

Township of Mussey
St. Clair County, Michigan
Cemetery Ordinance

Adopted: May 12, 2004
Effective: April 30, 2004

An ordinance 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 Mussey, St. Clair County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

Township of Mussey Ordains:

Section 1. **Title.** This ordinance shall be known and cited as the Mussey Township Cemetery Ordinance.

Section 2. **Definition of Cemetery Lots and Burial Spaces.**

- a. An adult burial space shall consist of a land area forty inches (40") wide and nine (9) feet in length.
- b. An infant or stillborn burial space shall consist of a land area two feet wide and four (4) feet in length in areas set aside specifically for such burials.
- c. Cremation burial spaces shall consist of a land area two and one half (2 ½) feet wide by two and one half (2 ½) feet long.

Section 3. **Sale of Lots or Burial Spaces.**

- a. Hereafter, cemetery lots or burial spaces shall be sold to residents and non residents of the Township for the purpose of the burial of such a purchaser or his or her heirs at law or next of kin.
- b. Lots to be sold by Sexton or Township Clerk only
- c. 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 lot or burial space sold. Such form shall be executed by the Township Clerk.
- d. 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 permit upon the original burial permit 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 permit to the assignee and shall

cancel and terminate upon such records, the original permit this assigned.

- e. No lot shall be used for any purpose other than the burial of human remains.

Section 4. Purchase Price and Transfer Fees.

- a. The Township Board will periodically alter cemetery fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- b. All grave and perpetual care charges must be paid before burial takes place.
- c. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee must pay perpetual care, if owed.
- d. All perpetual care henceforth must be paid when a lot is purchased.
- e. Pauper graves – The proper authorities will be contacted to help pay for grave (Social Security, Veterans, and State).

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 the Township Board.
- b. No burial spaces shall be opened and closed except under the direction and control of the cemetery 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. Marker or Memorials.

- a. All markers or memorials must be of granite or marble. A temporary marker may be placed for a period not to exceed 12 months.
- b. Any large upright marker must be located upon a suitable solid foundation to maintain the same in an erect position.
- c. Only one marker or memorial shall be permitted per burial, with the exception of a veteran stone.
- d. The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.
- e. Marker or memorials size shall no exceed twenty eight (28) inches in height and forty (40) inches in width per grave.

Section 7. **Interment Regulations.**

- a. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.
- b. Not less than 36 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 permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the 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.
- d. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 8. **Ground Maintenance.**

- a. To prevent injury to adjoining lots and to preserve the beauty of the grounds, trees, or shrubs shall not be planted, cut down, removed or trimmed. Such work shall be done by the cemetery employees.
- b. The Township of Mussey reserves the right and responsibility of care to every tree, shrub or vine growing within the cemetery enclosure whether planted by the lot owner or otherwise. The township also has the right of removal of the same when it considers such removal advisable. Trees will not be removed to make additional burial space.
- c. Planting of borders around a lot or on each corner of a lot is prohibited.
- d. Hedges, fences, or enclosures of any kind will not be permitted on or around lots. Wooden boxes, glass containers, bottles, toys, cans and other unsightly objects will not be permitted and when used may be removed by the Township of Mussey cemetery employees.
- e. U.S. Flags will be permitted year round. They are to be cloth and not to exceed 8" x 11". Flags must be placed in a brass flag holder or permanent marker on headstone. When flags become torn or worn, they will be removed by cemetery employees.
- f. Artificial flowers will be permitted all year round in a permanent vase attached to the headstone or in a metal or plastic container with a

securing ground spike. Only two vases per grave are permitted. If they become worn or unsightly, they will be removed by cemetery employees.

- g. Artificial wreaths and grave blankets will be permitted from November 15th until April 1st. Such decorations will be removed by cemetery employees after April 1st.
- h. The placing of items inconsistent with the proper appearance of the grounds will not be permitted. The Township of Mussey will not be responsible for loss or damage to any portable articles left on any lot or grave.
- i. Shepard hooks with single hooks will be allowed one on each grave. They are to be placed near the headstone. No other metal designs will be allowed.
- j. Vigil light will be permitted, one on each grave and must be placed within 12" of the headstone.
- k. All headstones must be set by a Township of Mussey cemetery employee. NO EXCEPTIONS.
- l. Only ground level edging within twelve (12) inches of marker or memorial is allowed.
- m. No decorative stones.

Section 9. Forfeiture of Vacant Cemetery Lots or Burial Spaces. Cemetery lots or burial spaces sold and remain vacant forty years (40) after June 24, 1998 (original cemetery ordinance) shall automatically revert to the Township upon occurrence of the following events.

- a. Notice shall be sent by the Township Clerk by First Class Mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the written notice his desire to retain said burial rights.
- b. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

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 written request of said owner or his legal heirs or representatives.

Section 11. **Records.** The 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 the Township and the same shall be open to public inspection at reasonable business hours.

Section 12. **Vault.** All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

Section 13. **Cemetery Hours.**

- a. The cemetery shall be open to the general public from the hours of dawn to dusk of 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 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 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 on April 30, 2004. All ordinances or parts of ordinances in conflict are hereby repealed.

Mussey Township

Sheila McDonald, Clerk
