



# Cemetery Ordinance

Adopted September 2014

Second Printing

**East Cemetery**

1658 Frankfort Hwy (M-115)

**North Cemetery**

1511 Pilgrim Hwy (M-22)

# Crystal Lake Township Cemetery Ordinance

Ordinance No. 2014-09-9



An amendment to the 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 Crystal Lake, County of Benzie, State of Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts thereof in conflict herewith. Nothing herein shall supersede, but shall be subject to any statute governing cemeteries in the State of Michigan.

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

## SECTION I: TITLE

This amendment to the ordinance shall be known and cited henceforth as the Crystal Lake Township Cemetery Ordinance.

## SECTION II: DEFINITIONS AS USED HEREIN

- (A) "Abandoned" shall reference any such Lot or Burial Space that has been unused for a term of not less than 50 years, or where the Owner has failed or neglected to care or maintain Lot, Grave or Burial Space in according to this Ordinance.
- (B) "Board," "Township Board" or "Township" shall refer to the Crystal Lake Township Supervisor, Clerk, Treasurer, Trustees, staff, contractors and/or appointed Cemetery Committee members bestowed with specific authorities.
- (C) "Burial Right" means the Township-given privilege to Interment in a specified earthen area, or Entombment in a Crypt. It does not grant any ownership right in the land, which remains the property of the Township.
- (D) "Burial Right Owner or "Owner" means any person(s) owning or possessing by permission or inheritance the right of Interment in a Burial Space.
- (E) "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 Memorial.

- (F) "Cemetery" means that ground dedicated by the Township for earth Interments or Crypt Entombments of human remains and includes all land the Township has set aside for burial, whether currently developed or not.
- (G) "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.
- (H) "Cremains" or "Ashes" means the residuals that are collected after cremation.
- (I) "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.
- (J) "Decoration" means any transitory, seasonal or non-permanent inorganic adornment of a grave.
- (K) "Entombment" means the enclosure of human remains in a Crypt.
- (L) "Foundation" means a durable –usually concrete—slab on which to set and level a Marker.
- (M) "Full Burial" means the Interment or Entombment of the non-cremated remains contained most often within a casket.
- (N) "Grave" or "Grave site" means the physical space in which human remains are buried or entombed.
- (O) "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. embalmment).
- (P) "Interment" means the disposition of human remains in a determined depth of earth either by burial or inurnment. "Dis-interment" is the reverse process of Interment.
- (Q) "Lot" or "Plot" refers to an area of earth most often, but not always, measuring between 4x8 feet and 5x10 feet for a Full Burial, and measuring approximately one quarter of that for Cremains.
- (R) "Lot number" shall be used for location identification purposes.
- (S) "Marker," "Memorial" or "Monument" refers to any substantial grave indicator that is intended to be permanent.
- (T) "Planting" refers to the organic indicator or adornment of a Grave or Plot.
- (U) "Sexton" refers to the person, or representative of a company, employed by the Township to assist in the overseeing of Cemetery operations.
- (V) "Supervisor" as used herein shall be deemed to refer to the Crystal Lake Township Supervisor or the Supervisor's designated representative; term may also include the collective judgment of other parties, such as the Board, the Sexton, and the Cemetery Committee.
- (W) "Ordinance" refers this document, duly passed and made public by the Crystal Lake Township Board.
- (X) "Vault" refers most often to the underground cement structure that entombs a coffin, and is required by the Township for all Full Burials.

### SECTION III: SALE OF BURIAL RIGHT

- (A) All charges related to the sale of a Burial Right shall be established by resolution of the Board and may be changed from time to time to accommodate increased costs and needed reserve funds for Cemetery operations and acquisition.
- (B) The cost to Township property owners and non-owners of Township property may differ. With a written request, special consideration may be given to long-term residents, such as renters, who do not own property.
- (C) When a person purchases a Burial Right as a non-Crystal Lake Township property owner, and later becomes a Crystal Lake Township property owner, no refund of the difference in cost will be made.
- (D) Upon purchase of a Burial Right, the purchaser will be issued a Certificate approved and executed by the Supervisor, a copy of which shall be held in Township files. The Certificate entitles the owner and his/her heirs all rights associated with Interment, and upkeep of the grounds as per Ordinance.
- (E) When Burial Rights are purchased by more than one person, other than husband and wife, each person shall be named on the Certificate. All known heirs expected to inherit the rights shall be noted.
- (F) Burial Rights shall not be purchased for speculative purposes and may not be sold to third parties.
- (G) Burial Rights may allow for the construction of a retaining wall, depending on the landscape and topography of the Lot(s) involved. All construction of said walls must be approved by the Supervisor to meet certain standards and size requirements; all associated costs shall be assumed by Owner.
- (H) Each Burial Right is sold subject to the Ordinance rules now in effect or that may be hereinafter adopted or amended by the Township Board.

### SECTION IV: RE-PURCHASE/TRANSFER/VACATION OF BURIAL RIGHT

- (A) All charges related to the re-purchase or transfer of a Burial Right shall be established by resolution of the Board and may be changed from time to time to accommodate costs, projections and budgeting.
- (B) The Township shall have the right of first refusal to repurchase any Burial Right from the Owner for the original price paid to the Township, less an administrative fee. The owner (or heirs or representatives) shall give the Supervisor written notice of intent to sell.
- (C) Any transfer of a Burial Right shall be made through the Township and shall be subject to approval of the Supervisor. Upon such transfer, a new Certificate shall be issued and, by its creation, the original Certificate is cancelled and replaced in the records of the Township.
- (D) Burial Rights shall not be transferred from property owners to non-owners of Township property. Any such transfer shall be void and cancelled in the Township records; the transferor and transferee shall be notified of same.

- (E) Abandoned Plots/Burial Rights shall automatically revert to the Township when, in a periodic review of the Township records, the Supervisor determines that previously sold lots are neglected. Forfeiture of vacant Burial Right shall not take place less than 50 years from date of sale, and no money shall be refunded.
- (F) Supervisor shall make best use of modern communication and media methods (e.g. first class US Mail, the internet, legal public notice, and local records) and document all attempts before declaring official involuntary vacation of a Burial Right.

#### SECTION V: INTERMENT AND DIS-INTERMENT

- (A) All charges related to the Township's part in the opening and closing of any Burial Space, and in Interments and Dis-interments, shall be established by resolution of the Board that may be changed from time to time to accommodate current costs.
- (B) Burial Rights shall be used for no other purpose than the burial of the human dead.
- (C) All burials shall be that of the Burial Right Owner or his/her immediate family or rightful heirs, or by special written permission by a legal representative of same.
- (D) All burials shall be positioned in accordance with instructions provided by the Township.
- (E) No private party shall Inter or Dis-inter any Cremains. All Interments and Dis-interments of Cremains shall be performed under the direct supervision of the Sexton and/or the Supervisor.
- (F) The Township shall not be liable for the condition of any retrieved Cremains or the container in which Ashes were buried.
- (G) Internment of a Full Burial requires direction by the Supervisor and/or Sexton, as well as legal supervision from a licensed funeral director. Dis-interments of a Full Burial requires the same plus additional permitting from the local health department, unless ordered otherwise by a court of competent jurisdiction.
- (H) The Sexton operates, weather permitting, between April 1<sup>st</sup> and October 25th, or by special arrangement.
- (I) Official documentation of the deceased and the state of the remains is information that shall be required, including but not limited to a Certificate of Death, a Burial Permit, a Burial Transit, and a Certificate of Cremation. No Interment shall take place without all specified paperwork being filed with the Supervisor.
- (J) No burial shall take place unless the Burial Right and other costs and fees have been paid in full. No exceptions shall be made without the written approval of the Supervisor.
- (K) All Full Burials shall be enclosed in metal or concrete Vaults, or rough boxes, or surrounded by a grave liner, as determined by the Funeral Director and/or Supervisor, and shall be installed only by authorized firms.
- (L) Green Burials shall be accommodated if arranged with a consenting and qualified funeral service. Requests for variations in Ordinance procedure to accommodate a Green Burial shall be granted, in writing, by the Supervisor.

- (M) Cremains must be interred in a designated Space and not scattered above ground. A sustainable, retrievable container is strongly advised for the containment of Ashes.
- (N) A Crypt shall be constructed only after special written permission is granted by the Supervisor and construction plans meet any applicable construction codes and Township expectations.
- (O) 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 urn, without the written consent of the legal representative of the deceased, those who inherited the Burial Rights, 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.
- (P) The re-opening, Dis-interment or transfer of a Full Burial shall be accomplished when the Cemetery is open, and only with the correct and legal applicable permit (e.g. the health department) except by court order. Costs of all removal (casket, Vault, urn, Monument and/or foundations) shall be at the expense of the requesting party. Cash or surety bond, determined in the Supervisor's judgment to be sufficient to cover all costs of the grave re-opening or Dis-interment, shall be posted with the Township prior to such action. All work shall be completed in a manner deemed satisfactory by the Supervisor in the reasonable exercise of discretion.
- (Q) The Township shall not be responsible for errors in location of Burial Space such as those arising from improper instructions from the Owner. Orders from funeral directors shall be considered orders from Owner.
- (R) Upon refusal of the Supervisor to permit Interment because of any of above rules, 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 VI: GRAVE MARKERS, MONUMENTS & MEMORIALS

- (A) A qualified Marker shall be installed within one year of burial, and then kept in good repair thereafter by Owner for both safety reasons and aesthetic value.
- (B) All Monuments shall be positioned in accordance with instructions provided by the Township.
- (C) All Monuments shall be of granite or other material of equally durable composition. Exceptions shall be only upon written approval of the Supervisor.
- (D) 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 greater in length and width than the Marker it holds.
- (E) All Foundations and corner stone markers shall be installed by the Sexton.
- (F) Placement of a Marker shall be arranged with the Supervisor and the assistance of at least one of the following: the family of the deceased, the Sexton, the Monument company, or the funeral director; and all to the satisfaction of the Township. Placement shall then be recorded on family Plot diagram in the Township files. For many large upright Monuments the Township may require a minimum width of two adjacent spaces.

- (G) Monuments and their etchings/carvings/inscriptions must not be offensive or improper as judged by the Township's exercise of reasonable and lawful discretion. Owner shall be responsible for all expenses for immediate removal of inappropriate matter upon being given due notice.
- (H) Anyone installing Markers shall be responsible for damages caused to surrounding Cemetery grounds and Markers during installation.
- (I) The Township is not responsible for the care of Markers, temporary or permanent, nor Crypts. However, the Township may, from time to time, at its discretion, order and supervise the installation or repair of absent, neglected or historic Markers or Crypts.

#### SECTION VII: THE TOWNSHIP'S PERPETUAL CARE OF THE CEMETERY

- (A) The general and overall perpetual care of the Cemeteries is assumed by the Township and may include the cutting of the grass at reasonable intervals, the overall raking and cleaning of the grounds, 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) The Township, at its discretion, may supply a water source on site.
- (C) Trash receptacles may be provided for inorganic waste associated with general maintenance by the Township and by Owners only; all organic waste shall be kept separate and recycled into designated areas in Cemetery grounds.
- (D) There shall be no perpetual care provided in certain designated areas, such as the Memorial Woods section, North Cemetery.

#### SECTION VIII. OWNERS' DECORATIONS, PLANTINGS AND CARE OF LOTS

- (A) Owners are encouraged to generally maintain their Plot, including light raking, pruning and trimming.
- (B) Inorganic Decorations (e.g. artificial flowers, plaques, trinkets), especially those made of plastic and styrofoam, are prohibited for reasons of overall aesthetics and maintenance. Examples of prohibited Decorations include --but are not limited to-- statues, figurines, vigil lights, wreathes, grave blankets, shepherd's hooks, crosses, and banners. Other transient and extraneous
- (C) Decorations, if allowed, are limited to one per Plot or section of family plots and then placed only in line/within close proximity to marker to facilitate maintenance and aesthetics.
- (D) American flags (\*) shall only be supplied to U.S. veterans, and then again removed, per state law, by the Township and not by the Owner.
- (E) Special upright Markers representing historic club or fraternal orders shall be permitted.
- (F) Benches may be permitted, and then placed, but only with the Supervisor's written permission.
- (G) Any onsite storage facility or storage container is prohibited.

- (H) The Township reserves the right to remove, without notice to Owner and regardless of time, any Decorations that are deemed to 1) interfere with maintenance or usage of surrounding areas 2) offend the natural setting and overall simplicity of the area, and/or 3) show signs of neglect. Once removed, the Township assumes no responsibility for their return.
- (I) No substantial Plantings (e.g. trees, bushes) shall be allowed on the Cemetery premises without the written permission of the Supervisor and a diagram of such Plantings kept on file.
- (J) Seasonal organic flowers may be placed in pots in line/within close proximity with Markers; however, if potted or planted, the Township assumes no responsibility if damaged or destroyed by maintenance.
- (K) 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 Township. The Township shall not be required to replace any Plantings that are removed.
- (L) Plantings may be trimmed, moved or removed by Township without notice if potted flowers and Plantings are deemed by the Supervisor to be dead, dying or detrimental to the appearance and/or general maintenance of the Cemetery; Plantings shall only be removed under the Township's explicit directions and supervision.
- (M) Discarded organic materials shall be disposed beside --not in-- provided trash receptacles for proper removal by Cemetery staff.
- (N) No sod shall be removed, and there shall be no grading, mounding, leveling or excavating on Burial Spaces allowed.
- (O) There shall be no other surfaces on the Grave than approved Plantings, grass sod, granite or marble, except by special written permission by Supervisor. Surfaces such as crushed stone, limestone, woodchips, as well as structures of wood, plastic or other equally perishable material used as fences, curbs, hedges and copings, are prohibited.
- (P) The use of water hoses, sprinklers or other sustained watering delivery systems is strictly prohibited.
- (Q) No Decorations nor Plantings shall encroach outside the area defined by the Owner's Burial Right.
- (R) Anyone installing Decorations or Plantings (e.g. vault companies, landscaping companies, individual owners) shall be responsible for and the repair of any damage, such as to turf or any surrounding Monuments. This shall be so, even if the Sexton assists in vault installation; planking shall be used in attempt to protect surrounding area.

#### SECTION IX: 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, and the Township. Any violation shall be considered illegal trespassing and prosecution of trespassers shall be pursued.

- (B) The Cemetery shall be open to the general public from dawn to dusk each day, from April 1 to October 25; and shall be closed from dark to dawn, and from October 26th to March 31<sup>st</sup>. These dates may be curtailed or extended as weather conditions dictate only with the expressed permission of the Supervisor.
- (C) There shall be no hunting on any developed or undeveloped Cemetery grounds.
- (D) There shall be no soliciting on Cemetery grounds, nor any advertising or posting of signs, within its boundaries.
- (E) There shall be no taking of any natural elements of the Cemetery (e.g. picking of fruit, cutting of flowers, transplanting of groundcover) for personal use without written permission of the Supervisor.
- (F) There shall be no removal, vandalism or re-arrangement of any veterans, historic or fraternal club markers; nor survey rods or plot Markers; nor Monuments, fallen or otherwise.
- (G) Loud or boisterous noise, as well as profane language, shall be prohibited in the Cemetery.
- (H) No dumping of household trash or littering of any kind is permitted in the Cemetery.

#### SECTION X: CEMETERY ACCESS AND ROADS

- (A) Entrance to the Cemetery shall be through the established entrances only.
- (B) Driving off the established roadways within the Cemetery is prohibited; parking shall be so as to not block any 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 in the Cemetery is 10 miles per hour.
- (E) Snowmobiles and other ATV/ORV's are not allowed on Cemetery property, in accordance with State of Michigan law.

#### SECTION XI: TOWNSHIP RIGHTS

- (A) 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 water supply or drainage systems.
- (B) 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.
- (C) 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 XII: RECORDS AND ACCOUNT KEEPING

(A) The Township shall maintain records of:

1. Burial Rights sales
2. Burials
3. Military service
4. Current fee schedules
5. Cemetery financial accounts
6. Other pertinent information voluntarily submitted identifying the dead
7. Documentation of attempts to reach Owner in vacation cases
8. Site burial diagrams and landscaping plans

(B) Said records shall be kept separate and apart from any other records of the Township, and shall be open to public inspection.

(C) All monies from sales and transfers shall be paid to the Township, percentages of which shall be determined by the Board and consequently deposited in the two separate Cemetery accounts, an operating Account/Fund and a Perpetual Account/Fund.

1. The Operating Account/Fund shall be used for expenses incurred in the day to day operation of the Township Cemeteries. Although it is to be funded from a portion of the proceeds from the sale and transfer of Burial Rights, supplemental payments from the Township General Fund may be contributed as deemed necessary.
2. The Perpetual Care Account/Fund shall be held in trust and the principal shall not be encroached upon. Only the interest from said account/fund may be transferred to the Cemetery Operating Account/Fund to be used for the operation of the Township Cemeteries, as per State of Michigan law. Transfer of interest shall be accomplished no less than once, at the end of a fiscal year.

(D) Any additional funds from grants, donations or bequests, must be specifically designated for either of the said two accounts. A separate (e.g. "Endowment") account may be opened to accommodate the facilitating of non-sales funds.

## SECTION XIII: CORRECTION OF ERRORS & OMISSIONS

(A) The Township reserves and shall have the right to correct any errors that may be made by it, either in undertaking Interments or Dis-interments; 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 at the sole discretion of the Township, by refunding the amount of money paid on account of said purchase less an administrative fee.

(B) In the event such error shall involve the Interment of the remains of any person in such property, the Township reserves the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

#### SECTION XIV: CHARGES AND PAYMENTS

- (A) Only the Township shall charge for sale, transfer or repurchase of Burial Right; Interment, and Disinterment; and removal of plantings and Decorations.
- (B) All payments for these charges shall be made payable to "Crystal Lake Township" and addressed to 1651 Frankfort Highway/PO Box 2129 Frankfort MI 49635.
- (C) Any charges for undertaking, funeral/memorial services; foundations and Markers, and associated costs for the purchase, placement, etching and maintenance on same; shall be a private contract between family members/legal representatives of the deceased and contractor providing those services.

#### SECTION XV: PENALTIES

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction, as defined in the Crystal Lake Township's Civil Infraction Ordinance #2013-01-01.

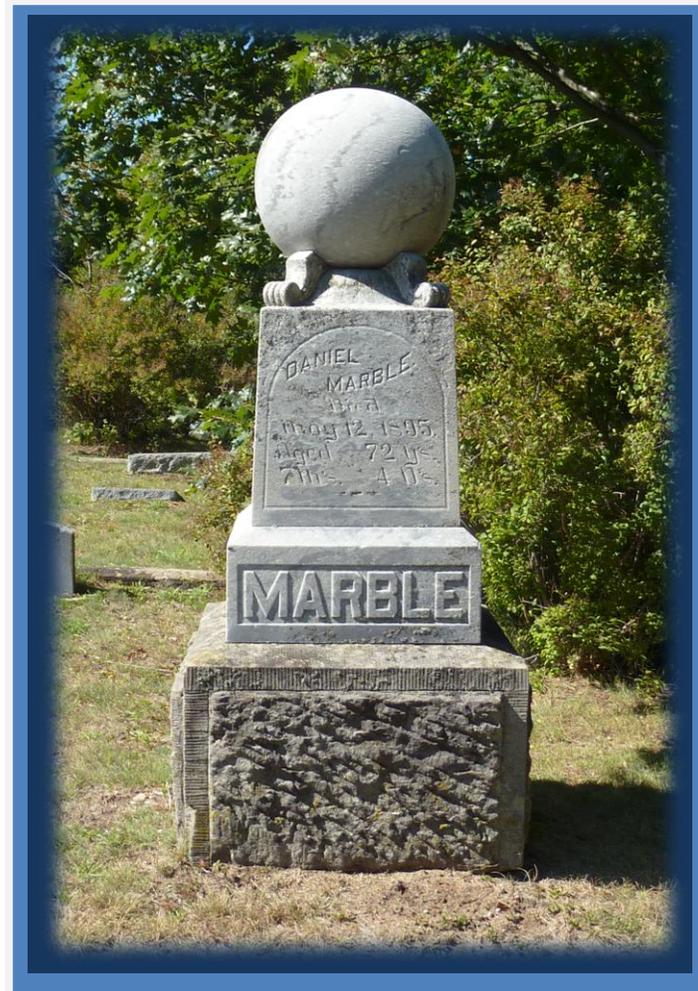
### **COMPLEMENTARY INFORMATION CONCERNING VETERANS**

For complete information about the burial of U.S. Service personnel, the following link might be of help:

<http://www.cem.va.gov/cem>. It includes instructions, how to order a dedicated veterans grave marker from the government. In addition, Benzie County maintains a Veterans Affairs Office at the Government Center in Beulah, #231-882-0034, which may be of help.

A summary of some pertinent information follows:

- (\*)The Township is obligated by State law to procure and furnish flag holders and flags for the grave of each US service person buried there. CLT coordinates with local veterans organizations to accomplish this.
- The Department of Veterans Affairs is making available a new medallion to be affixed to an existing privately purchased headstone or marker to signify the deceased's status as a veteran.
- Where a family chooses not to have a commercial stone, a choice of an upright stone marker or a flat bronze plaque is available for deceased eligible veterans' graves.
- The Department of Veterans Affairs (VA) furnishes, upon request, a Government headstone or marker for the unmarked grave of any deceased eligible veteran. There is no charge for the headstone or marker itself; however, arrangements for ordering it and placing it in a CLT Cemetery are the applicant's responsibility; all setting fees are at private expense.



**For Further General Information Contact:**

Crystal Lake Township Supervisor  
1651 Frankfort Hwy/PO Box 2129  
Frankfort MI 49635-2129

Phone: 231-352-9791  
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