (1) Cemetery sites or burial spaces may be sold to residents or non-residents of the Township for the purpose of the burial of the purchaser or his or her spouse, mother, father, brother, sister, son, daughter, adopted son, adopted daughter, grandson, or granddaughter.
- (2) All such 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 site or burial space sold. Such form shall be executed by the Township Clerk.
- (3) Only the registered purchaser of sites or burial spaces, or his or her legal representative, may assign or transfer burial rights. Burial rights may only be assigned or transferred to specifically named persons who were eligible at the time of assignment or transfer to have purchased them. If the assignment/transfer is approved by the Township Clerk, he or she shall endorse an assignment upon the original burial title and retain the assignment in the Township's official records. The Clerk shall also issue a new burial title to the assignee and shall cancel the original.

**Section 4. PURCHASE PRICE AND TRANSFER FEES.**

- (1) The Township Board shall establish by resolution the price of each burial space.
- (2) The Township Board may also establish by resolution an administrative fee for an assignment or transfer of burial rights.
- (3) Purchase prices and transfer fees shall be paid to the Township Treasurer who shall deposit them in the cemetery fund for the particular cemetery involved in the sale or transfer.
- (4) If title is transferred to a non-family member of the original owner or to a non-resident, there will be a charge equal to the difference between the resident purchase price and the cost of a burial site in the Township at the time of transfer.

**Section 5. GRAVE OPENING CHARGES.**

- (1) The Township Board shall establish by resolution the costs to be assessed for the opening and closing of any burial space following a burial therein, including the interment of ashes.
- (2) No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the Cemetery Sexton.

**Section 6. INTERMENT REGULATIONS.**

- (1) Only one person may be buried in a burial space except for a mother and her infant, or two infant children born of the same mother buried at the same time. Other exemptions include two cremations buried in the same space or one cremation on top of a vault of the same space.
- (2) To allow sufficient time for the opening of the burial space the Cemetery Sexton must receive no less than 48 hours notice before any burial.
- (3) The appropriate title for the burial space involved, together with appropriate identification of the person to be buried therein shall be presented to either the Sexton or the Township Clerk prior to interment. Where such title has been lost or destroyed, the Sexton or Township Clerk 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.

**Section 7. FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.**

Cemetery sites or burial spaces sold after the effective date of the ordinance and remaining vacant 100 years from the date of their sale shall revert to the Township as follows:

- (a) The Township Clerk shall send notice by first class mail to the last known

address of the purchaser informing him of the expiration of the 100-year period and that he or she has 60 days from the date of the notice to advise, in writing to the Township Clerk, his or her desire to retain the burial rights.

- (b) If the last owner of record does not respond to that notice within 60 days of its mailing, the cemetery sites or spaces revert to the Township.

**Section 8. REPURCHASE OF LOTS OR BURIAL SPACES.**

Upon the written request of a purchaser, the Township may repurchase a cemetery site or burial space from the purchaser for up to half its purchase price. Buy back of cemetery sites or spaces requires proof of ownership in the form of a Right of Burial certificate or receipt. A 90-day processing period is required before a refund will be issued.

**Section 9. RECORDS.**

The Township Clerk, Treasurer or Sexton shall maintain records concerning all burials, and any perpetual care fund, separate and apart from any other records of the Township. These records shall be made available to the public as allowed by law.

**Section 10. VAULT.**

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

**Section 11. CEMETERY SEXTON.**

The Township Board shall contract a Cemetery Sexton to enforce the terms of this Ordinance.

**Section 12. CEMETERY POLICIES.**

The Township Board may, by resolution, adopt policies regulating use and maintenance of the cemetery and implementing the provisions of this ordinance.

**Section 13. PENALTIES.**

Any person, firm or corporation who violates any of the provisions of this ordinance or of any resolution adopted pursuant to this ordinance shall be responsible for a civil infraction punishable by a fine of \$50.00 per violation. Each day that a violation continues to exist shall constitute a separate offense.

**Section 14. SEVERABILITY.**

The provisions of this 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.

**Section 15. EFFECTIVE DATE.**

This ordinance shall take effect 30 days following publication.

The foregoing is a true copy of Ordinance No. 2500 which was enacted by the Board of Trustees of Arcadia Township at a regular meeting held on January 12, 2021.

## **ARCADIA TOWNSHIP CEMETERY POLICIES**

### **ADMISSION TO THE GROUNDS**

1. The cemetery grounds will be open to visitors from sunup to sundown.
2. Any person driving automobiles or other motorized vehicles into the cemetery shall be responsible for any damage done by him, his drivers, or vehicles. No automobiles or other vehicles shall be allowed in the cemetery unless it is used to make an official visit.
3. Roadways shall be open to the public on cemetery business as long as such use is in proper decorum and respect due the premises.
4. Persons with alcoholic beverages will not be permitted to enter the cemetery.
5. No domestic animals allowed in the cemetery.
6. There will be absolutely no driving on the lawn. No person shall drive a vehicle off established roads unless written permission is given by Sexton.

### **PURCHASE, SALE AND ASSIGNMENT OF LOTS:**

1. All cemetery lots in the cemetery shall be sold and recorded by the Arcadia Township Sexton per the current sexton contract. The sexton shall turn the payment for lots over to the township Clerk/Treasurer as soon as they are received.
2. All grave sites shall be paid in full. No burial shall be made in a grave site which has not been paid for.
3. The township Clerk shall issue a deed for the lots purchased within 10 business days of the receipt of payment.
4. Any person requesting the transfer of ownership of a cemetery lot shall furnish the clerk with the original deed issued for the lot(s), and proof of ownership (if not the original purchaser). Proof would include legal probate or estate documentation of notarized letters of consent from all living descendants with right to ownership. The clerk shall request consent from all descendants back to the generation of the original purchaser of the lots.
5. An administration fee of \$50.00 will be charged for each transfer deed issued.
6. The township shall collect the above fees from the person transferring the deed(s).

### **INTERMENT OR DISINTERMENT:**

1. All interments shall be made under the direction of the Township of Arcadia who shall have entire control of the digging of graves and all matters pertaining to burial.
2. No disinterment shall be allowed except by permission of the Judge of the Circuit Court and/or Lapeer County Health Department and upon written order of the owner or owners of the grave site. All disinterment's shall be made under the direction of the Township of Arcadia. All expenses incurred in disinterment and/or reinterment shall be paid in advance by the person requesting same.
3. All work must be done by Sexton including cremation burials.

### **MONUMENTS, HEADSTONES AND FOUNDATIONS:**

1. No monument or headstone shall be erected without a good and sufficient foundation.
2. All monument installations shall be made under the direction of the Township of Arcadia.
3. Foundations shall be larger than the base to be placed upon it and shall not be raised above the surface of the ground except where ground contour or aesthetic purposes dictate, as determined by the Township of Arcadia.
4. Single monuments or the base of headstones shall not exceed 36" in length. Double monuments or headstones shall not exceed 64" in height.
5. Reasonable notice must be given for the building of all foundations and the cost paid in advance.
6. No monument or headstone shall be delivered to the cemetery without prior approval of the township.
7. The Township of Arcadia shall have the right to determine the location of any monument or ornament.
8. The Township Board gives the Township Clerk and Sexton the authority to make annual decisions, based on the township budget allowance, to fix foundations and/or headstones that deem abandoned and are in dire need of repair.

### **LOT CARE:**

1. The planting of trees, shrubs and bushes is prohibited without permission of the Township of Arcadia.
2. Glass jars or other glass containers are prohibited.
3. Cut flowers may be placed in containers set flush with the ground.
4. Flower plantings are allowed if they are regularly maintained.

5. Artificial flowers shall not be placed in the ground. They may be placed in a container other than glass.

6. Flower urns not used during the season will be turned over and if not used the second season will be removed by the Township of Arcadia.

7. Winter blankets are allowed from November 1st to April 1st.

8. The general care of the cemetery is assumed by the Township of Arcadia and include the cutting of grass at reasonable intervals, the raking and cleaning of the grounds and the pruning of shrubs and trees as per the Sexton Contract.

9. The Township of Arcadia reserves the right to ingress or egress over lots for the purpose of making grave opening and/or repair, cleaning the cemetery and for passing to and from other sites.

10. Site owners may have work done consistent with these rules and regulation by making arrangements with the Township of Arcadia.

11. The Township of Arcadia shall not be responsible for the loss or damage of any article or object left upon any grave site. This includes, but is not limited to, monuments, headstones, urns, shrubs, flower vases, flowers, ornaments, and trinkets.

12. Decorations/flowers that are placed at a gravesite are not to exceed 10 inches from the foundation on the graveside and shall be placed at the eastside of the headstone. This excludes grave blankets.

13. No fencing, edging, wire screens, arbors, trellises, bricks, and rocks.

14. Annual clean-up will be between April 1 and May 1 as weather permits. This includes grave blankets, plastic/fake flowers, wreaths etc.

**FEES:**

1. All cemetery fees shall be set by Resolution of the Arcadia Township Board

\*\* The Arcadia Township Board reserves the right to change and /or amend these rules and regulations in part or their entirety at any time. \*\*