

Adopted: April 10, 2018  
Published: May 29, 2019  
Effective: June 28, 2019

TOWNSHIP OF MICHIGAMME  
COUNTY OF MARQUETTE, STATE OF MICHIGAN

ORDINANCE # 2018-410-1

**MICHIGAMME TOWNSHIP CEMETERY ORDINANCE**

An ordinance to protect the public health, safety and general welfare by establishing the regulations relating to the operation, control, and management of the Cemetery owned by the Township of Michigamme, Marquette County, Michigan; to provide penalties for violation of said ordinance, to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF MICHIGAMME ORDAINS:

**Section 1: Title**

This ordinance shall be known and cited as the “Michigamme Township Cemetery Ordinance”.

**Section 2: Operation**

The Michigamme Township Cemetery will be operated jointly by Michigamme Township, located in Marquette County, and Spurr Township, located in Baraga County, pursuant to that certain Letter Agreement adopted between the townships. Should either Township revoke the Letter Agreement (pursuant to its terms) the cemetery will be operated solely by Michigamme Township.

**Section 3: Assignment of Cemetery Plots**

- A. After the effective date of this ordinance, cemetery plots shall be assigned for the purpose of burial for the assignee of the cemetery plot, or his or her immediate family. No assignment shall be made to funeral directors or others, except for those acting as an agent of an eligible assignee.
- B. All assignments of cemetery plots shall be made on a form approved by the Township Boards and signed by the designated Township officials, which grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space assigned. Such forms shall be signed by the Township Clerk and shall constitute a permit upon approval.

- C. Cemetery plots may be assigned by the Township Clerk to any legal resident or taxpayer of Michigamme Township or Spurr Township. The Township Clerk has the authority to vary the aforesaid restrictions on assignment where the individual discloses sufficient personal reason for burial within the Township through previous residence in the Townships and a relationship to persons interred in the family plot. Any such decision by the Township Clerk (either granting or denying such variance) may be appealed to a joint meeting of the Township Boards pursuant to Section 19.
- D. At the time of assignment, each cemetery plot shall be assigned the name of the specific person who shall be interred in the cemetery plot upon death. Each such person shall be a resident or taxpayer of Michigamme Township or Spurr Township or be a member of the immediate family of the qualified assignee. If the assignee of a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, the person must inform the Townships and reassign that space in the name of another eligible person, since cemetery plots are otherwise nontransferable.
- E. Cemetery plots are nontransferable without the prior written approval of the Townships.
- F. The Township Boards shall have the authority to limit the number of cemetery plots assigned to a particular person, as well as the person's family and relatives. At this time, each resident shall only be given one (1) lot. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery plot or plots will be assigned to a specific person and where such cemetery plot or plots will be located.
- G. The Townships shall have the right to correct any errors that may be made concerning interments, or location of interments, or in the description, transfer or conveyance of any cemetery plot, by either canceling the permit for a particular cemetery plot or plots and substituting and conveying in lieu thereof another cemetery plot or plots in a similar location within the cemetery. In the event error involves the interment of remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in accordance with the law.
- H. The assignee of every cemetery plot shall be responsible for notifying the Townships whenever that person's mailing address changes.

#### **Section 4: Grave Opening Charges**

- A. The Townships may charge reasonable fees for the opening and closing of any cemetery plot, prior to and following the burial therein, including the interment of ashes. Such fees will be set from time to time by resolution of the Township Boards.
- B. Cemetery plots shall not be opened or closed, except under the direction and control of the Townships or such other individual designated by the Township Boards. Any grave opening, disinterment, or other similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state Health Department authorities; even

in such cases, the Township shall be given at least twenty-four (24) hours prior notice of when a grave opening or closing will occur.

### **Section 5: Markers or Memorials**

- A. All markers and memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
- B. Except for monuments that existed in the Township cemetery before the effective date of this ordinance, no monument will be allowed or erected in the cemetery, except as provided herein. For the purposes of this ordinance, "monument" shall be defined as a marker, memorial, statute, or similar item which does not exceed thirty (30") inches in width or forty-eight (48") inches in width for a double marker, with an overall height of not more than thirty (30") inches above ground level, including the foundation. Only one marker or memorial shall be permitted per cemetery plot, or one marker or memorial in total where two adjoining lots share that one marker or memorial. Individual markers for **cremains** shall be flush with the ground and shall be no more than twelve (12") inches by twenty-four (24") inches in size.
- C. The footings or foundation upon which any marker or memorial must be placed shall be constructed at the expense and discretion of the family.
- D. Should any monument or memorial (including any monument or memorial that was in place before the effective date of this ordinance) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Boards shall have the right, at the expense of the assignee of the cemetery plot, to correct the condition or remove the same. The Townships shall make reasonable attempts to contact the assignee of the cemetery plot or heirs or family of the person buried there.
- E. The maintenance, repair, and upkeep of a cemetery memorial, marker, urn, border or similar item is the responsibility of the heirs or family of the person buried at that location. The Townships have no responsibility or liability regarding the repair, maintenance, or upkeep regarding any such marker, memorial, urn, border or any such item.
- F. The Townships will advise those who neglect to maintain, repair, or upkeep memorials, markers, urns, borders or similar items by letter to correct the situation or remove the same.

### **Section 6: Interment Regulations**

- A. Only one person shall be buried in a cemetery plot, except for a parent and infant child or two children buried at the same time when approved by the Townships. One or more cremains may be buried in one plot with a single marker.
- B. The Townships shall be given at least 36 hours prior notice in advance of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Townships or such person or persons designated by the Townships.

Interments or removals may be permitted on a weekend at the expense of the family. No interment or removal shall occur on a legal holiday.

- C. The appropriate permit or form issued by the Townships for the cemetery plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the Health Department, shall be presented to the Township Clerk (or other designated Township official) prior to interment. If such permanent form has been lost or destroyed, the Township Clerk must be satisfied, from his or her records, that the deceased person to be buried in the cemetery plot is an authorized and appropriate person for that space before any interment is commenced or completed.
- D. The surface of all graves shall be kept in an orderly and neat appearing manner within the confines of the cemetery plot involved.

### **Section 7: Disinterment**

- A. Disinterment or digging up of an occupied grave shall not occur until and unless all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any state or county agency, governmental unit or appropriate official and a copy of the same has been filed with the Townships.
- B. The Township Boards shall have the authority to deny a request for disinterment or digging up of an occupied grave if the disinterment of an occupied grave is not done pursuant to court order or does not have a reasonable basis.

### **Section 8: Winter Burials**

- A. The Townships may charge additional fees for winter burials.
- B. If the winter burial cannot occur due to inclement weather, frozen ground, or similar condition, the deceased person may be kept in winter storage until the spring burial can occur. Written permission by the next of kin or authorized agent must be obtained for winter storage. All winter storage costs shall be paid by the estate of the deceased, the person's next of kin or other responsible party.
- C. No winter burials will occur without the prior consent of the Township Clerk.

### **Section 9: Cremains**

- A. Cremains may be buried in a container approved by the Townships in a cemetery plot within the Township cemetery. Alternative containers are unacceptable and will not be approved.
- B. No cremains shall be scattered or dispersed within the Township cemetery.

## **Section 10: Grounds Maintenance**

- A. Flowerpots, urns and grave blankets may be placed and maintained at the headstones of graves not earlier than May 1 or when the grounds are suitable for driving and must be removed no later than October 1 of each year. Veteran flags and flag holders shall be governed by the State of Michigan rules and guidelines.
- B. No grading, leveling or excavating within the cemetery shall be allowed without the prior permission of the Township Clerks. Furthermore, no trees, shrubs, landscaping or similar plantings shall occur without the permission of the Township Clerks.
- C. The Township Boards reserve the right to remove or trim any existing trees, plants, or shrubs located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.
- D. Mounds, bricks, blocks and any borders that hinder the free use of a lawnmower or other gardening apparatus are prohibited.
- E. The Townships shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become, or are unsightly, a source of litter or maintenance problem.
- F. Surfaces other than earth or sod are prohibited
- G. All refuse of any kind or nature, including but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within 10 days after a burial.
- H. No glass containers or items are allowed
- I. Except for markers, memorials, flowers and urns expressly allowed by this ordinance, and veteran flags as authorized by law, no other item (including, but not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within the cemetery, nor shall any grading, digging, mounding, or similar alteration of the ground or earth occur except as authorized by this ordinance or by the Townships.

## **Section 11: Disclaimer of Townships Liability and Responsibility**

Every person who enters, remains in and travels within the Township cemetery does so at their own risk. The Townships are not responsible for any injury, accident or other calamity that might occur to any person present in the Township cemetery. Furthermore, the Townships are not responsible for any damage or vandalism to theft of, or deterioration of any building, monument, headstone, flowers, urns, or other items placed at or near a cemetery plot, burial site or anywhere in the Township cemetery. The assignee or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies

and holds harmless Michigamme Township and Spurr Township 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 item, and any matter related to the cemetery. Such waiver, release and hold harmless provisions shall apply not only to the Townships, but to any Township employee, officer, official, or agent.

### **Section 12: Forfeiture of Vacant Cemetery Lots, Family Plots or Burial Spaces**

Cemetery plots, family plots or burial spaces assigned and remaining vacant for 40 years or more from the date of their assignment shall automatically revert to the Townships pursuant to this section. If the date of assignment is unknown, such plots or burial spaces shall revert back to the Townships after 10 years.

- A. Notice shall be sent by the Township Clerk by first-class mail to the last known address of the last assignee of record informing him/her of the expiration of the 40 year period, (or if no known date, after the expiration of the 10 year period), and that all rights with respect to subplots or spaces 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 such notice of his/her desire to retain such burial rites; and,
- B. If no written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Township Clerk from the last assignee of record of said plots or spaces, or his/her heirs or legal representative within 60 days from the mailing of said notice, the assignment shall revert back to the Township.

### **Section 13: Reassignment of Plots and Burial Spaces**

The Townships may reassign any cemetery plot upon which the written request of said owner or his/legal heirs or representatives.

### **Section 14: Records**

The Michigamme Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits, and any other records of the Townships relating to the Township cemetery. Cemetery records prior to the adoption date of this ordinance may or may not be on file. Cemetery records shall be open to public inspection at all reasonable business hours.

### **Section 15: Vaults**

- A. All burials should 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 townships.
- B. Cremains shall be in a container approved by the Townships.

## **Section 16: Cemetery Hours**

Unless otherwise specified by the Township Boards by resolution, the Township cemetery shall be closed from the hours of 9:00 p.m. until 7:00 a.m. the next morning. During those hours, no person shall be present in the Township cemetery. Such prohibition on being present in a Township cemetery during the time when the cemetery is closed shall not apply to Township officials or any law enforcement or firefighter official when engaged in lawful duties of any such officer position.

## **Section 17: Prohibited Uses and Activities**

The following prohibitions shall apply within the Township cemetery:

- A. No person shall destroy, deface, apply graffiti or otherwise injure any monument, sign, tree or other lawful item located within the 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 the Township cemetery.
- C. No vehicle shall be permitted to drive on lawns or cemetery plots in the cemetery.
- D. There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- E. There shall be no destruction, defacing, or cutting of any tree or plant within the cemetery.
- F. There shall be no driving of an automobile, truck or other motorized vehicle on any portion of the cemetery except on designated roads or drives.
- G. There shall be no gathering of persons in excess of 75 people without the prior Townships approval (except during or incidental to a funeral occurring concurrent with a burial).
- H. There shall be no possession or consumption of any alcoholic beverages within cemetery grounds.
- I. There shall be no picnicking or consumption of food without the prior approval of the Townships.
- J. There shall be no playing music, video, electronic device, or use of an amplification device or similar item, except pursuant to a military ceremony or funeral unless approved by the Townships.
- K. There shall be no solicitation or peddling of services or goods or use of any signs or placards advertising any goods or services.

- L. There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition does not apply to service dogs.
- M. No firearms or archery arrows shall be discharged or shot except military or other veterans' organizations may carry firearms for the purposes of firing over a grave at the burial of a member.
- N. The Township Boards may modify the above prohibitions by resolution.

### **Section 18: Fees**

The Township Boards have the authority to set fees pursuant to this ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, burial, disinterment permit, grave opening, grave closing, and any other matters.

### **Section 19: Appeals**

- A. The Township Boards (meeting in joint session) shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this ordinance and any rule or regulation adopted pursuant to this ordinance, as well as their applicability. The Township Boards are authorized to waive the application of the strict letter of any provision of this ordinance or any rules and regulations promulgated under this ordinance where practical difficulties in carrying out the strict letter this ordinance or any rules or regulations related thereto would result in hardship to a person or persons or the public. Any such waiver, however, must be of such character as it would not impair the purposes and intent of this ordinance.
- B. Any party aggrieved by any interpretation or decision made by any Township official, agent, or contractor pursuant to this ordinance shall have the right to appeal that determination/decision to the Township Boards.
- C. The Township Boards may set a fee or fees for such appeal from time to time by resolution.

### **Section 20: Violations**

Any person who violates the provisions of this ordinance shall be deemed responsible for civil infraction and shall be subject to a civil penalty. Failure to comply with this ordinance shall be enforced by Michigamme Township as described in the Michigamme Township civil infractions ordinance.

### **Section 21: Severability**

The sections of this ordinance shall be deemed severable, and should any section, clause, paragraph or provision thereof be deemed unconstitutional or contrary to the laws of State of Michigan and thereafter voided by any court of competent jurisdiction, the same shall not affect



the validity of the ordinance as a whole or any other part thereof other than that part or section so declared to be unconstitutional or invalid.

**Section 22: Repeal**

The cemetery ordinance shall repeal any other ordinance pertaining to cemeteries or burials.

**Section 23: Effective Date**

This Ordinance shall become effective 30 days after publication in accordance with the Township of Michigamme.

Adopted: April 10, 2018 by Roll Call: Ayes--William Seppanen, Supervisor; Neil Hanson, Clerk; Elizabeth LoCicero, Treasurer; Robert DellAngelo, Trustee; George Kendall, Trustee. Nays: None.

Reaffirmed: May 16, 2019 Special Board Meeting by Roll Call: Ayes--William Seppanen, Supervisor; Neil Hanson, Clerk; Robert DellAngelo, Trustee; George Kendall, Trustee. Nays: None

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Neil Hanson, Clerk  
(906) 323-6608