

# Palmyra Township

## ~ Cemetery Ordinance - CO2019-01 ~

An ordinance to protect the public health, safety, and general welfare by establishing regulations pertaining to the operation, control, and management of cemeteries owned by the Township of Palmyra, Lenawee County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts thereof in conflict therewith.

### Section 1: **Title**

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

### Section 2: **General Regulations**

- a) All Palmyra Township Cemeteries are intended for human interments only.
- b) Cemetery visitation shall be between sunrise and sunset.
- c) Open intoxicants and narcotics are not allowed on the premises.
- d) All vehicles restricted to established driveways.

### Section 3: **Definition of Cemetery Lots and Burial Spaces**

- a) A cemetery lot shall consist of one (1) or more burial spaces.
- b) A burial space shall consist of a land area five (5) feet wide by ten (10) feet long.

### Section 4: **Sale of Lots or Burial Spaces**

- a) All such sales shall be made in a manner and on an application approved by the Palmyra Township Board, which grants right of burial only and does not convey any other title or deed to the lot or space sold.
- b) Burial rights may be transferred or sold to eligible heirs or next of kin upon a re-assignment form issued and approved by the Palmyra Township Cemetery Administrator. A new burial permit will then be issued to the assignee, and records updated.
- c) Only the Township may repurchase any cemetery lots or burial space from the owner for the original price paid to the Township upon written request of said owner or their heirs or representatives.

### Section 5: **Purchase Price and Fees**

- a) The purchase price of each burial space and any fees shall be determined by the Palmyra Township Board.
- b) All charges shall be paid to Palmyra Township.
- c) The Palmyra Township Board may periodically amend burial space costs and fees to accommodate the needs of maintenance, acquisition, and reserve funds.

**Section 6: Grave Opening and Charges**

- a) No burial space shall be opened and/or closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for removal and reinterment of remains which are under the supervision of the local health department as a result of a court order.
- b) The opening and/or closing of any burial space prior to or following a burial therein, and including the interment of ashes, shall be at a cost determined by the Palmyra Township Board.

**Section 7: Markers or Memorials**

- a) All markers/memorials must be of stone or other equally durable materials.
- b) Benches are allowed as a marker/memorial if constructed of stone or other equally durable materials and placed on an approved foundation.
- c) All markers/memorials must be located upon an approved foundation to maintain the same in an erect position.
- d) The foundation upon which a marker/memorial is to be placed shall be of concrete and installed by the cemetery Sexton or by a qualified contractor designated by the Palmyra Township Board. All cost is to be paid by the owner of the burial right.
- e) All foundations shall be at least four (4) inches wider on all sides than the base of the marker resting upon it, and shall not exceed the total width of the burial space or spaces it designates. The foundation must be a minimum of thirty-six (36) inches deep or deeper depending on the size of the marker. It shall be of nearly equal dimension from top to bottom, and no more than one (1) inch above grade.
- f) New footstones are not allowed in any Palmyra Cemetery.

**Section 8: Interment Regulations**

- a) A minimum of thirty-six (36) hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space. If frost is present in the ground, at least seventy-two (72) hours is required.
- b) The burial permit shall be presented to the cemetery Sexton prior to interment, along with appropriate identification of the person to be interred in the burial space. The cemetery Sexton and/or the Palmyra Township Cemetery Administrator shall determine from records if the person has the legal right to be buried in the space selected before interment is commenced.
- c) Interments shall be in compliance with all regulations of the State of Michigan.
- d) A burial space may be utilized in any of the following means:
  - One adult vault
  - One adult vault plus one cremains
  - One infant vault plus three cremains
  - Two infant vaults
  - Two infant vaults plus one cremains
  - Six cremains
- e) All vaults and/or urns must have a minimum of 24 inches of soil coverage.

**Section 9: Grounds Maintenance**

- a) No grading, leveling, or excavating upon a burial space shall be allowed by the general public without the permission of the Palmyra Township Board.
- b) No planting of any kind including but not limited to shrubs, trees, evergreens, bushes, bulbs, and flowers is allowed on or around a burial space.
- c) No decorations of any kind shall be placed or extend beyond the outer edge of the marker/memorial foundation.
- d) Decorations that are placed on the marker/memorial, the marker/memorial base, or the marker/memorial foundation shall not be removed by the grounds keeper. Decorations that become unattached from the marker/memorial, the marker/memorial base, or the marker/memorial foundation shall be discarded by the grounds keeper
- e) Any decoration deemed inappropriate by the Palmyra Township Board shall be removed without notice.
- f) Flags/flag holders may be placed within three (3) inches of the north or south end of the marker/memorial foundation. These flags shall be U.S. flags, military flags or public service flags only.
- g) Grave blankets and wreaths with stands shall be permitted from October 15 thru April 1<sup>st</sup>.
- h) The groundskeeper shall remove any decorations which violate the above rules.

**Section 10: Records**

- a) The Palmyra Township Cemetery Administrator shall maintain records concerning all burials, issuance of burial permits, lot sales or transfers, and cemetery funds 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 11: Corrections**

The Palmyra Township Clerk shall have the right to correct any errors that may be made, either in making interments, disinterment's or removals, or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible, or as may be selected by the Palmyra Township Cemetery Administrator, or by refunding the amount of money paid.

**Section 12: Penalties**

Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a civil infraction and shall be subject to a fine of up to \$100 plus the cost of prosecution per infraction. Each day that a violation continues to exist shall constitute a separate offense. Any civil prosecutions hereunder shall not prevent other proceedings for abatement and termination of the activity complained of.

**Section 13: 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 14: Effective Date**

This ordinance shall take effect 30 days after publication as prescribed by the State of Michigan statute. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 15: Amendments**

This ordinance may be amended as necessary by the Palmyra Township Board.

This Palmyra Township Cemetery Ordinance was amended and approved by the Palmyra Township Board November 12, 2019.

\_\_\_\_\_  
James Isley, Palmyra Township Supervisor

Date: \_\_\_\_\_

\_\_\_\_\_  
Christine Whited, Palmyra Township Clerk

Date: \_\_\_\_\_

Amendments published in The Blissfield Advance

Date: November 20, 2019

*NOTE: Original signed documents on file in township clerk's office.*