

**OLIVER TOWNSHIP
CEMETERY ORDINANCE
Ordinance No. 1 of 2025**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF THE TOWNSHIP'S CEMETERIES AND TO PROVIDE PENALTIES FOR VIOLATIONS

THE TOWNSHIP OF OLIVER HEREBY ORDAINS:

Section 1. Title.

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

Section 2. Definitions. As used in this Ordinance,

"Burial space" means an area of land within a cemetery lot four (4) feet wide and ten (10) feet long.

"Cemetery lot" means an area of land within a cemetery sufficient to accommodate from one (1) to six (6) burial spaces.

"Cemetery sexton" means the individual designated by the Township Board to repair, maintain, and supervise the opening and closing of graves consistent with this Ordinance.

"Designee" is the person you would like to be buried with or next to.

"Green burial" means the act of burying human remains with no embalming fluids or similar body-preserving chemicals in a biodegradable casket and without a vault constructed of concrete or similar material.

Section 3. Sale of Lots or Burial Spaces.

- a. After the effective date of this Ordinance, cemetery lots or burial spaces shall be for the purpose burying the purchaser or his or her designee. The Township Clerk may grant exceptions to this sales restriction, but only when the purchaser discloses sufficient personal reasons for burial in the township. I.E Purchaser shall appoint a designee.
- b. All such sales shall grant a right of burial only and shall not convey title to the cemetery lot or burial space sold. The sale of a cemetery lot or burial space shall be documented on a form approved by the Township Board and shall be executed by the Township Clerk.

Section 4. Purchase Price and Transfer Fees.

- a. The Township Board shall from time to time by separate resolution establish the purchase price for cemetery lots and burial spaces.
- b. The charges and fees established pursuant to subsection (a) above shall be paid to the Township Treasurer and deposited in cemetery sales.

Section 5. Grave Openings; Charges; Disinterments.

- a. The Township Board shall from time to time by separate resolution establish the fee for the opening and closing of a burial space, prior to and following a burial therein, including the interment of ashes.
- b. The fee established pursuant to subsection (a) above shall be paid to the funeral home. The funeral home will then pay the Sexton.
- c. **NO BURIAL SPACE SHALL BE OPENED AND CLOSED, EXCEPT UNDER THE DIRECTION AND CONTROL OF THE CEMETERY SEXTON.** However, this provision shall not apply to proceedings for the removal and re-interment of bodies and remains that are under the supervision of the local health department.
- d. Performing a winter burial is at the discretion of the cemetery sexton and dependent on weather conditions and frost depth. Price of winter burials shall be set from time to time by the Township Board and posted.
- e. All burials shall conform to the rules and regulations of the local health department and all other governmental rules and regulations.

Section 6. Monuments, Markers or Memorials.

- a. Only one (1) monument, marker or memorial shall be permitted per burial space.
- b. No monument, marker or memorial larger than four (4) feet shall be allowed in any township cemetery.
- c. All monuments, markers and memorials shall be of durable sturdy material and approved by township.

Section 7. Internment Regulations.

- a. Only one (1) person may be buried in a burial space; provided, however, a mother and her child less than two (2) years of age and two (2) children ages ten (10) years or less may be buried at the same time in the same burial

space.

- b. No more than two (2) cremains may be buried in a burial space.
- c. Not less than thirty-six (36) hours advanced notice shall be given to the Township Clerk or cemetery sexton of the time for any funeral to allow for the opening of the burial space or spaces.
- d. The owner of the cemetery lot or burial space or his or her designee shall provide proof of the right to burial in a specific burial space, together with the identification of the person to be buried, to the Township Clerk. The Township shall not accept a request for burial without proof that the individual to be interred has the legal right to be buried in the burial space. The Township does not have the capability to know who is "next in line" for the burial rights in a specific burial space. It is the family's responsibility to contact the Township Clerk with changes to the succession of such burial rights. Where the documentation for the sale of a cemetery lot or burial space has been lost or destroyed, the Township Clerk shall be satisfied from a review of the official cemetery records that the person to be buried in the burial space is eligible for burial in that burial space before any interment is commenced or completed.
- e. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- f. Green burials are permitted in Oliver Township cemetery.

Section 8. Ground Maintenance.

- a. No grading, leveling, or excavating upon a burial space shall be allowed without the prior written permission of the Township Clerk or cemetery sexton.
- b. No flowers, shrubs, trees, or vegetation of any type shall be planted without the prior written approval of the Township Clerk or cemetery sexton. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.
- c. The Township reserves the right to remove or trim any tree, plant or shrub located within a township cemetery that hinders the use of a lawn mower or other gardening apparatus.
- d. All mounds which hinder the use of a lawn mower or other gardening apparatus are prohibited.
- e. The Township or cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become a source of litter or a maintenance problem.

- f. Ground surfaces other than earth or sod, such as stones, bark, or wood chips, are prohibited.
- g. All refuse of any kind or nature, including but not limited to dried flowers, wreaths, papers and flower containers must be removed from the cemetery or deposited in containers located within the cemetery for that purpose.

Section 9. Forfeiture of Vacant Cemetery Lots or Burial Spaces.

- a. If a cemetery lot or burial space remains vacant for more than fifty (50) years after a burial permit is issued to an original purchaser or a qualified assignee, the Township Clerk shall send by certified mail, return receipt requested, to the last owner of record a written notice informing him or her that the fifty (50) year period has expired and that all rights in the cemetery lot or burial space 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 Clerk his or her desire to retain the cemetery lot or burial space.
- b. If the Township Clerk receives no written response within sixty (60) days after mailing the notice required to be sent pursuant to subsection (a) above, the cemetery lot or burial space identified in the notice shall revert to the Township free and clear from any claims of that original purchaser or qualified assignee. The Township Clerk shall then cancel in the official cemetery records the burial permit issued and indicate in those records that the cemetery lot or burial space is eligible for resale under the terms and conditions of this Ordinance.

Section 10. Return of Cemetery Lots or Burial Spaces.

Upon the written request of the original purchaser or qualified assignee of any cemetery lot or burial space, or the designee or representatives of the original purchaser or qualified assignee, the Township shall return the cemetery lot or burial space from the owner at the original price paid to the Township for that cemetery lot or burial space.

Section 11. Cemetery Records.

The Township Clerk shall maintain records concerning all 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 by appointment.

Section 12. Indigent Burials.

No person whose burial is paid by the Michigan Department of Human Services, or any successor state agency, shall be eligible for burial in any cemetery within Oliver

Township, unless that person was a resident of the township at the time of his or her death.

Section 13. Cemetery Hours.

The township cemeteries shall be open to the general public daily between the hours of 8:00 a.m. and 9:00 p.m. No person shall be permitted in the township cemeteries at any other time, except after receiving written permission from the Township Board or the cemetery sexton.

Section 14. Municipal Civil Infractions.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 15. Enforcement Officers.

The Township Supervisor, cemetery sexton, and other officials appointed by the Township Board are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 16. Nuisance.

A violation of this Ordinance 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.

Section 17. Injunctive Relief.

In addition to enforcing this Ordinance 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 Ordinance.

Section 18. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

Section 19. Effective Date.

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

NOTICE: Please take note that a true copy of the ordinance can be inspected or obtained at the office of the Oliver Township Clerk.