

**Lodi Township
Washtenaw County, Michigan
Cemetery Ordinance**

Ordinance 2019-003

An ordinance adopted pursuant to Public Act 246 of 1945 as amended (MCL 41.181 *et seq.*) to protect the public health, safety and general welfare of the residents and property owners of the Township of Lodi, Washtenaw County, Michigan, to update and amend the "Lodi Township Cemetery Ordinance" by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Lodi, Washtenaw County, Michigan; to provide penalties for the violation of the ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith. It is also intended that this ordinance will serve as a means of achieving a peaceful and respectful setting for the burial of the dead while permitting reasonable opportunities for persons to care for, beautify, adorn and improve burial space sites within the cemetery.

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: General Rules

Dogs, cats, or other animals are not allowed in the Cemetery and may be removed in such manner as may be deemed necessary. This rule shall not apply to animals trained and used to assist the handicapped.

The abuse of monuments, markers, burial spaces, graves, Columbariums, niches, plaques, or Cemetery appurtenances whether intentional or otherwise, and the unauthorized removal of flowers, urns or any of the Cemetery equipment will be considered vandalism and/or destruction of property or larceny and will be so treated. Persons entering the cemetery will be held fully responsible for any damage to the Cemetery properties.

The soliciting of contracts or orders for monuments, markers, memorials, urns, plaques, or any other work, will not be permitted in the Cemetery.

No advertisements, trade marks, or numbers of any description, except those necessary for the locations of burials, are permitted in the Cemetery. No advertising of any nature or solicitation of business will be permitted within the Cemetery.

Recreational activities are forbidden on the grounds.

Owners or families are to clean up the tribute area, removing grave blankets, wreaths and weathered decorations by May 1 and November 1 of each year.

Profane or boisterous language will not be allowed and loiterers will not be tolerated in the Cemetery.

Section 3: Definitions

A "burial space" consists of a land area four (4) feet wide by twelve (12) feet in length. The "head" of a burial space shall be defined as the end boundary of a burial space nearest to the location where monuments and markers have traditionally been located in the cemetery. If it is unclear as to which end of the burial space is the "head" as to a particular burial space, the decision of the Township Clerk shall be final.

A "lot" shall consist of land area sufficient to accommodate from one to six burial spaces.

A "niche" is a space in a Columbarium designated for the placement of one or two urns containing human cremains.

A "primary burial right" is solely the right to interment in a "burial space" or "niche" subject to the rules and regulations adopted by the Township Board and set forth in this Ordinance and does not convey absolute title to the "burial space" or "niche" or any other interest in real property.

A "secondary burial right" is solely the right to interment in the same "burial space" or "niche" with a person who has a "primary burial right" for that "burial space" or "niche" subject to the rules and regulations adopted by the Township Board and set forth in this Ordinance and does not convey absolute title to the "burial space" or "niche" or any other interest in real property.

A "Tribute Area" is that part of the surface of a burial space located within thirty-six (36) inches of the head (boundary) of a burial space.

Section 4: Sale of Burial Rights for Lots, Burial Spaces, and Columbarium Niches

Primary burial rights for burial spaces and Columbarium niches may only be purchased upon compliance with both of the following:

1. Primary burial rights are restricted to Lodi Township residents (The person must have been a Lodi Township resident at the time of the purchase, at the time of their death, or for a minimum period of 1 years at any point in their life); and
2. The burial rights must be for the purchaser's own burial or for the burial of his or her heirs at law or next of kin.

Secondary burial rights for burial spaces and Columbarium niches are restricted to the heirs at law or next of kin of the person who has the primary burial rights for the burial space or Columbarium niche in which the primary owner will be interred. Documentation will be entered on the official record by the Township Clerk.

No sale shall be made to funeral directors or others except as specifically set forth in this ordinance. The Township Clerk, however, after approval by the Township Officers, is hereby granted the authority to vary this restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

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 a burial space or Columbarium niche. The form shall be signed by the Township Clerk.

Primary burial rights may only be transferred to a person who would qualify for primary burial rights as set forth above. Secondary burial rights may only be transferred to a person who would qualify for secondary burial rights as set forth above. The transfer of burial rights may be affected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, transferred by the Clerk, and entered upon the official records of the Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon Township records, the original permit thus assigned.

Burial rights may only be transferred by the original purchaser. The Township Clerk, after consultation with the Township Officers, however, is hereby granted the authority to vary this restriction on transfers where justice so demands.

Section 5: Purchase Price and Transfer Fees

The sales price for burial rights for burial spaces and Columbarium niches shall be as set by resolution of the Township Board.

The transfer of burial rights from an original purchaser to a qualified assignee shall be at the cost as set by resolution of the Township Board.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund.

Section 6: Additional Charges and Restrictions

The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, and the open and closing of any Columbarium niche shall be at a cost as set by cemetery Sexton with approval of Township Board, payable to the Sexton.

No burial spaces and Columbarium niche shall be opened and closed except under the direction and control of the Lodi Township 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.

All urns and plaques for Columbarium niches must be ordered through the Township Clerk. The cost of each to the purchaser shall be the total cost incurred by the Township for each, including any cost charged to the Township for shipping and handling. The purchaser must make the payment to the Township at the time of ordering.

Section 7: Markers or Memorials for Burial Spaces

All markers or memorials must be of stone or other equally durable composition and must be placed within one (1) year of burial.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township Sexton at cost to the owner of the burial right

It is suggested that a military marker be attached to an upright monument.

A monument or marker that commemorates more than one person on contiguous graves may be centered on such graves within the tribute area.

A tribute area within the boundary of a grave may only include a monument, marker, floral displays, planting, and/or such other adornment as shall not encroach outside the perimeter of the designated area. Shepherd's hooks, with the hook turned inward toward the center of the tribute area, may be placed in the tribute area. Adornment within a tribute area, other than natural floral displays and plantings, shall be of a nature that they may be firmly secured to the ground or such as will not easily be windblown from the tribute area. No adornment shall be placed on any grave that does not contain a burial.

Each monument or marker shall be placed at the head of the grave and in line with other nearby monuments or markers.

The Township is not responsible for the loss, theft, or damage to any monument, marker, floral display, planting, or other adornment located within the cemetery, including those located within a tribute area.

No shrubs, trees, benches or other permanent fixtures shall be planted or installed without the approval of the Township Board. Any of the foregoing items planted or installed without such approval will be removed by the Township or the Cemetery Sexton.

No loose stones or artificial ground cover may be located on any part of a grave, including within a tribute area.

Any border located around and within the perimeter of a tribute area shall be of non-wood durable material and may not have a height in excess of five (5) inches.

A temporary marker indicating the name of the deceased person may be placed on a grave for up to one year after a burial.

Section 8: Interment Regulations

A burial space may accommodate up to one burial vault and an infant burial vault or two children burial vaults buried at the same time, or a burial space may accommodate up to four (4) cremains as well as one (1) burial vault. Full burial must take place before cremains can be added. The Township Clerk and Township Cemetery Sexton can review and approve special circumstances if requested.

A Columbarium niche may contain one (1) or (2) urns as determined by the number of burial rights purchased for the niche.

Not less than 36 hours notice (unless a particular religious tradition must be followed) shall be given in advance of any funeral to allow for the opening of the burial space/s and/or Columbarium niche/s.

The appropriate permit for the burial space and/or Columbarium niche involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the 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 or Columbarium niche is an authorized and appropriate one before any interment is commenced or completed.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

The Township is not responsible for the loss, theft, or damage to any monument, marker, floral display, planting, or other adornment located within the cemetery including those located within a tribute area.

Section 9: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

No tribute area for a Columbarium niche shall be permitted except as specifically authorized by the Township Board.

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 use of the cemetery.

The Cemetery Sexton/Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay,

deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

Surfaces other than earth or sod are prohibited.

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.

Seeding of gravesites will be done by the Sexton. Because of the sandy soil in the cemetery, at least one year must be allowed for the soil to settle prior to seeding the gravesite.

Any floral display, planting, or other adornment located outside a tribute area may be removed by the Township without notice to any person.

Section 10: Forfeiture of Vacant Cemetery Lots or Burial Spaces or Columbarium Niches

Cemetery burial spaces and Columbarium niches sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

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 or her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if owner does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his or her desire to retain the burial rights.

If no written response to the notice indicating a desire to retain the cemetery burial rights in question is received by the Township Clerk from the last owner of record of the burial rights his or hers heirs or legal representative, within 60 days from the date of mailing of the notice, the burial rights will revert back to the Township for resale.

Section 11: Repurchase of Lots or Burial Spaces or Columbarium Niches

The Township may repurchase any cemetery burial space/s and Columbarium niche/s from the current owner of a Cemetery Lot Certificate for an amount equal to the original purchase price, provided the Township has received a written request from the owner.

Section 12: Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, including the name and address of the person or persons to whom each cemetery lot certificate is issued. Such records shall be kept in

a fireproof file/vault in the Township Hall and shall be open to public inspection at all reasonable business hours or by appointment made with the Township Clerk.

Section 13: Vault and/or Urn

Burial vaults shall be required for all interments except cremains, and shall be constructed of reinforced concrete, steel, or other approved product which meets performance requirements established by recognized associations within the vault industry, and are found acceptable by the Township. All concrete vaults shall meet the Performance Standards established by the National Concrete Burial Vault Association (NCBVA).

All cremains interred in a burial space must be placed in an airtight container.

All cremains interred in a Columbarium Niche must be placed in an urn ordered through the Township Clerk.

Section 14: Penalties

Any person, firm, association, partnership, corporation, or other entity who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine.

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

In addition to the fine designated above, each person, firm, association, partnership, corporation, or other entity who violates any of the provisions of this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Lodi Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Lodi Township.

The rights and remedies provided in this ordinance are cumulative and in addition to all other remedies provided by law.

Section 15: 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 16: Repeal


All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 17: Savings Clause

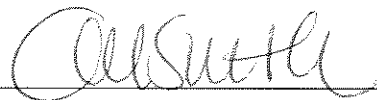
The amendment to the Lodi Township Cemetery Ordinance herein does not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 18: Effective Date

This Ordinance shall be published once in a newspaper having general circulation in Lodi Township and shall take effect 30 days after the first publication as required by law following adoption by the Township Board.



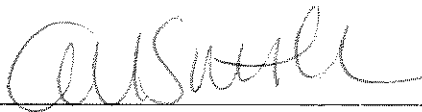
Jan Godek, Township Supervisor



Christina Smith, Township Clerk

Clerk's Certification

I, Christina Smith, Clerk for Lodi Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2019-003 of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on April 2, 2019, and the whole thereof now in my custody.



Christina Smith, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan 48103. The office hours are 8:30 a.m. until noon Monday-Friday.

Adopted: April 2, 2019
Published: April 10, 2019
Effective: May 10, 2019