**Victory Township, Mason County**

To the Residents and Property Owners of Victory Township, Mason County, Michigan:

PLEASE TAKE NOTICE that Victory Township enacted Ordinance No++++ on ++++++, to be effective +++++++ which was entitled "Victory Township Cemetery Ordinance" and which provides as follows:

# VICTORY TOWNSHIP CEMETERY ORDINANCE

**Ordinance No. +++**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETER­ IES OWNED BY THE TOWNSHIP OF VICTORY, MASON 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 VICTORY, COUNTY OF MASON, MICHIGAN ORDAINS:

**Section 1: TITLE**

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

# Section 2: DEFFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

1. A cemeterylot shall consist of land area sufficient to accommodate four adult vault burials.
2. An adult burial space shall consist of land area 42 inches wide by '96 inches in length.
3. An infant or stillborn burial space shall consist of a land area 42 inches wide and 48 inches in length.

# Section 3: SALE OF LOTS OR BURIAL SPACES

# Cemetery lots or burial spaces are to be sold only to residents or taxpayers of the township for the purpose of the internment of such purchaser or his or her heirs. No sale shall be made to funeral directors or others than as heretofore set forth. The township clerk, however, is hereby granted the authority to vary the aforesaid 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 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 internment space sold. Such form shall be executed by the township clerk.

1. Internment rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or internment spaces within the township cemeteries 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 thus assigned.

**Section 4: PURCHASE PRICE ANO TRANSFER FEES**

1. The cost of cemetery lots and transfer fees shall be established by a resolution of the Victory Township Board.
2. The cost of cemetery lots shall Include the cost of perpetual care.
3. All costs and fees shall be paid to Victory Township.
4. Once a lot is purchased it may not be transferred to any other lot in the cemetery. If the owner would like a different lot within the cemetery, the owner must sell back the lot for the original price purchased. They must then purchase the new lots at the current cost.

**Section 5: GRAVE OPENING AND CHARGES**

1. 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 a resolution of the Victory Township Board, payable to the township.
2. 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.
3. No burials will be conducted from November 1st through April 15 except at the discretion of the Township Supervisor.

# Section 6: MARKERS OR MEMORIALS

1. All markers or memorials must be of stone or other equally durable material.
2. Foundations of monuments or markers must be even with the ground. Monuments and markers must be located upon a suitable foundation tomaintain the same in an erect position.
3. The Township Board reserves the right to authorize the sexton or its employees to enter upon any lot and remove anything that in their judgement may be detrimental to the appearance of the cemetery.
4. No trees, shrubs, monuments or markers not on lots shall be removed by any person without permission of the sexton.
5. Flowers (live and artificial) are allowed only in urns. Artificial wreaths on stands are permitted from October 1st to April 1st.
6. No fences or coping will be permitted around lots.

# Section 7: INTERMENT REGULATIONS

1. A burial space shall only be occupied by one person, a person and an infant, or up to four cremations. The number of cremations allowed shall be at the discretion of the Sexton.
2. Not less than 48 hours advance notice shall be given to the sexton regarding a grave opening.
3. The appropriate permit shall be presented to the sexton and payment for the grave opening shall be made prior to interment.
4. All burials shall be within a standard concrete vault except for cremations.
5. All graves shall be in an orderly and neat appearing manner within the confines of the burial space involved.
6. It is mandatory that the owner of the burial space or a person knowing the wishes of the owner or next of kin go to the cemetery prior to the grave opening to acknowledge the location for the burial.

# Section 8: PERPETUAL CARE FUND

1. The sums of money received for perpetual care by the township shall be invested in a banking institution designated by the Township board and shall be kept separate from all other funds, belonging to the said township.
2. No part of said fund, except the interest thereon, shall be drawn from said banking institution, and this Income shall be used and spent for the perpetual care of lots, the owners of which have paid for perpetual care.

# Section 9: GROUND MAINTENANCE

1. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the supervisor**.**
2. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the township Supervisor.
3. Any of the foregoing items planted without such approval may be removed by the township or the sexton,
4. 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 the use of the cemetery.
5. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
6. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.
7. Surfaces other than earth or sod are prohibited.
8. 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.

# Section 10: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces 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:

1. Notice shall be sent by the township clerk by registered mail to the last known address of the last owner of record informing them of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if they do not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice their desire to retain said burial rights.
2. 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 their heirs or legal representative within 60 days from the date of mailing of said notice.

# Section 11: 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 their legal heirs or representative.

**Section 12: RECORDS**

The township clerk shall maintain records concerning all burials, issuance of burial permits separate and apart from anyother records of the township, and the same shall be open to public inspection at all reasonable business hours.

# Section 13: CEMETERY HOURS

1. The cemetery shall be open from daylight to dusk each day.

B. No person shall be permitted in the township cemeteries during the nighttime hours except upon permission of the Supervisor or the sexton of the cemetery.

# Section 14: PENALTIES

Any person, firm or corporation who violates any of the provisions within the Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to $500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

# 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 1S: EFFECTOIVE DATE**

This Ordinance shall take effect on +++++++++++. All ordinances or parts

of ordinances in conflict herewith are hereby repealed.

THE UNDERSIGNED, ++++++++++++, Clerk of Victory Township certifies that the above ordinance No. ++++++ entitled "Victory Township

Cemetery Ordinance" was adopted by the Victory Township Board at a regular meeting held ++++++++++ and that the vote was as follows:

FOR:

AGAINST: None +++++++++++++

Clerk, Victory Township