

COLON TOWNSHIP  
ST. JOSEPH COUNTY, MI.  
ORDINANCE NO. 189

ADOPTED: 10-25 2016  
EFFECTIVE: 12-08 2016

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 COLON, ST. JOSEPH COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE ; AND TO REPEAL ANY CONFLICTING PROVISIONS OF OTHER COLON TOWNSHIP ORDINANCES.

COLON TOWNSHIP, ST. JOSEPH COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: TITLE**

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

**SECTION 2: TOWNSHIP BOARD**

THE TOWNSHIP BOARD SHALL HAVE AUTHORITY OVER THE CEMETERIES, INCLUDING SETTING ALL CHARGES FOR LOTS, PLOTS AND SERVICES AND APPOINTING AND SETTING THE COMPENSATION OF THE SEXTONS.

**Duties:**

- a. The Board delegates duties as needed for the care of the grounds.
- b. Appointment of the Sexton is made annually before April 1<sup>st</sup> by the Township Board.

**SECTION 3: DEFINITIONS OF CEMETERY LOTS**

- a. A cemetery lot shall consist of burial spaces sufficient to accommodate 8 plots.
- b. A plot shall consist of a land area of four feet wide and eight feet in length.
- c. Up to two cremation burials are permitted per plot site.
- d. One Burial and one Cremation Burial is permitted per plot site.

**SECTION 4: SALE OF LOTS/PLOTS OR BURIAL SPACES**

- a. Cemetery plots shall be regarded as conveyed when paid for in full. Plot owners shall understand that the title to the land is vested in the township and that the person(s) Certificate of Purchase grants the exclusive use of the grave site(s) for burial purposes only.
- b. The Cemetery Certificate of Purchase shall extend the right of burial in the listed plot sites to the person to whom the Certificate of Purchase was issued and his/her family members. The Certificate of Purchase shall not be assigned or transferred to any other person except family members or to the Township of Colon. Family members are defined as parents, spouses, children, grandchildren and siblings of the person whose name is on the Certificate.
- c. All such transfers shall be made on a form approved and executed by the Township Clerk.
- d. If the person(s) wishes to re-convey the burial right back to Colon Township, the Township may reimburse the person(s) original fee of burial right. The burden of proof of the amount

of the original fee falls on the Certificate holder. If the Certificate holder cannot prove the original amount paid to the Township the reimbursement will be \$200.

- e. Cemetery lots or plots remaining vacant for 30 years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:
  1. Notice shall be sent by the Township by certified mail to the last known address of the last owner or record Informing him/her of the expiration of the 30 year period and that all rights with respect to said lots or plots will be forfeited if he/she does not confirm in writing to the Township within sixty days from the date of the mailing of such notice of his/her desire to retain such burial rights; and
  2. No written response to said notice indicating a desire to retain the cemetery lots or plots spaces in question is received by the Township from the last owner of record of said lots or plots, or his/her heirs or legal representative, within sixty days from the date of mailing of said notice.

#### SECTION 5: PURCHASE PRICE AND TRANSFER FEES

- a. Prices and charges will be set by the Township Board by resolution.
- b. The fees shall be paid to Colon Township.
- c. The Township Board, by resolution, may periodically alter the fees to accommodate increased costs.

#### SECTION 6: GRAVE OPENINGS

- a. The opening and closing of any grave site shall be at the cost of the family. From December 1st to March 31st an additional fee will be charged for the heater if needed.
- b. The sexton will record burial date and location in the township cemetery records.
- c. Interment may be restricted between December 1st and March 31<sup>st</sup> during inclement weather at the discretion of the Township Sexton. Any additional cost for winter burials will be passed on to the family.

#### SECTION 7: MARKERS OR MEMORIALS

- a. The funeral sexton shall oversee the placement of all markers. The grave marker foundations shall have at least a 2 inch apron around the grave marker base, even with the ground to facilitate maintenance.
- b. All markers must be of stone, cast bronze, or other equally durable composition.
- c. Grave markers shall not be altered or removed.
- d. Grave markers shall be allowed up to 3 feet high, 4 feet wide and 16 inches deep.
- e. Family markers shall be allowed up to 3 feet high, 5 feet wide, and 16 inches deep.
- f. If 2 grave markers are required for cremation burials, the extra marker located on another section of the grave site, shall be flush with the ground.
- g. Pouring of foundations will be sole responsibility of the funeral sexton or Monument Co. and will be poured at the funeral sextons discretion. Foundations will be poured between May 1<sup>st</sup> and October 1<sup>st</sup>.
- h. All monuments must have a foundation.
- i. The township will not be responsible for any damage or vandalism to any foundation or monument, floral displays, plantings, or markers. It will be the owner's responsibility.
- j. No shrubs, trees, or other permanent fixtures shall be planted or installed without the approval of the Township Board.
- k. Service markers will be placed to the right or left of the monument.

#### SECTION 8: INTERMENT REGULATIONS

- a. All interments must be made under the direction of the Funeral Sexton, or other designated official.
- b. Remains must be placed in a vault, concrete, steel or other approved product.
- c. All grave sites shall be oriented in an East/West direction and headstones shall be placed on the west end of the site.
- d. The interment of two bodies in one grave is prohibited except for the following: The simultaneous death and burial of a mother or father and his/her infant or the simultaneous death and burial of two infants. However, under no circumstances shall a casket be buried on top of another casket and the vault or vaults shall remain entirely within the plot.
- e. Not less than 36 hour notice shall be given in advance of any time of any funeral to allow for the opening of the grave site. The grave opening is handled through the Funeral Sexton.
- f. The Cemetery Certificate of Purchase for the grave site involved, together with appropriate identification shall be presented to the Funeral Sexton or designated official prior to interment. Where such Cemetery Certificate of Purchase has been destroyed, the Funeral Sexton or designated official shall be satisfied, from his/her records, that the person to be buried is an authorized and appropriate one before any interment is commenced or completed.

#### SECTION 9: GROUND MAINTENANCE

- a. No grading, leveling or excavating upon a grave site shall be allowed without the permission of the Township Board, or designee.
- b. Upright markers, concrete walls or any enclosure causing an obstruction that will not permit the mowing of grass continuously from lot to lot is prohibited and lots should be kept level to make it practical and convenient for the care of the cemetery.
- c. Permanent plantings shall be allowed as permitted by the Cemetery Sexton as directed by the Township Board.
- d. 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.
- e. Flowers shall be placed as to not interfere in the mowing and maintenance of the area. Artificial and temporary arrangements shall be allowed from May 1<sup>st</sup> until April 15<sup>th</sup>. They should be removed by the family or removal shall be made by the township maintenance personnel between April 16<sup>th</sup> and April 30<sup>th</sup>.
- f. The township shall have the right and authority to remove and dispose of any and all growth, emblems, display, or containers that through decay, deterioration, damage or otherwise becomes unsightly, a source of litter, or a maintenance problem.
- g. All monuments that become unsightly, dilapidated or a safety hazard to visitors, the Township shall have the right at the expense of the lot owner to correct the condition or to remove the same.
- h. No grading, leveling or excavation upon burial space shall be allowed without the permission of the Township Board. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

**SECTION 10: PROTECTING THE UPKEEP AND SAFETY OF THE CEMETERY**

- a. The Township will furnish water for the use of all who wish to maintain flowers, urns, etc. This water will be available from May 1<sup>st</sup> until October 1<sup>st</sup>.
- b. No children under the age of thirteen are allowed in the cemetery unless accompanied and supervised by an adult who shall be responsible for their conduct.
- c. The use of the cemetery as a playground is not permitted. Please show respect while visiting the cemetery.
- d. The speed limit on all cemetery drives is 10 miles per hour.
- e. No ATV's or other off-road motorized vehicles are permitted within the cemetery except Township authorized vehicles.
- f. No animals (dog, cats, horses, etc) are allowed in the cemetery. The rule does not apply to service dogs or horses that are part of a funeral ceremony.
- g. Profane or boisterous language will not be allowed and loiterers will not be tolerated in the cemetery.
- h. The cemetery shall be closed to the public from one hour after sunset until sunrise.

**SECTION 11: RECORDS**

The Township Clerk and Sexton(s) shall maintain records concerning all burials, issuance of Cemetery Certificate of Purchase and records of burial rights ownership, separate and apart from any other records of the township and the same shall be open to public inspection by appointment at reasonable business hours.

**SECTION 12: PENALTIES**

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum fine:	Maximum fine:
1 <sup>st</sup> Offense within 3 year period*	\$ 75.00	\$500.00
2 <sup>nd</sup> Offense within 3 year period*	\$250.00	\$500.00
3 <sup>rd</sup> Offense within 3 year period*	\$500.00	\$500.00

\*Determined on the basis of the date of commission of the offense(s).

Each day that a violation exists shall constitute a separate offense. The provisions of the Colon Township ordinance(s) specifically governing municipal civil infractions (currently Ordinance No. 141 a) shall also apply.

**SECTION 13: SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

**SECTION 14: REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 15: EFFECTIVE DATE

This ordinance shall take effect 30 days after its publication.

The foregoing ordinance was offered by Amigdal and supported by  
M. Miller, the vote being as follows:  
YEAS P. Miller M. Miller Amigdal Johnson Jackson  
NAYS None  
ABSENT None

ORDINANCE DECLARED ADOPTED.

Christine Johnson  
CHRISTINE JOHNSON, TOWNSHIP CLERK

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the  
Colon Township Board held on 10-25, 2016. I further certify that a Notice of Adoption  
regarding the foregoing ordinance was published in the Sturgis Journal, Sturgis, Michigan, on  
11-8 2016 and an attested copy was filed with the St. Joseph County Clerk's office on  
11-8 2016.

Dated: Nov 8th, 2016  
Christine Johnson  
Christine Johnson, Township Clerk