

Chassell Cemetery Ordinance  
Chassell Township  
Houghton County, MI  
Ordinance No. 06-10-20  
Adopted: June 10, 2020  
Effective: July 8, 2020

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 Chassell, Houghton 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 Chassell, Houghton COUNTY, MICHIGAN, ORDAINS:

**Section 1: Title**

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

**Section 2: Definitions of Cemetery Blocks, Lots, Cremains, and Green Burials**

A cemetery block shall consist of lots sufficient to accommodate from one to fourteen lots.

A vault lot shall consist of a land area four (4) feet wide and ten (10) feet in length, and a Green Burial lot shall consist of a land area five feet (5) wide and nine (9) feet in length.

A cremains lot shall consist of a land area two feet (2) wide and two feet (2) in length.

Green Burial Rules and Regulations adopted on April 10, 2016, are hereby incorporated in this Ordinance. Prices for Traditional Vault and Green Burials shall be determined from time to time by resolution of the Township Board.

**Section 3: Sale of Blocks or Lots**

Hereafter, cemetery blocks and/or lots shall be sold to both residents & non-residents for the purpose of the burial of such purchasers and/or their heirs at law. Chassell Township reserves the right to charge higher rates to non-residents. However, the Township Clerk is hereby granted the authority to charge resident rates for non-residents who disclose sufficient personal reason for such variance, such as, but not

limited to, proof of previous residency prior to moving into assisted living or nursing home facilities.

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 block or lot sold. Such form shall be executed by the Township Clerk.

The owner or owners of every cemetery lot(s) shall be responsible for notifying the Township of any changes of personal mailing address.

Ownership of burial rights (blocks and/or lots) may only be transferred to persons with the same residency status as the original purchasers of cemetery blocks or lots within the Township. The Township Clerk is hereby granted the authority to waive this restriction when provided with sufficient personal evidence to justify variance and/or remittance of the current price differential between resident and non-resident rates. No partial or full refunds of original purchase amounts will be granted in relation to such transfers. Transfers will only take effect upon (1) the original owner's endorsement upon the original burial permit form, (2) approval by the Township Clerk, and (3) entry of such transfer in the official records of said Clerk. Upon assignment, approval, and recording of transfer, said Clerk shall issue a new original burial permit to the assignee and shall cancel and terminate in official records the prior original permit thus assigned.

The Township shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer, or conveyance of any cemetery lot, either by canceling the permit for a particular vacant cemetery lot and substituting and conveying in lieu thereof another vacant lot in a similar location within the cemetery, or by refunding the money paid for the lot to the purchaser or successor to the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another lot in a similar location in the cemetery, in accordance with law.

**Section 4: Purchase Price and Transfer Fees (See Price List)**

The Price List has the current costs for Traditional (Vault) Burial Lots, Green Burial Lots, and Cremains Lots and associated costs. Up to 8 cremains can be buried in a traditional vault lot but this needs to be approved when the lot is purchased.

Any transfer of one or more lots from an original purchaser to a qualified assignee shall be set by resolution of the Township Board.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund.

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

**Section 5: Grave Opening/Closing Charges and Regulation**

For the opening and closing of any lot space, prior to and following a burial therein, and including the interment of ashes, see current Price List for costs.

No lot shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the legal removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

**Section 6: Markers or Memorials (Vault Lots Only-See Green Burial Rules for Green Lots)**

All markers or memorials must be of stone or other equally durable composition. Maximum height of three feet (3') with two inch (2") collar.

Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

**Section 7: Interment Regulations**

Excepting the burial of cremains, as stated above, only one person may be buried in a lot, with the exception of a mother and her infant, who may be buried in the same lot.

No less than 36 hours advance notice shall be given to the Township to allow for opening of the lot.

The appropriate permit for the lot involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Sexton or the Township Clerk prior to interment. When a permit is lost or destroyed, the Township Clerk shall be satisfied, from Township records, that the person to be buried is authorized to be buried in the specific lot before interment is commenced.

All graves shall be located in an orderly and neat appearing manner within the confines of the lot involved.

**Section 8: Ground Maintenance (See Green Burial Rules for Additional Restrictions)**

No grading, leveling, or excavating upon any lot shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

No shrubs, trees, or vegetation of any type shall be planted without the approval of the

Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

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 thereof that through decay, deterioration, damage, or otherwise become unsightly, a source of litter, or a maintenance problem.

All summer decorations including lights, statues, flags, flower boxes, vases, urns, etc., may be placed on lots no earlier than May 15 and must be removed no later than September 30. All winter decorations including lights, wreaths, etc. may be placed on lots no earlier than December 1 and must be removed no later than May 1. After such dates all items not removed will be disposed of by cemetery personnel.

Surfaces other than earth or sod are prohibited. Corner posts, fences or other raised, lot-defining structures are not permitted.

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.

Watering lots may not exceed one (1) hour in duration per day and then only with continuous monitoring by individual doing the watering.

Vehicles shall not be operated off cemetery roads, with the exception of cemetery personnel. This includes any motor vehicles with a gross weight in excess of one hundred (100) pounds.

#### **Section 9: Forfeiture of Vacant Cemetery Block or Lots**

Cemetery blocks or lots 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/her of the expiration of the 40-year period and*

*that all rights with respect to said blocks or lots or will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his/her desire to retain said burial rights.*

*No written response to said notice indicating a desire to retain the cemetery blocks or lots in question is received by the Township Clerk from the last owner of record of said blocks or lots, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.*

**Section 10: Repurchase of Blocks or Lots**

The Township will repurchase any cemetery blocks or lots from the owner for the original price paid the Township, minus 20%, upon written request of said owner or his/her legal heirs or representatives.

**Section 11: Records**

The Township Clerk shall maintain records concerning all burials, 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 12: Vault Requirements (Vault Lots Only, Green Burial Lots Exempt)**

All burials shall be within a standard steel, concrete, or fiberglass vault installed or constructed in each lot before interment.

**Section 13: Cemetery Hours**

The cemetery shall be open to the general public from dawn to dusk each day.

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

**Section 14: Disclaimer of Township Liability and Responsibility**

Every person who enters, remains in, and travels within the 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 the 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 else in the cemetery. The owner or successor owner of any lot 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 lot involved. Such waiver, release, and hold harmless provision shall apply not only to the Township but also to the Sexton and any Township employee, officer, official, or agent.

**Section 15: Penalties**

Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 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 16: 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 17: Effective Date**

This ordinance shall take effect thirty (30) days after its publication as required by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance was adopted by the Township Board of Chassell Township of Houghton County, Michigan, at a regular meeting thereof held on the 10<sup>th</sup> day of June, 2020.

Approved and ordained by me, the Township Supervisor on this 10<sup>th</sup> day of June, 2020.

Dave Mattson



Chassell Township Supervisor

I further certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Chassell, County of Houghton, State of Michigan, at a regular meeting conducted on the 10<sup>th</sup> day of June, 2020, and that public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of 1976, as amended, of the state of Michigan.

I further certify that the following members were present at said meeting: Dave Mattson, Lynn Gierke, Kelly Holmes, Ryan Kuntze, Dan Palosaari

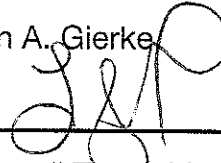
I further certify that the following members of the Township Board voted in favor of adoption of the above Ordinance:

Dave Mattson, Lynn Gierke, Kelly Holmes, Ryan Kuntze, Dan Palosaari

And that the following members voted against adoption of this Ordinance: 0

I further certify that this Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signature of the Supervisor and Township Clerk.

Lynn A. Gierke

A handwritten signature in black ink, appearing to be 'Lynn A. Gierke', written over a horizontal line.

Chassell Township Clerk