

**BENGAL TOWNSHIP
CEMETERY ORDINANCE
ORDINANCE 2018-01**

At a duly scheduled and noticed meeting of the Township Board of Bengal Township, Clinton County, Michigan, held at the Township Hall on August 08, 2018 at 7pm, Township Board Member Schafer moved to adopt the following ordinance, which was seconded by Township Board Member Schultheiss.

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF BENGAL, CLINTON COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND TO REPEAL ALL PREVIOUS BENGAL TOWNSHIP CEMETERY ORDINANCES.

SECTION 1. TITLE. This Ordinance shall be known and cited as the Bengal Township Cemetery Ordinance.

SECTION 2. SALES/ASSIGNMENTS OF LOTS OR BURIAL SPACES

- A. All sales shall be made on an approved form, which grants a right of burial only and does not convey any other title to the lot or burial space sold. The township supervisor or a designee by the Township Board shall execute such form. Record of the sale shall be maintained by the Township Clerk.
- B. Burial rights may be transferred/assigned only with prior Township Board approval and executed on a form approved by the Township Board. Record of the transfer shall be maintained by the Township Clerk.

SECTION 3. PURCHASE PRICE AND FEES

- A. Each burial space shall be determined by a fee structure established by the Township Board. Fees may be changed at any time at the Township Board's sole discretion; pending applications at the time of a fee structure change shall be granted the prior rate.
- B. Arrangements and costs for grave opening and closings are the sole responsibility of the individual who purchased the burial rights.

SECTION 4. GRAVE DISPOSITION AND MARKERS (MEMORIALS)

- A. No burial spaces shall be opened or closed without prior notification to and permission of the Township Supervisor, or other Township Board designee. This provision shall not apply to proceedings for the removal and disinterment of bodies and remains, which matters are under the supervision of the local

- health department and/or other authorities. In such cases, the Township Supervisor, or Township Board designee should be notified prior.
- B. All markers or memorials must be of stone or other equally durable composition.
 - C. All markers, urns or monuments must be located upon a suitable foundation to maintain the same in an upright position.
 - D. Only one upright monument, marker or memorial, including attaches plaques, urns etc. (upon the same foundation) shall be permitted per burial space. Exception may be made for contiguous spaces whose burial rights have been purchased by immediate family members where the same memorial will be used for multiple burials.
 - E. The footing or foundation upon which any monument or market is placed, shall be at least 3 inches larger per side of the base of the marker (and/or any accessories), and flush with the ground. The foundation and all accessories shall remain within the boundaries of the lot.
 - F. The cost for purchase and installation any foundation, marker or accessory for such, is the sole responsibility of the owner of the burial rights.
 - G. Only 1 person may be buried in a burial space, or up to 3 cremains may be contained in an individual burial space, without prior Township Board approval.
 - H. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, when necessary, shall be presented to the Township Clerk, prior to interment.

SECTION 5. GROUND MAINTENANCE

- A. No shrubs, trees, or evergreens of any type shall be planted without the prior approval of the Township Board. Any and all (regardless of prior approval) are subject to removal at the discretion of the Township Board at any time.
- B. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- C. Landscape materials (i.e. bark, mulch) other than earth or sod are prohibited, without prior Township Board approval.
- D. All refuse of any kind (including dried flowers, wreaths, papers, or flower containers) must be removed promptly. Grave blankets must be removed by April 1st.
- E. Any activity which damages or interferes with common areas, township property, or areas where the burial rights have been purchased, is prohibited.

SECTION 6. REPURCHASE OF LOTS OR BURIAL SPACES

Upon approval of the Township Board, the township may repurchase any unused burial space from the owner for the original price paid the township, upon written request of said owner or his legal heirs or representatives.

SECTION 7. VAULT

All burials shall be within a concrete vault installed or constructed within each burial space before interment. This section does not apply to urns containing cremains. The Township Board reserves the right to waive this requirement, providing there will be no other health department or other pertinent code violations.

SECTION 8. CEMETERY HOURS AND USAGE

The cemeteries shall be open to the general public during the daylight hours. No person shall be permitted on Township cemetery property at any other time, except with express permission of the Township Board or Township Board Designee. The following activities are expressly prohibited:

- No roadway vehicles shall drive on lawn areas, except as necessary for burial preparation and restoration of proper grade, or as needed for vendor maintenance of the property.
- No person shall disturb the peace of persons lawfully present on the grounds of any Township cemetery, or residing nearby.
- There shall be no destruction of cemetery property, including digging, grading or other landscape damage.
- There shall be no littering, dumping, fires, or vandalism

SECTION 9. VIOLATIONS AND PENALTIES

Any person, firm or other entity who violates any of the provision of this ordinance shall be subject to a fine of up to \$100 per day the violation continues, plus actual damages, as determined by the Township Board. The Township Board is solely responsible for determining whether a violation has occurred, and has full discretion in determining appropriate enforcement actions.

SECTION 10. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable; should any provision, section or part thereof, be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect or invalidate any other section of this ordinance, which shall continue in full force and effect.

SECTION 11. HOLD HARMLESS

Every person who enters, remains in or travels within a Township cemetery does so at their own risk. Bengal Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, urn or other accessory placed on or near a cemetery plot, burial site or anywhere on the Township cemetery property. The purchaser or transferee of any cemetery burial right (and all subsequent assignees, heirs and beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for,

from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plots, burial rights, and all other associated monuments, accessories, etc. This waiver and hold harmless provision shall apply not only to the Township, but also to any Township employee, officer, official, agent, or vendor.

SECTION 12. EFFECTIVE DATE

This ordinance shall take effect thirty days after publication. All previous Bengal Township cemetery ordinances, and other ordinance sections in conflict with this ordinance, are hereby repealed.

Roll call taken:

Supervisor Schafer Y ___
Clerk Bassette Y ___
Treasurer Schultheiss Y ___
Trustee Kushmaul Y ___
Trustee McDonald Y ___

ORDINANCE DECLARED ADOPTED. Date: August 08, 2018

(signature on file)

Deborah Schafer, Bengal Township Supervisor