

**FIFE LAKE TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN**

(Ordinance No. 2022-06-23-CEM)

At a [regular] meeting of the Township Board for Fife Lake Township held at Fife Lake Township on June 23, 2022, and commencing at 6:00 p.m., the following Ordinance was offered for adoption by Township Board Member Dawn Zimmerman and was seconded by Township Board Member Nicole Gibson:

AN ORDINANCE TO AMEND CHAPTER 101 ENTITLED “FEES AND CHARGES” AND CHAPTER 102 ENTITLED “TOWNSHIP CEMETERY” OF THE CODE OF ORDINANCES FOR FIFE LAKE TOWNSHIP.

THE TOWNSHIP OF FIFE LAKE (the “Township) ORDAINS:

Section 1. Amendment of Chapter 103. Chapter 103 of the Code of Ordinances for Fife Lake Township entitled “Fees and Charges” is hereby amended as follows:

- Section 101.003 is hereby deleted in its entirety.

[The remainder of Chapter 103 is substantially unchanged]

Section 2. Amending Chapter 102. Chapter 102 of the Code of Ordinances for Fife Lake Township entitled “Township Cemetery Ordinance” is hereby amended and reads in its entirety as follows:

CHAPTER 102 TOWNSHIP CEMETERY.

102.001 Title

This Chapter shall be known and cited as the “Fife Lake Township Cemetery Ordinance.”

102.002 Purpose and Intent

The Fife Lake Township Board (the “Township Board”) recognizes and concludes that the proper and reasonable maintenance, appearance, and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the Township’s government. It is also important that burials, disinterment, and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health, and general welfare of the community. The Township Board finds that the adoption and enforcement of this Chapter is in the best interests of the property owners and residents of the Township.

102.003 Definitions

1. “Cemetery” means any cemetery owned, operated, and/or controlled by the Township.

2. "Cemetery Plot" means an area in a Cemetery sufficient to accommodate burial space in accordance with this Chapter. It shall have a land area at least four (4) feet wide and eight (8) feet in length (or three feet wide by five feet in length for an infant).
3. "Heirs at law" means a person's spouse, natural and adopted children, natural and adopted grandchildren, parents, grandparents, brothers, and sisters.

102.004 Sale of Cemetery Plots.

1. Cemetery Plots shall be sold only to residents or taxpayers of the Township for the purpose of burying the purchaser or his or her Heirs at Law. Exceptions may be granted by the Township Clerk (or township designee), but only when the prospective purchaser discloses sufficient personal reasons for burial in the Township. In exercising the discretion granted in this section, the Township Clerk (or township designee) shall apply the following standards: (1) whether the prospective purchaser was a previous resident or taxpayer within the Township, (2) the length of time the prospective purchaser was a resident or taxpayer within the Township, (3) the length of time that has elapsed from when the prospective purchaser was a resident or taxpayer of the Township and the application to purchase a Cemetery Plot, and (4) whether the prospective purchaser falls within the definition of an Heir at Law of any person interred within a Cemetery. Any such decision by the Township Clerk (or township designee), (either granting or denying such exception) may be overturned by the Township Board pursuant to Section 102.023.
2. All sales and transfers of Cemetery Plots shall be made on a form approved by the Township Board and signed by the Township Clerk, Deputy Township Clerk, (or township designee), (a "Lot Certificate"). All sales and transfers of Cemetery Plots grant a right of burial only and do not convey any other title or right to the Cemetery Plot sold. At the time of purchase from the Township, each Cemetery Plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death and that name shall be reflected on the Lot Certificate.
3. Cemetery Plots may only be transferred to those persons eligible to be original purchasers of Cemetery Plots under this Chapter. All such transfers shall be accomplished through the following procedures: (1) the owner of the Cemetery Plot shall complete and sign the assignment of Cemetery Plot on the original Lot Certificate issued by the Township, (2) the Township shall determine whether the proposed assignee is qualified to hold a Cemetery Plot under this Chapter, and (3) if qualified, the proposed transfer shall be approved and the official cemetery records shall be updated to reflect the approved transfer, transferred to the assignee in the cemetery lot or burial space in the official cemetery records and a new Lot Certificate shall be issued to the assignee.

102.005 Purchase Price and Transfer Fees.

1. The Township Board shall by resolution establish the fee to be charged for each Cemetery Plot purchased. The record owner of any Cemetery Plot within the Township shall promptly provide the Township Clerk (or township designee), with any change in that owner's mailing address.
2. All charges and fees shall be paid to the Township Treasurer.

3. The Township Board may waive some or all fees for the burial of indigent persons. Furthermore, the Township Board may set aside a portion of a Cemetery for the burial of indigent persons.
4. The Township Board may by resolution periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance, repair, expansion, and acquisition.

102.006 Grave Opening Charges.

1. The Township may charge reasonable fees for the opening and closing of any Cemetery Plot, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board, payable to the Township.
2. No Cemetery Plot shall be opened or closed except under the direction and control of the Township Sexton, or such other individual as designated by the Township Board. This subsection 2 shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Township Sexton shall be given at least twenty-four (24) hours' prior notice of when such grave opening or closing will occur.
3. Cremains may not be disinterred unless they were originally buried in a cremains vault.

102.007 Markers, Monuments, and Memorials.

1. Only one (1) monument, marker, or memorial shall be permitted per Cemetery Plot.
2. No monument, marker, or memorial larger than four (4) feet by eight (8) feet shall be allowed in any Cemetery.
3. All monuments, markers, and memorials placed in a Cemetery shall be of stone or an equally durable material and shall be placed on concrete footings or other solid foundations that are no higher than ground level. All monument foundations must be installed by Fife Lake Township or their approved contractors. Contractors must be insured.
4. Should any monument or memorial (including any monument or memorial that was in place before this Chapter became effective) becomes unsightly, broken, moved off its proper site, dilapidated, or a safety hazard, the Township shall have the right, at the expense of the owner of the Cemetery Plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the Cemetery Plot prior to any such work beginning.
5. The maintenance, repair, and upkeep of a cemetery memorial, marker, 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.
6. Each grave must have an approved marker, memorial, or monument within one (1) year of burial.

102.008 Internment Regulations.

1. Only one (1) full body burial and one (1) cremains burial, provided that the full body burial is performed first, or a total of two (2) cremains burials are allowed per Cemetery Plot. A parent and child less than two (2) years of age or two (2) children ages ten (10) years or less may be buried at the same time in the same Cemetery Plot.
2. Not less than thirty-six (36) hours advanced notice shall be given to the Township of the time for any funeral to allow for the opening of the burial space within the Cemetery Plot.
3. The Lot Certificate for the burial space involved, together with the identification of the person to be buried, shall be presented to the Township Clerk (or other designated Township official) prior to interment. Where a Lot Certificate has been lost or destroyed, the Township Clerk (or other designated Township official) shall be satisfied from a review of the official cemetery records that the person to be buried in the Cemetery Plot is eligible for burial before any interment is commenced or completed.
4. All graves shall be located in an orderly and neat appearing manner within the confines of the Cemetery Plot involved.
5. All Cemetery Plots are for human burials only.

102.009 Disinterment.

1. No disinterment or the digging up of an occupied grave shall occur without a Township disinterment permit.
2. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses, and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township.
3. The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.
4. No disinterment permit shall be issued by the Township until the Township disinterment application form (as authorized by the Township Board) has been fully completed (and signed by a properly authorized person) and filed with the Township.

102.010 Winter Burials.

1. The Township may charge additional fees for burials during the time period of November 1st through March 31st (a "Winter Burial"). Such fee may be set from time to time by resolution of the Township Board.

2. If a Winter Burial cannot occur due to inclement weather, frozen ground, or similar condition, the deceased person may be kept in winter storage until a spring burial can occur. Fife Lake Township does not offer winter storage.
3. No Winter Burials shall occur without the prior consent of the Township Clerk (or Township designee).

102.011 Cremains.

1. Cremains may be buried in a container approved by the Township in a Cemetery Plot or in a columbarium that has been installed by the Township within a Cemetery.
2. No cremains shall be scattered or dispersed within a Cemetery.

102.012 Ground Maintenance.

1. No grading, leveling, or excavating within a Cemetery Plot shall be allowed without the prior written permission of the Township.
2. No shrubs, trees, or vegetation of any type shall be planted without the prior written approval of the Township. Any of the foregoing items planted without such approval may be removed by the Township.
3. All flower urns or containers shall be placed to the side of the monument, marker, or memorial. Live flowers shall be placed next to the monument, marker, or memorial or in urns or containers. Artificial flowers are allowed, but only in urns or containers.
4. The Township reserves the right to remove or trim any tree, plant, or shrub located within a Cemetery that hinders the use of a lawn mower or other gardening apparatus.
5. Any mounds which hinder the use of a lawn mower or other gardening apparatus are prohibited.
6. The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers therefore that through decay, deterioration, damage or otherwise become a source of litter or a maintenance problem.
7. Ground surfaces other than earth or sod, such as stones, bark, or wood chips are prohibited.
8. All refuse of any kind or nature, including but not limited to dried flowers, wreaths, papers, and flower containers cannot be maintained on a Cemetery Plot and must be removed from a Cemetery.
9. Snow removal is prohibited except by Township officials or designated contractors.

102.013 Forfeiture of Vacant Cemetery Plots.

1. If a Cemetery Plot remains vacant for more than ten (10) years after a Lot Certificate is issued to an original purchaser or a qualified assignee, the Township shall send by certified mail to the last owner of record a written notice informing him or her that the ten (10) year period has

expired and that all rights in the Cemetery Plot shall be forfeited to the Township if he or she fails within sixty (60) days of the date of mailing the notice to affirmatively indicate in writing to the Township his or her desire to retain the Cemetery Plot.

2. If a Cemetery Plot remains vacant for more than ten (10) years after an original purchaser or a qualified assignee affirmatively indicated in writing to the Township his or her desire to retain the Cemetery Plot, the Township shall send by certified mail to the last owner of record a written notice informing him or her that the ten (10) year period has expired and that all rights in the Cemetery Plot shall be forfeited to the Township if he or she fails within sixty (60) days of the date of mailing the notice to affirmatively indicate in writing to the Township his or her desire to retain the Cemetery Plot.
3. If the Township receives no written response within sixty (60) days after mailing the notice sent pursuant to subsection (a) or (b) above, the Cemetery Plot identified in the notice shall revert to the Township free and clear from any claims of that original purchaser or qualified assignee. The Township shall then cancel in the official cemetery records the Lot Certificate issued and indicate in those records that the Cemetery Plot is eligible for resale under the terms and conditions of this Chapter.

102.014 Disclaimer of Township Liability and Responsibility.

Every person who enters, remains in, and travels within a Cemetery does so at their own risk. The Township is not responsible for any injury, accident, or other calamities that might occur to any person or property present in a 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 Plot, burial site, or anywhere in a Cemetery. The purchaser or transferee of any Cemetery Plot or the equivalent (and all subsequent transferees, assigns, heirs, or 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 Plot or similar right, any headstone, monument or similar items, and any matter related to a Cemetery. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official, or agent.

102.015 Cemetery Records.

The Township Clerk (or designated Township official) shall maintain records concerning all Lot Certificates, burials, issuance of burial permits, and any perpetual care fund separate and apart from other Township records. These cemetery records shall be open to public inspection during reasonable business hours.

102.016 Family Independence Agency Burials.

No person whose burial is paid by the Michigan Family Independence Agency shall be eligible for burial in any Cemetery unless that person otherwise qualifies for burial pursuant to this Chapter.

102.017 Vaults.

1. All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each Cemetery Plot before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.

2. Cremains shall be in a container approved by the Township.

102.018 Cemetery Hours.

1. Unless otherwise specified by the Township Board by resolution, all Cemeteries shall be closed during the hours from 9 p.m. until 7 a.m. During those hours, no person shall be present in a Cemetery. Such prohibition shall not apply to the Township Sexton, any Township official, a person accompanied by the Township Sexton or other Township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.
2. Cemetery gates will be closed to vehicle traffic as soon as fall weather necessitates in the opinion of the Township Sexton. Snow removal will not be performed. Gates will reopen as spring weather permits safe access.

102.019 Prohibited Uses and Activities.

The following prohibitions shall apply within any Cemetery:

1. No person shall enter a Cemetery except through an established gate, and only during the posted hours of dawn to dusk.
2. Unless permission from the Township has been received, no person under the age of 18 shall enter a Cemetery without adult supervision.
3. No person shall deposit or leave debris on Cemetery grounds.
4. No person shall pick, mutilate, remove, or destroy any living plants or parts thereof, whether wild or domestic, on Cemetery grounds, except in the work of maintenance by Township employees or designated contractors.
5. No person shall break, injure, destroy, remove, or deface any monument or marker within a Cemetery.
6. No person shall bring any dog or animal on Cemetery grounds unless in compliance with applicable leash laws.
7. No person shall bring or discharge any firearm on Cemetery grounds, except in the conduct of a military funeral.
8. No person shall carry intoxicants or consume such while in a Cemetery.
9. No person shall advertise on Cemetery grounds.
10. No person shall conduct him or herself in any other than a quiet and respectful manner while on Cemetery grounds.
11. No person shall operate a vehicle at a speed in excess of 10 mph.

12. No person shall operate an off-road vehicle such as a dirt bike, ATV, or snowmobile.
13. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully present on Cemetery grounds.
14. No person shall enter a Cemetery when the Cemetery is closed or outside of authorized times.
15. No person shall play music, radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.

102.020 Authority of the Township Sexton.

1. The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board.
2. The Township Sexton shall assist other Township officials with the enforcement and administration of this Chapter.
3. The Township Sexton shall have such duties and obligations with regard to the Cemeteries as may be specified from time to time by the Township Board.

102.021 Fees.

The Township Board shall have the authority to set fees pursuant to this Chapter from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new Cemetery Plot, transfer fees for Cemetery Plots, and other matters.

102.022 Applicability of this Chapter.

1. This Chapter shall apply only to cemeteries owned, controlled, or operated by the Township.
2. The prohibitions and restrictions imposed by this Chapter shall not apply to Township officials, or their agents or designees when involved with the upgrading, maintenance, administration, or care of a Cemetery.
3. The prohibitions and restrictions imposed by this Chapter shall not apply to police officers, firefighting officials, or officers when carrying out their official duties.

102.023 Interpretation/Appeals to the Township Board.

1. The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions, or regulations contained in this Chapter and any rule or regulation adopted pursuant to this Chapter, as well as their applicability. The Township Board (or its designee) is also authorized to waive the application of the strict letter of any provision of this Chapter, or any rules or regulations promulgated under this Chapter, where practical difficulties in carrying out the strict letter of this Chapter or any rules or regulations related thereto 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 Chapter.

2. Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this Chapter, as well as any matter relating to a Cemetery, rights to a Cemetery Plot, or other matter arising pursuant to this Chapter, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty (30) days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least ten (10) days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.
3. The Township Board may set a fee or fees for any such appeal from time to time by resolution.

102.024 Authority of the Township to Remove Unauthorized or Unlawful Items from a Township Cemetery.

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, or maintained in a Cemetery in violation of this Chapter, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, law or regulation may be removed by the Township from a Cemetery at any time and disposed of by the Township without any prior notice to, permission from, or liability, or obligation to the person or persons who placed, installed, or maintained such item in a Cemetery. No items can be installed, placed, maintained, or kept in a Cemetery unless expressly authorized by this Chapter or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained, or left in a Cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from, or liability to the person or persons who installed, maintained, or left such item in a Cemetery.

102.025 Municipal Civil Infractions.

1. Any person who violates this Chapter will be responsible for a municipal civil infraction subject to a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
2. Each day this Chapter is violated shall be considered as a separate violation.

102.026 Enforcement.

Unless otherwise specified by the Township Board by resolution, the following officials shall have the authority to enforce this Chapter and to issue municipal civil infraction citations/tickets pursuant to this Chapter:

- Township Supervisor
- Township Clerk
- Township Sexton

- Township Zoning Administrator
- Township Ordinance Enforcement Officer
- Any deputy of the county sheriff's department
- Any State Police officer

102.027 Nuisance.

A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety, and welfare.

102.028 Injunctive Relief.

In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

Section 3. Severability.

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 in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

Section 4. Repealer.

Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

102.032 Effective Date.

This Ordinance shall become effective upon the expiration of thirty (30) days following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: 4

NAYS: 0

ABSENT/ABSTAIN: 1-Absent

ORDINANCE DECLARED ADOPTED.

Gerianne Street
Township Supervisor

Leigh Ann Gifford
Township Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Township Board for Fife Lake Township, Grand Traverse County, Michigan, at a meeting of the Township Board duly called and held at the date and time stated above.

Adopted: June 23, 2022

Published:

Effective:

By:

Leigh Ann Gifford
Township Clerk