



BENTON CEMETERY

Benton Township

Rules and Regulations

ORDINANCE NO. 1062

**TOWNSHIP OF BENTON
County of Eaton, Michigan
Cemetery Ordinance**

**ADOPTED 10-07-86
REVISED 7-10-06
EFFECTIVE 8-30-06**

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 Benton, Eaton County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

Township of Benton
County of Eaton, Michigan
Ordains:

**SECTION I
TITLE**

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

**SECTION II
DEFINITIONS OF CEMETERY LOTS,
BURIAL SPACES AND FAMILY**

A. **Lot.** A cemetery lot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces, depending upon which Section, as depicted in the cemetery survey or map, the lot is located as follows:

1. East or West Sections. In the East or West Sections, a lot consists of eight (8) burial spaces.
2. Module Section. In the Module Section, a lot consists of two (2) burial spaces.
3. Block Section. In the Block Section, a lot consists of one (1) burial space.

B. **Burial Space.** A burial space shall be defined as follows:

1. An adult burial space shall consist of a land area four (4) wide and ten (10) feet in length.

C. **Family.** Family shall be defined as follows:

The immediate family is described as follows: spouse, parent, children and step-children of the original lot owner(s). The term is also to include "grand" to the above, where applicable.

D. **Resident** is defined as official place of residence.

**SECTION III
SALE OF BURIAL RIGHTS**

A. All burial sites to be used only for human remains.

B. No sales shall be made to funeral directors or others than as heretofore set forth.

C. 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 lot or burial space sold. The Burial Permit shall extend the right of burial to the buyer ("Owner") of such burial right and the Owner's Family Members as defined in Section II, C.

D. Burial rights may be transferred. In order to be properly transferred, the Township Clerk shall endorse a transfer of such Burial Permit upon the original Burial Permit form issued by the Township Clerk.

E. The possession of a burial right certificate is not of itself sufficient evidence on which to record the transfer of ownership of a lot or grave. Legal right to ownership should be estab-

lished and recorded at the Township Clerk's office. A certified copy of the will and probate proceedings would afford evidence of ownership of heirship.

F. The Township Clerk shall enter the transfer upon the official records of said Clerk. Upon such transfer, approval and record, said Clerk shall issue a new Burial Permit to the transferee and shall cancel and terminate upon such records, the original permit thus assigned.

G. When a person has purchased burial rights as a non-resident, and later becomes a resident of the Township, no refund will be given.

H. Burial rights may be transferred to a non-resident member of the immediate family, however, there will be a charge of the difference, at the time of transfer, between the cost of a resident plot(s) and the cost of a non-resident plot(s). Burial rights may be transferred to parties other than immediate family, for good and sufficient reasons as determined by the Township Clerk's office, upon approved written request. These transfers will be subject to the difference of the original purchase price of the burial rights and the current price of a burial rights, also subject to residency and non-residency charges. In no case shall a refund be made due to the transfers. In all cases the transfer fee will be in effect.

SECTION IV PURCHASE PRICE AND TRANSFER FEES

The Township Board shall periodically review and establish individual burial space fees and transfer fees. The Township shall establish such fees by resolution of the Township Board. The charges shall be paid to the Township Treasurer and shall be deposited in the Cemetery Fund for the particular cemetery involved in the sale or transfer.

SECTION V GRAVE OPENING CHARGES

A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by Resolution of the Township Board, payable to the Township.

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

C. If you use an occupied lot, there will be a fee assessed as determined by the Township Board.

SECTION VI MARKERS, MONUMENTS OR MEMORIALS

A. All markers, monuments or memorials must be of stone, bronze or other equally durable composition.

B. Any large upright marker, monument or memorial must be located upon a suitable solid foundation to maintain the same in an erect position.

C. Only one marker, monument or memorial shall be permitted per burial space, including spaces with two burials.

D. The footing or foundation upon which any marker, monument or memorial must be placed, shall be constructed by the Township or approved by the Township with cost to the owner of the burial right.

E. The Township has the right to bury broken or irreparable markers, monuments or memorials on existing grave sites if persons or family show no sign to repair such. Township Clerk will record same. The family will be notified by registered mail.

F. The maximum size for grave markers, monuments or memorials shall be 42" above the

ground plus the base without written approval of the Township Clerk. Markers and monuments shall not be smaller than 16" by 8" in base size nor shall they exceed 40" in length for single burial space, 90" in length for double space and 18" in width. All markers shall be placed at the head of the burial space.

G. The Township Board may restrict certain burial spaces that may only have flush or ground level markers.

H. Monuments and markers shall not be delivered to the cemetery until foundations have been paid for and installed. Orders for foundations will be taken upon request; however, foundations are poured periodically during warmer seasons, depending on demand.

I. Foundations are required before the placement of any monument or marker is placed and must be paid for in advance. Foundations are required to be 2" larger than the outside dimensions of the marker, creating a 2" "lip" around the marker to be installed. This requirement should be taken into consideration and paid for at the time of ordering the foundation. Example: A marker with dimensions of 12"x 24" will require a foundation size of 16" x 28" and should be paid for accordingly. All foundation installation fees are based on square inch area, including the 2" lip requirement. Foundations shall be installed by cemetery personnel only.

J. Monument companies are responsible for all damages to cemetery grounds and surrounding monuments and markers occurring during their installation.

K. The Township assumes no responsibility for damage to markers or monuments whatsoever, including regular cemetery maintenance.

L. Crypts are prohibited in cemeteries owned by Benton Township.

SECTION VII

INTERMENT REGULATION

A. Only one person may be buried in a burial space except for the following:

1. A mother and an infant.
2. A father and an infant.
3. Two children buried at the same time.
4. Two cremations are permitted in a single space.

B. No scattering of remains allowed in cemetery.

C. Not less than 36 hour notice shall be given to Township Clerk in advance of any time of any burial to allow the opening of the burial space.

D. No burials will be allowed on Sundays or Holidays.

E. No burials shall be allowed for other than human remains.

F. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to both the Cemetery Sexton and the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or complete. All graves shall be located in an orderly and neat appearing manner with the confines of the burial space involved.

G. Vault firms are responsible for damage to turf, landscape, surrounding markers and monuments and shall provide necessary planking to protect the turf, even if cemetery staff assists in vault installation.

H. All burials shall be within a standard concrete vault installed or constructed within each burial space before interment.

I. All burials shall comply with any local public health department regulations or other regulations imposed by law.

SECTION VIII
GROUND MAINTENANCE

- A. Regular maintenance of turf, shrubbery, and trees shall be performed only by cemetery personnel.
- B. All plants, flowers, and vegetation must be within 18" of the grave marker, monument or memorial and kept in line with the side of the marker, monument or memorial. However, no plants, flowers, or vegetation planted in the modules Section. All plants, flowers and vegetation shall be planted in an urn as authorized by subsection C below.
- C. Only one urn shall be permitted per headstone. Urns must be located within 18" of the grave, marker, monument or memorial.
- D. The planting of trees and shrubbery shall be done only after approval of Township Clerk or Sexton as to species, variety, location and time of planting. Shrubs, bushes, trees, or flowers, as mentioned above shall be prohibited if they contain thorns.
- E. No metal, glass, plastic or ceramic containers are permitted and will be removed immediately by cemetery personnel with no responsibility for return of same or its contents.
- F. Chairs, settees, and benches on lots are not allowed.
- G. All summer decorations to be removed by November 1st. All winter decorations to be removed by April 1st.
- H. The placing of stone, limestone, woodchips, edging, wood borders, etc. anywhere within cemetery lots is prohibited. Mulch may be properly placed where plantings are allowed.
- I. The Township Board reserves the right to remove or trim any tree, plant, flower, vegetation or shrub location within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- J. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- K. Grading, leveling, or excavating upon a burial space is strictly prohibited without the permission of the Cemetery Sexton.
- L. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and/or urns wherefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or maintenance problem.
- M. 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.

SECTION IX
FORFEITURE OR VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial space sold after October 7, 1986, the effective date of the original Cemetery Ordinance, and remaining vacant for forty (40) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. Notices shall be sent by the Township Clerk by registered mail to the last known address of the last owner of record informing him of the expiration of the forty (40) year period. All rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within ninety (90) days from the date of mailing of the within notice his/her desire to retain said burial rights.

SECTION X
REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township or if no price paid for lot at a fee to be determined by the Township Board by resolution, upon the written request of said owner of his legal successors or representatives.

SECTION XI
RECORDS

- A. The Township Clerk shall maintain records concerning all burials, issuance of burial permits and Cemetery Fund, separate and apart from any other records of the Township and the same shall be

open to public inspection at all reasonable business hours.

B. The Township maintains records that include the following information: Name of owner of burial rights, name of deceased, date of death, date of interment, place of death, and other miscellaneous information which has increased over the years as records have improved. The amount of information available may vary, depending on when the information was recorded.

C. The Clerk shall have the right to establish temporary rules or make exceptions to existing rules whenever, in their judgment, the best interests of the cemeteries demand it. These temporary rules or exceptions must be reported immediately to the Township Board. Temporary rules or regulations shall be in effect for not more than 60 days before being approved by Resolution of the Township Board.

SECTION XII CEMETERY HOURS

A. The cemetery shall be open to the general public from the hours of daylight to dark.

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

SECTION XIII CEMETERY CONDUCT

A. The following shall be prohibited on cemetery property:

1. Alcohol
2. Beverages
3. Animals, except guide dogs or animals necessary to assist the disabled.

B. No person shall pick or damage any flower, plant, tree or shrub unless otherwise permitted by this Ordinance per authorized by the Township Board.

C. All vehicles shall travel at a speed no greater than ten (10) mph in the cemetery.

D. All persons shall be engaged in cemetery activities, such as funeral attendance, visitation of grave sites and quiet reflection while in the cemetery.

E. Recreational activities are prohibited.

SECTION XIV 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 prosecution hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION XV 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 or effect.

SECTION XVI EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.