

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 43**

**CEMETERY ORDINANCE
Amended**

An 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 St. Ignace, Mackinac County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF ST. IGNACE, MACKINAC COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to eight (8) burial spaces.

A burial space shall consist of a land area four (4) feet wide and ten (10) feet in length. A cremation burial space shall consist of land area of four (4) feet wide and four (4) feet in length.

Section 3: Sale of Lots or Burial Spaces

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. 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 burial space sold. Such form shall be executed by the Township Clerk.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be affected 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 and Transfer Fees

Prices for a cemetery lot or burial space are set by Township Board resolution and may periodically be altered to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

The lawful owner of any cemetery lot or burial space within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.

Section 5: Grave Opening Charges

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 resolution of the Township Board, payable to the Township.

No burial spaces shall be opened and closed except under the direction and control of the Township Sexton or Supervisor. 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.

Section 6: Markers or Memorials

All markers or memorials must be of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.

Only one (1) marker shall be permitted per burial space, or one marker or memorial in total where two adjoining burial spaces share that one marker or memorial. Markers shall be no more than thirty-two (32) inches in width (or forty-eight (48) inches in width for a double marker on two adjacent burial spaces, with an overall height of no more than thirty (30) inches above ground level, including the foundation. This also applies to flat markers.

The footing or foundation upon which any monument, marker or memorial must be placed and shall be constructed by the Township at cost to the owner of the burial right, unless otherwise agreed to by the Township.

Should any monument or memorial become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the cemetery plot or space, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner, or the owner's family or estate, prior to any such work beginning.

The maintenance, repair and upkeep of a cemetery marker, memorial, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

Section 7: Interment Regulations

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time when approved by the township. A maximum of two (2) cremains or one casket and one (1) cremains shall be allowed to be placed in one burial space, unless permission is otherwise granted by the Township.

The Township shall be given not less than three (3) days notice in advance of any time of any funeral to allow for the opening of the burial spaces. The opening and closing of burial spaces shall be done only by the Township or such person or persons as are designated by the Township.

The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Township Supervisor 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 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.

Section 8: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Township Supervisor or the Township Clerk.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Township Supervisor or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township.

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.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton 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 from the cemetery within 10 days after a burial.

Section 9: Disclaimer of Township Liability and Responsibility

Every person who enters, remains in and travels within the Township cemetery does so at their own risk. The 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, flower urn or other item placed at or near a cemetery lot, burial site or anywhere in a Township cemetery. The purchaser or transferee of any cemetery lot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery lot or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply to not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

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:

- 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 of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.
- 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 his 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 lots or 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 12: Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

Section 13: Vaults

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.

Section 14: Cemetery Hours

The cemetery shall be open to the general public from the hours of sunrise to sunset each day.

No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Cemetery Sexton.

Section 15: Prohibited Uses and Activities

The following prohibitions shall apply within any Township cemetery:

- (a) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree, plant or other lawful item located within a Township cemetery.
- (b) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.
- (c) There shall be no driving of an automobile, truck, or any vehicle on any portion of the cemetery, except designated roads or drives.

- (d) There shall be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except for those expressly allowed by this Ordinance.
- (e) There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.
- (f) There shall be no disinterment or grave openings unless approved by the Township.
- (g) There shall be no littering or dumping.

Section 16: Penalties

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal infraction shall not be less than one hundred dollars (\$100.00) for the first offence and not less than two hundred dollars (\$200.00) for subsequent offenses, including the costs of prosecution. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twenty-four (24) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense. A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

Section 17: 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 18: Effective Date

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation with the Township.

CERTIFICATE OF CLERK

The foregoing Ordinance was adopted by the Board of the Township of St. Ignace, Mackinac County, Michigan, at a regular meeting conducted on June 11, 2025, and was published in the St. Ignace News, a newspaper of general circulation in the Township of St. Ignace on June 26, 2025.

Sheri L. Oja
Township Clerk