

Article XXXIV
Millen Township Ordinance 1466
Maple Ridge Cemetery

Section 30.0 – Millen Township Maple Ridge Cemetery Ordinance

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 Millen, Alcona County, Michigan, to provide penalties for the said ordinance and to repeal all ordinances or parts of ordinances in conflict therewith. The “Millen Township Sexton or authorized designated person” shall be referred to throughout this ordinance as just “Sexton”.

Section 30.1 – Title

This ordinance shall be known as the Millen Township Maple Ridge Cemetery Ordinance.

Section 30.2 – Definition of Cemetery Burial Sites

1. A cemetery burial site shall consist of a land area for a single burial site five (5) feet wide and ten (10) feet in length. Or, a plot of five (5) burial sites is available which is twenty (20) feet wide and ten (10) feet in length. Each of the five (5) burial sites are four (4) feet wide and ten (10) feet in length.
2. An infant or stillborn cemetery burial site shall consist of an area three (3) feet wide and three and one half (3 ½) feet long.
3. Two infants or small children may be buried in one cemetery burial site three (3) feet wide x three and one half (3 ½) feet long.
4. Four (4) cremains may be buried in one (1) cemetery burial site two (2) feet x two (2) feet in size in addition to an adult burial site.
5. Four (4) cremains may be buried in one (1) cemetery burial site.
6. One (1) infant and one (1) adult may be buried in one (1) cemetery burial site.

Section 30.3 – Sale of Cemetery Burial Sites

1. Hereafter, cemetery burial sites shall be sold only to residents or taxpayers of Millen Township for the purpose of the burial of such purchaser, their heirs at law or next of kin. It will be at the Sexton’s discretion to allow non-resident burials.
2. No sale shall be made to funeral directors or others as heretofore set forth.
3. The Sexton is hereby granted the authority to vary the aforesaid restriction on previous residence in Millen Township or relationship to persons interred with.

4. Cemetery burial sites shall be sold individually and up to four (4) may be sold to a qualified purchaser. One (1) cemetery burial plot consisting of five (5) individual burial sites may be sold to a qualified purchaser. More than four (4) cemetery burial sites and more than one (1) cemetery burial plot may be sold if approved by the Sexton.
5. The Sexton may consult with the Township Board as necessary.
6. All such sales shall be made on a form approved by the Millen Township Board which grants a right of burial only and does not convey any other title to the cemetery burial site sold. Such forms shall be executed by the Sexton.
7. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery burial sites within Millen Township and may be affected only by endorsement of an assignment of a cemetery burial site certificate (formerly Deed) issued by the Sexton, approved by said Sexton and entered upon the official records of said Sexton. Upon such assignment, approval and record, said Sexton will issue a new Cemetery Burial Site Certificate to the assignee and shall cancel and terminate upon such records the original Cemetery Burial Site Certificate (formerly Deed) thus assigned.

Section 30.4 – Purchase Price and Transfer Fee

The Millen Township Board, by resolution, will establish fees and may periodically alter the fees by resolution to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

The Millen Township Board shall establish fees for the purchase of one (1) cemetery burial site for Millen Township residents or non-township residents as provided for in Section 30.3.

All charges shall be paid to the Millen Township Treasurer and deposited in the Millen Township General Fund.

Charges mentioned in this section shall be available from the Sexton.

Section 30.5 – Cemetery Burial Site Opening and Closing Charges

1. The opening and closing of any cemetery burial site prior to, following a burial and including interment of cremains shall be at a cost determined by the Millen Township Board by resolution. All fees shall be paid to the Millen Township Treasurer and deposited in the Millen Township General Fund.
2. Charges for the opening of any cemetery burial site, including interment of cremains, shall be handled through the Sexton.

3. No cemetery burial sites shall be opened and closed except under the direction and control of the Sexton. This shall not apply to proceedings for the disinterment and re-interment of human remains which matters are under the supervision of the local Health Department or law enforcement authorities with proper documentation. Although, the Sexton shall be notified.
4. Damages incurred to grave markers, monuments or burial spaces during tasks not directly assigned by Millen Township shall be the responsibility of the party responsible for said damages.

Section 30.6 – Repurchase of Cemetery Burial Sites

Millen Township will repurchase any cemetery burial site from the owner for the original purchase price paid to Millen Township upon written request of said cemetery burial site owner, his/her legal heirs or an authorized representative.

Section 30.7 – Forfeiture of Vacant Cemetery Burial Sites

After forty (40) years from date of sale all rights to unused cemetery burial sites shall revert to Millen Township providing the following events have occurred:

1. Notice has been sent by the Sexton following present day standards as established by the U. S. Postal Service for efficient notification to the last known address of the last owner of record informing the owner of the forty (40) year period.
2. Affirmatively indicated in writing to the Sexton within sixty (60) days of mailing said notice, their desire to retain burial rights to said cemetery burial sites.

Section 30.8 – Markers and Memorials

1. All markers or memorials must be of stone granite or other durable composition.
2. Suitable foundations are required for markers, memorials and monuments.
3. One (1) marker, memorial or monument is permitted per burial site. One (1) veteran's memorial and one (1) cremains memorial flush with the ground and properly set in concrete is allowed in addition to the marker, memorial or monument per burial site.
4. To maintain the integrity of the rows within the cemetery, the Sexton shall be notified for approval prior to the placing of markers, memorials or monuments on any cemetery burial site.

Section 30.9 – Interment Regulations

1. The Sexton shall be notified of all burials including adult, infant, child, and cremains.
2. Burials shall adhere to definitions and regulations as stated in Section 30.2 of this ordinance.
3. The Sexton shall be notified of all burials not less than thirty six (36) hours prior to said burial.

4. Only human remains will be accepted for burial and must be placed in a standard acceptable vault. Cremains shall be placed in plastic, metal, stone, or wood containers.
5. Presentation of Cemetery Burial Site Certificate may be required. In its absence, the Sexton shall be satisfied that the person(s) to be buried in the cemetery burial site is authorized and appropriate for burial in that site before any interment is commenced or completed.
6. Postponement of burials may occur at the discretion of the Sexton due to weather or other environmental conditions.

Section 30.10 – Ground Maintenance

1. Ground maintenance, including burial site care, shall be completed by Millen Township. Any grading, leveling or excavating requires the permission of the Sexton.
2. Planting of shrubs or trees on burial spaces shall not be allowed.
3. All live, artificial, cut, dried, or potted flowers are permitted to be placed by the grave marker or headstone. Winter wreaths and grave blankets are allowed from October 1 and shall be removed by May 1.
4. Mounds which hinder the free use of a lawn mower, weed whipping or other gardening apparatus are prohibited. Fences, railings, cornerstones, chipped stones, or other obstacles to lawn mowers, weed whipping or other gardening apparatus are prohibited. Surfaces other than sod or earth are prohibited. Solar lights, small mementos, etc. outlining a grave site will be removed. These items prohibit the free use of lawn mowing, weed whipping or use of other gardening apparatus.
5. The Millen Township Board has 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 unsightly, a source of litter or maintenance problem.

Section 30.11 – Records

The Sexton shall maintain records concerning all burials, issuance of Cemetery Burial Site Certificates, cemetery maps, and other information as it may apply to Millen Township Maple Ridge Cemetery. The same shall be made available to public inspection upon due notice to the Sexton.

Section 30.12 – Cemetery Hours

The Millen Township Maple Ridge Cemetery shall be open to the general public during daylight hours only.

Section 30.13 – Vehicles Prohibited

The use of any recreational vehicle (ORV) or snowmobile is strictly prohibited within the confines of Millen Township Maple Ridge Cemetery.

Section 30.14- Owner of Cemetery Burial Site Certificates

1. All future and existing burials will conform to this ordinance.
2. All existing, non-conforming cemetery burial sites will not be affected.

Section 30.15 – Penalties

Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a Municipal Civil Infraction as defined by Michigan Law and subject to a Civil Fine. Additionally, the violator shall pay costs which may include all direct and indirect expenses to which Millen Township incurs in connection with the violation. In no case, however, shall the costs of less than \$500.00 or more than \$1,000.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.

Each day a violation of this ordinance continues to exist shall constitute a separate violation.