

**CRYSTAL LAKE TOWNSHIP CEMETERY ORDINANCE
AS SUBMITTED FOR ADOPTION BY CEMETERY COMMITTEE FOR APRIL 13, 2021**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of cemeteries owned by the Township of Crystal Lake, County of Benzie, State of Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances thereof in conflict herewith. Nothing shall supersede but shall be subject to any statute governing cemeteries in the State of Michigan.

The Township of Crystal Lake, County of Benzie, and State of Michigan hereby ordains that:

SECTION I: TITLE

This amendment of the Ordinance shall be known and cited henceforth as the “Crystal Lake Township Cemetery Ordinance.”

SECTION II: PURPOSE AND INTENT

The Crystal Lake Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemeteries owned by the Township is an important function of the government of the Township. It is also important that Burials, Dis-interment, and other matters associated with a township cemetery are handled in a respectful and proper way to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

SECTION III: DEFINITIONS AS USED IN THIS ORDINANCE

“**Abandoned**” shall reference any such Lot or Burial Space that has been un-used for a term of not less than forty (40) years, and has been effectuated as such by Owner consent or in circuit court.

“**Board**” or “**Township Board**” shall refer to the Crystal Lake Township Board consisting of the Supervisor, Clerk, Treasurer, and Trustees.

“**Burial Party**” shall refer to those responsible for making all private party decisions and payments to inter or entomb the dead, most often the family of the deceased.

“**Burial Right**” or “**Right**” means the Township-given privilege to Interment in a specified earthen area, or Entombment in a Crypt, and a Monument to mark it. It does not grant any ownership right in the land, which remains the property of the Township.

“**Burial Space**” or “**Space**” means an area designed, intended, or used for the Interment or Entombment of a human body or Cremains, or the placement of a Marker.

“**Cemetery**” means that ground dedicated by the Township for earth Interment or Crypt Entombments of human remains and includes all land the Township has set aside for burial, whether currently developed or not.

“Cemetery Administrator” shall refer to the designated Board representative for cemetery management.

“Certificate of Burial Right” or **“Certificate”** means the official paper document recording of dates, costs, owners, locations, and other important information issued upon purchase of a Burial Right. Owners shall be given the original, and the Township shall maintain a copy.

“Cremains” means the residuals that are collected after cremation.

“Crypt” shall be interchangeable with **“mausoleum,”** or **“tomb,”** and refers to an above ground chamber of sufficient size to entomb the remains, usually un-cremated, of a decedent.

“Decoration” means any transitory, seasonal, or non-permanent inorganic adornment of a Grave.

“Entombment” means the enclosure of human remains in a Crypt or within a Vault.

“Foundation” means a durable, usually concrete, slab to set and level a Marker.

“Full Burial” means the Interment or Entombment of the non-cremated remains contained most often within a casket, which is within a vault.

“Grave” means the physical opening in which human remains are buried, or are entombed in a raised structure. **“Gravesite”** means a larger area encompassing more space around the Grave.

“Green Burial” refers to a ‘natural’ burial where the Interment of the dead in the soil is performed in a manner that does not inhibit decomposition but instead allows the body to recycle back into the earth quickly and ‘naturally’ as it would without human intervention (e.g. embalment).

“Interment” means the disposition of human remains in a determined depth of earth either by burial, entombment or inurnment. **“Dis-interment”** is the reverse process of interment.

“Lot” or **“Plot”** refers to an area of earth most often, but not always, measuring between 4x8 feet and 4.5x10 feet for a Full Burial, and measuring approximately one half or one quarter or less for Cremains, and shall have an assigned cemetery name, section or block, and number for location/identification purposes.

“Marker” and **“Monument”** are interchangeable terms, often synonymous with “memorial” and “stone,” that refer to any substantial Grave or Gravesite indicator that is intended to be permanent.

“Ordinance” refers to this document duly passed and made public by the Crystal Lake Township Board.

“Owner” means any person(s) owning or possessing, by permission or inheritance, the right of Interment in a Burial Space.

“Planting” refers to the organic indicator or adornment of a Grave or Plot.

“Sexton” refers to the person employed specifically as a grave digger; a representative employed by the Township to assist in the overseeing of Cemetery Burials.

“Township” shall refer to entity of Crystal Lake Township government with the ultimate authority and judgment residing with that of the Board.

“Vault” refers most often to the underground cement, or plastic, structure that entombs a coffin.

SECTION IV: SALE OF BURIAL RIGHT

- (A) Purchase of a Burial Right shall be a limited contractual right to be interred or entombed in a township cemetery and/or to place a Marker; purchase shall not result in the deed to real property.
- (B) Burial Rights may be limited in quantity, and shall not be purchased for speculative purposes or sold to third parties.
- (C) Burial Rights, upon due process, may be subject to extinguishment, reclamation, or abandonment.
- (D) Upon purchase of a Burial Right, the purchaser will be issued a Certificate approved and executed by the Cemetery Administrator, a copy of which shall be held in township files.
- (E) Owner of Burial Right may also be entitled to construct a crypt and/or a retaining wall. Both structures must be granted in writing by the Cemetery Administrator when conditions concerning landscape, topography, aesthetics, sizes and construction standards meet Owner’s needs, township expectations and any applicable codes. All associated costs of construction and maintenance shall be assumed by Owner.
- (F) When a Burial Right is purchased by more than one person, other than husband and wife, each shall be named on the Certificate. Cemetery Administrator shall attempt to also note all known heirs expected to inherit the Right.
- (G) The Township Board shall from time to time, by separate resolution, establish the cost for a Burial Right and administrative fees under the terms and conditions of this Ordinance. The cost to Township property owners and non-owners of township property may differ. With a written request to the Cemetery Administrator, special price consideration may be given to long-term residents, such as renters, who do not own property. The Township may also provide a designed Space for the interment of the indigent at no cost.
- (H) When a person purchases a Burial Right as a non-Crystal Lake Township property owner and later becomes a Crystal Lake Township property owner, there shall be no refund of the cost difference.
- (I) Each Burial Right is sold subject to the Ordinance rules now in effect or that may be hereinafter adopted or amended by the Board.

SECTION V: VACATION/EXGUISHMENT OF BURIAL RIGHT

- (A) The ownership of a Burial Right is nontransferable, except by inheritance.

- (B) Upon the written request of the Owner, the Township shall repurchase the Burial Right at the original price less an administrative fee.
- (C) The Township shall pass a separate resolution so that if it wishes to wish to declare a Burial Right abandoned, step-by-step procedures are initiated to determine purchase date, ascertain the current whereabouts of and contact the Owner. If the Owner cannot be located, the Township may pursue the legal process of vacation of the Burial Right in Circuit Court and will follow all instructions given by the Court to satisfy to proper procedure.

SECTION VI: INTERMENT AND DIS-INTERMENT

- (A) Burial may take place all year, excluding ten Federal holidays (New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas Eve and Christmas Day) but only with weather permitting, especially in the winter. No burial shall occur without the prior consent of the Sexton.
- (B) The Township requests a minimum of thirty-six (36) hours notification of an Interment or Dis-interment.
- (C) All charges related to the Township's part in the opening and closing of a Burial Space, and in Interment or Dis-interment, shall be established by Board resolution.
- (D) No burial shall take place unless the Burial Right and other costs and fees have been paid in full, or if special payment arrangements have been granted by the Cemetery Administrator.
- (E) All burials shall be that of the Owner or others given special written permission by a legal representative of same.
- (F) Burial shall be of the human dead.
- (G) Official documentation of the deceased and the state of the remains (i.e. Certificate of Death or Certificate of Cremation) is required and shall be filed with the Cemetery Administrator; additional documents might include, but are not limited to, a Burial Permit, a Delayed Burial Permit, and Burial Transit Permit.
- (H) All burials shall be positioned in accordance with instructions provided by the Cemetery Administrator and be recorded on Plot diagram and held in the township files. The Township shall not be responsible for errors in location of Burial Space, especially such as those arising from improper instructions from the Owner or funeral directors, who shall be considered representative of the Owner.
- (I) All interments/dis-interments shall take place only with the knowledge and consent of the Cemetery Administrator. All Full Burials and Green Burials shall be under the direct supervision of the Sexton and a licensed funeral provider. Cremains Interments/Dis-interments shall take place under the direct supervision of the either the Cemetery administrator or the Sexton.
- (J) Once a casket or urn containing the remains of a human body is within the confines of the Cemetery, no one shall be permitted to open the casket or other container, without the written consent of the legal representative of the deceased, and/or an order signed by a court

of competent jurisdiction. This provision shall not apply to proceedings for the removal and re-Interment of any form of remains when matters are under the supervision of the local health department.

- (K) The re-opening, Dis-interment or transfer of a Full Burial or Green Burial shall be accomplished under the direct supervision of the Sexton and/or other court ordered authorities, and only with the correct and legal applicable permit (e.g. the health department, unless ordered otherwise by a court of competent jurisdiction.) All removals (casket, Vault, cremains container, Marker and/or Foundation) shall be at the expense of the requesting party. Cash or surety bond, determined by Township to be sufficient to cover all costs of the Grave re-opening or Dis-interment and remediation of the site, shall be posted with the Township prior to such action. All restoration of the gravesite shall be completed in a manner deemed satisfactory by the Cemetery Administrator and/or the Sexton within the reasonable exercise of discretion.
- (L) Full Burials may be enclosed in metal or concrete Vaults, or surrounded by a Grave liner as determined by Burial Party in conjunction with a Funeral Director and Sexton, and shall be installed only by authorized firms in conjunction with the Sexton.
- (M) Green Burials may be buried in shrouds, wooden boxes, or “soft” organic containers, as determined by Burial Party’s choice in conjunction with a licensed funeral provider and the Sexton.
- (N) Cremains must be interred in a designated Burial Space and not scattered above ground. A sustainable, retrievable container is optional but not required for the containment of Cremains. An additional protective Cremains Vault may be used. The Township shall not be liable for the condition of any retrieved Cremains or the container(s) in which they were buried.
- (O) Damage incurred to the cemetery in general, neighboring plots, the Graves, Gravesite and Monuments or the Crypt in the Burial or Entombment, or Dis-interment procedure shall be the responsibility of the Burial Party, even if the Sexton or Cemetery Administrator assists, unless such employees directly cause damage.
- (P) Upon refusal of the Cemetery Administrator to permit Interment because of lack of adherence to any terms of this Ordinance, the Township shall refund to the owner the original Burial Right purchase price less an administrative fee and all interest of the Owner shall revert to the Township.

SECTION VII: GRAVE MARKERS & FOUNDATIONS

- (A) A qualified Marker shall be installed within one year of burial and consist of granite or other material of equally durable composition. Corner stones are optional accessories.
- (B) Monuments and their etchings/carvings/inscriptions must not be offensive or improper as judged by the Cemetery Administrator with the exercise of reasonable and lawful discretion. If rejected by the Cemetery Administrator, Owner shall be responsible for all expenses for immediate removal upon being given due notice.

- (C) There shall be only one upright Marker per plot and placed on indicated boundary line (the west boundary in Sections J-K-L); all others Markers shall be flush to the ground for ease of mowing. All placements of Markers shall be arranged to the satisfaction of the Cemetery Administrator with the assistance of a representative of the deceased, and/or the Monument company, and be recorded on a Plot diagram.
- (D) Although the Township is not responsible for the care of Markers, temporary or permanent, from time to time the Township may at its discretion order and supervise the installation or repair of absent, neglected or historic Markers.
- (E) A suitable Foundation must be placed under a Monument, one adequate to maintain Marker in a lasting, erect position. Foundation shall be not less than two inches, and may (*) be considerably more in length and width than the Marker it holds. Foundation and Marker must sit within boundaries of one plot; for an especially large upright Marker, special permission by Cemetery Administrator may be needed for use of adjacent Lots.

[*depending on size and weight of Stone.]
- (F) All Foundations and corner Markers shall be installed by a designated township employee.
- (G) Burial Party shall place Marker and any optional corner stones at their own cost and at their own risk. Private contractors installing a Marker shall be responsible for damages caused to the Marker, as well as to adjacent cemetery grounds and Markers during installation. The Township assumes no liability and is not responsible for the oversight, repair or replacement of except when Township employees or volunteers directly cause damage to such items.

SECTION VIII: THE TOWNSHIP'S PERPETUAL CARE OF AND JURISDICTION OVER THE CEMETERY

- (A) The general and overall perpetual care of the Cemeteries is assumed by the Township and may include but is not limited to the cutting of the grass at reasonable intervals, the overall raking and cleaning of the grounds, tree and bush trimming or removal, the regulation of Decorations and Plantings, the seeding of grass post-burial, signage, road maintenance and overall landscape planning, all at the discretion of the Township.
- (B) There shall be no perpetual care provided in certain designated areas, such as the Memorial Woods section, North Cemetery.
- (C) The township has the right to remove any unauthorized or unlawful items and plantings that have been neglected, become dangerous or unsightly, installed, left or maintained in the cemetery, that are in violation of this Ordinance, any Township rules or regulation regarding cemeteries, or any county, state or federal law, statute or regulation. Such items or plantings may be removed at any time and destroyed or disposed of without any prior notice to, permission from or liability or obligation to the person(s) who left, installed, maintained or kept such items.
- (D) The Township, at its discretion, may provide trash disposal for inorganic waste associated with general maintenance by the Township and by Owners only; all organic waste shall be collected and recycled into designated areas in Cemetery grounds.
- (E) The Township reserves the right to enlarge, reduce, re-plat or change the boundaries or grading of the Cemetery, or sections(s) thereof, from time to time, including the right to

modify or change the location of, remove or re-grade roads, drives, walks or any part thereof; and the right to lay, maintain, operate or alter available water supply or drainage systems.

- (F) The Township reserves the right to use unsold Cemetery property for Cemetery purposes, including Interment of the dead, or for anything necessary, incidental, or convenient thereto.
- (G) The Township will take all reasonable precautions to protect the grounds and the records of the Burial Right from loss or damage, but the Township disclaims all responsibility for loss or damage from causes beyond its reasonable control (e.g. natural elements, "Acts of God," common enemy, thief, vandal, striker, malicious mischief, explosion, accident, invasion, insurrection, riot, or order of any military or civil authority whether the damage be direct or collateral, other than as herein provided.

SECTION IX: DECORATIONS, PLANTINGS AND CARE OF LOTS

- (A) Owners may assist the Township in the maintenance their Plot but for reasons of liability shall be limited to light chores such as raking, trimming and pruning.
- (B) Owner's non-organic material planting waste shall be carried away entirely from the cemetery to Owner's private facilities; only insignificant, small sized organic materials may be disposed of in nearby woods and with permission larger organic materials shall be carried to specially designated recycling collection areas.
- (C) Decorations, especially those made of plastic and Styrofoam, are prohibited for reasons of overall environmental health, aesthetics and maintenance. Examples of prohibited Decorations include but are not limited to fences, trellises, artificial flowers, plaques, trinkets, stones, statues, figurines, vigil lights, wreathes, Grave blankets, shepherd's hooks, crosses, flags (except for lawful veteran's flags), storage containers, benches (except when functioning in a dual capacity as a Marker) and banners.
- (D) Per Michigan State Statute, American flags and a suitable flag holder shall only be supplied to and indicate a U.S. Veteran and, then again, removed by the Township, not by the Owner.
- (H) Seasonal pots or in-ground plantings such as flowers from bulbs, are permitted if they do not interfere with mowing or encroach on adjacent property; pots are limited to two per Plot, shall be in substantial non-plastic containers, and then placed only in line/in close proximity (but not in front or behind) to a Marker to facilitate maintenance and aesthetics. Whether potted or planted, the Township assumes no responsibility if damaged or destroyed by maintenance.
- (I) Large plantings such as trees and bushes are strictly prohibited unless special written permission and placement is given by the Cemetery Administrator.
- (E) All Plantings and decorations may be trimmed, moved or removed by the Cemetery Administrator without notice if they are deemed by the Township to be dead, dying or detrimental to the appearance and/or general maintenance of the Cemetery. The Cemetery Administrator, the Cemetery Committee and Grounds Keeper may use the following guidelines when deciding what is prohibited or in need of maintenance. Does it
 - interfere with maintenance or pose a danger to maintenance routines;

- use or encroach onto surrounding areas;
 - offend the natural setting and overall simplicity of the area; or
 - show signs of neglect?
- (J) From time to time, the Township may require an Owner to remove, and/or to bear the cost to remove Plantings (trees, limbs, bushes and shrubs, as well as their stumps and underlying root systems) on their Plot which interfere with a burial, endanger the public, threaten another's Plot, or become unsightly. Because of liability, removal of such Plantings, stumps and roots shall only be arranged and accomplished through the Cemetery Administrator.
- (H) No sod shall be removed from, and no wood chips or gravel or stones added to gravesites; there shall be no grading, mounding, leveling, or excavating on Lots.
- (I) The use of water hoses, sprinklers or other sustained watering delivery systems is prohibited.
- (J) Anyone installing Decorations or Plantings for (Owners, gardeners, landscaping companies) shall be responsible for and the repair of any damage to cemetery property, including to roads, turf and Markers.

SECTION X: CEMETERY CONDUCT

- (A) No person or vehicles shall be permitted in the Township Cemeteries but for the explicit purpose of honoring the dead. Visitors to the Cemetery shall conduct themselves at all times in a manner respectful of the dead, the families of the deceased, the environment, and the Township. Prosecution of violators shall be pursued.
- (B) The following is prohibited activity everywhere within the boundaries of the cemetery, in both the developed and undeveloped sections:
- 1) loitering
 - 2) removal or re-arrangement of veterans, historic or fraternal club markers nor survey rods or Plot Markers, fallen or otherwise.
 - 3) discharge of firearms or archery arrows except by military organizations that may carry firearms for the sole purpose ceremonial display to honor a deceased veteran
 - 4) hunting, culling or trapping
 - 5) soliciting, advertising or posting of unauthorized signs
 - 6) taking of any natural elements (picking of fruit, cutting of flowers, removal of wildlife, cutting of timber, transplanting groundcover)
 - 7) Disturbing of the peace or engaging in any loud, boisterous, rude or profane conduct or noise
 - 8) Possession or consumption of alcohol or other intoxicating substances except by special permission for religious services
 - 9) Dumping of household trash, littering, or fowling of the environment in any way
 - 10) Presence of pets or other domesticated animals
 - 11) Fire or open flame
- (C) The Cemetery shall only be open to the public in the hours from sunrise to sunset (closed from sunset to sunrise). Presence of persons gaining entry or found within cemetery boundaries when closed shall be treated as criminal trespass.

SECTION XI: CEMETERY ACCESS AND ROADS

- (A) Entry to the Cemetery shall be through the established entrances only.
- (B) Driving off the established roadways within the Cemetery is prohibited; parking shall not block roadways, nor to tread on Graves.
- (C) The Township reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over Burial Spaces for the purpose of passing to and from other Burial Spaces.
- (D) The speed limit is 5 miles per hour.
- (E) Snowmobiles, ATV/ORVs, go-carts and similar vehicles are not allowed on Cemetery property, in accordance with State of Michigan law.

SECTION XII: RECORDS

- (A) The Township Clerk shall maintain records, assisted by the Cemetery Administrator, relating to the township cemetery operations and it shall allow public inspection and/or disclosure of those records pursuant Township Policy and to the terms and conditions of the Michigan Freedom of Information Act.
- (B) The Township shall maintain records of:
 - Burial Rights
 - Burials
 - Military Service
 - Other pertinent information voluntarily submitted identifying the dead
 - Documentation of attempts to reach Owner in vacation cases
 - Gravesite diagrams indicating Owner, burials, markers
 - Landscaping plans that have been given written approval
- (C) Cemetery records shall be kept separate and apart from any other records of the Township.
- (D) Cemetery records should be detailed and updated for accuracy on a regular basis.

SECTION XIII: PAYMENTS & ACCOUNT KEEPING

- (A) Only the Township shall charge for Burial Rights, Foundations and removal of plantings/decorations. Township charges for Interments and Dis-interments may be paid directly to the township, or may be paid indirectly through a professional funeral service provider.
- (B) All direct payments shall be made payable to Crystal Lake Township, and either deposited with the Crystal Lake Township Treasurer at the township hall or addressed to PO Box 2129, Frankfort, MI 49635. Payments should never be made out to the township treasurer, Sexton, Cemetery Administrator or any other individual township employee.

- (C) Any charges for undertaking, and a funeral service, purchase of a Marker, and associated costs for the installation/etching/maintenance on same, shall be a private contract between family members or legal representatives of the deceased and contractor providing those services.

SECTION XIV: INTERPRETATION & APPEALS

- (A) The Cemetery Administrator is authorized to waive application of the strict letter of any provision of this Ordinance where practical difficulties in carrying out the strict letter of the Ordinance would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.
- (B) The Cemetery Administrator shall have the day-to-day operational authority, but the Township Board shall have the ultimate authority, to render interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance, and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability.
- (C) Any party aggrieved by any interpretation or decision made by the Cemetery Administrator, Sexton, township official, agent or contractor pursuant to this Ordinance or other matter arising relating to a Township Cemetery shall have the right to appeal. Appeals to terms of the Ordinance or decisions shall be filed with the Cemetery Administrator and brought first to the Cemetery Committee. If more action is necessary, plaintiffs may further appeal to the Township Board. All such appeals shall be made in writing and filed with the Cemetery Administrator and the Clerk, who shall give the aggrieved party who filed the written appeal at least ten (10) days prior written notice of the meeting at which the Board will address the matter, unless there is an emergency involved, in which case all reasonable efforts shall be made to bring the township board and the aggrieved party together, provided there is proper public notice.
- (D) The Township at its sole discretion reserves and shall have the right to correct any errors that may be made by it as it sees fit. In undertaking Interments or Dis-interments, an error may be corrected by removing or transferring remains to another property of equal value and similar location as may be substituted and conveyed in lieu thereof; or in the description, transfer or conveyance of any Burial Right, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or by refunding the amount of money paid on account of said purchase less an administrative fee.
- (E) The Township Board is the final arbiter of all cemetery operations.

SECTION XV: TOWNSHIP OFFICIALS WHO CAN ENFORCE THIS ORDINANCE

Unless otherwise specified by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infractions citations/tickets pursuant to this Ordinance:

- Township Supervisor
- Township Clerk
- Township Cemetery Administrator
- Township Ordinance Enforcement Officer

- Any deputy of the county sheriff's department
- Any State Police officer

SECTION XVI: PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any of provision of this Ordinance, or any that abets in same, shall be responsible for a municipal civil infraction, as defined in the Crystal Lake Township's Civil Infraction Ordinance #2013-01-01.

SECTION XVII: REPEAL & SEVERABILITY

- (A) All prior Township Cemetery Ordinances, as amended, including Ordinance No. 2014-09-9, are hereby repealed in their entirety.

- (B) The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved is such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

SECTION XVIII: EFFECTIVE DATE

This Amendment to the Cemetery Ordinance was adopted on and effective as of the 13th day of April, 2021 by the Crystal Lake Township Board as follows:

Motion by: _____ Seconded by: _____

Ferris _____ Northway _____ Nielsen _____ Trentham-Popp _____ Sullivan _____

I certify that this is a true copy of amendment to the Cemetery Ordinance that was adopted at a regular meeting of the Crystal Lake Township Board on April 13, 2021.

Sue Sullivan, Clerk

Date