

Crestview Cemetery Ordinance #40  
Markey Township

Motion by Rons, seconded by Van-Y carried to establish the Crestview Cemetery Ordinance.

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of the Crestview Cemetery owned by the Township of Markey, Roscommon County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

Township of Markey, County of Roscommon, Michigan ordains:

Section 1: Title

This ordinance shall be known as the Markey Township Crestview Cemetery Ordinance.

Section 2: Definitions of Cemetery Lots and Burial Spaces

- A. A cemetery lot shall consist of burial spaces (grave sites) sufficient to accommodate 2 full burials or 4 cremains.
- B. The term "owner" shall mean the owner of right of interment to whom a grave site has been deeded.
- C. Resident shall mean a person who owns property in Markey Township.
- D. A Columbarium is an outside structure containing niches designed to hold and memorialize cremated remains.
- E. The term "interment" shall mean cremation and inurnment, entombment or burial of the remains of a deceased person.
- F. The term "memorial" shall mean any marker, monument or structure upon or in any lot, placed there upon or therein or partially therein for the purpose of identification or in memory of the interred.
- G. The term "Contractor" as used in this ordinance shall mean any person, firm or corporation or anyone engaged in placing, erecting or repairing any memorial or performing any work in the Crestview Cemetery grounds other than an employee of the Markey Township Board.
- H. The governing board of the Cemetery shall be the Markey Township Board.

Section 3: Sale of Cemetery Lots/Grave Sites

- A. Cemetery sites shall be sold to residents or taxpayers of the township for the purpose of the burial of such purchaser of his/her heirs at law or next of kin. Non-

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residents may purchase cemetery lots at an increased cost. No sale shall be made to funeral directors.

- B. All sales shall be made with a certificate, granting the right of burial only and does not convey any other title to the lot. Lot certificates are executed by the Clerk.
- C. The subdivision of interment rights is not allowed without the consent of the Markey Township Board and no one shall be buried in any lot not having a interest therein, except by written consent of all parties in such lot.
- D. If an owner of a cemetery lot finds they no longer need it, the Cemetery may refund to the Owner the Original purchase price, and the lot shall revert back to the cemetery.

Section 4: Purchase Price

- A. The purchase of a grave site shall be at a cost to be determined from time to time by resolution of the township board, payable to the township. Such payment must be made prior to interment. Said fees shall be deposited in the cemetery fund.
- B. The township board, by resolution, may periodically alter fees to accommodate increased costs and needed reserve funds for cemetery maintenance, acquisition and/or expansion.

Section 5: Grave Opening Charges

- A. The opening and closing of any burial space, prior to and following burial therein, including the interment of cremains, shall be at a cost determined from time to time by resolution of the Township Board, payable to the township.
- B. No burial spaces shall be opened or closed except under the direction and control of the Markey Township Board.

Section 6: Markers or Memorials

- A. All markers or memorials must be made of granite, bronze, marble or other equally durable composition.
- B. Any monuments must be located upon a foundation to maintain them in an erect position. The foundation shall be no more than one inch above the ground and have a minimum border of 4 inches and a maximum of 6 inches around the base of the monument. No foundation shall be continuous across a lot. It shall be placed entirely within the site.
- C. The foundation upon which any marker or monument is placed shall be constructed by the monument company or an employee of the township. A permit

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is required and no foundation may be placed until permit fees are paid to the township treasurer.

- D. Monuments, memorials or markers shall not exceed 48 inches in height.
- E. Only one memorial, monument or marker shall be permitted per burial space, except where a government flat marker is also desired to honor a military veteran. In such cases, all government flat markers shall be installed flush in the ground at the foot of the veteran's grave. Marker must be placed at the head of the grave facing east. If any memorial or structure whatsoever, or any inscription to be placed on same is deemed to be improperly placed or offensive in anyway, the Markey Township Board reserves the right to remove or correct at the owner's expense.
- F. A Columbarium may only be placed on a 2 grave site. It shall be no greater then 48 inches high, 48 inches long and 18 inches deep. It shall be placed in the center of the site. It can not hold more than four cremations.

Section 7: Interment Regulations

- A. Burial in a cemetery site shall be limited to one human burial, one human burial and one cremation or a maximum of two cremations.
- B. No cemetery lot shall be used for any purpose other than for the burial of the human dead.
- C. Not less than 48-hour notice shall be given before the announced time of the funeral to allow for the opening of the burial space. Chapel may be reserved with prior reasonable price.
- D. Winter storage for persons not buried because of frost or snow shall be available. The Township Board reserves the right to charge additional fees for snow removal.
- E. The appropriate burial permit shall be presented to the Township Clerk or other Markey Township employee prior to interment.
- F. The cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment or removals.

Section 8: General Regulations

- A. The Markey Township Board shall take reasonable precaution to protect the property rights of owners within Crestview Cemetery from loss or damage. However, the board distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, vandals, malicious mischief markers and unavoidable accidents whether the damage be directed or collateral, other than herein provided.
- B. The Markey Township Board shall direct generally all improvements within the grounds and upon all lots and graves, before as well as after interments have

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been made therein. They shall have charge of the seeding, surveying and improvements generally.

- C. No person other than the proper employees of the Township and approved vendors shall be allowed to perform any work within the Cemetery.
- D. No grading, landscape work, tree, shrub or herbage planting of any kind is allowed.
- E. All flowers shall be planted in urns, flower pots or vases. No flowers or plants are to be planted in or laid on the ground.
- F. No wooden or cast-iron bench or chair or any wooden or wire trellis, shall be permitted to be or be brought upon the grounds.
- G. No boxes, shells, toys, glassware, sprinkling cans, solar lights, statues, receptacles or similar articles will be permitted on any grave, lot or tree.
- H. No enclosure of any kind such as a fence, coping, hedge, ditch or border shall be permitted around any grave or lot. Grave mounds are not allowed and no lot shall be raised above the established grade. Anything that hinders the free use of a lawn mower or other gardening apparatus is prohibited.
- I. The general care and maintenance of the entire cemetery grounds and lots is assumed by the Markey Township Board. No special or perpetual care will be provided. The board also reserves the right to remove or trim any tree, plant, or shrub located within Crestview Cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- J. Markey Township maintenance personnel shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- K. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower containers must be removed by April 1<sup>st</sup> and not replaced until after May 10<sup>th</sup> to allow for spring cleanup.
- L. No advertisements of any kind shall be allowed on cemetery grounds.
- M. Automobiles shall not be driven through the cemetery grounds at a speed greater than 15 mph and must always be kept on the right side of the roadways.
- N. The right to enlarge, reduce, re-plat or change the boundaries or grading of Crestview Cemetery is hereby expressly reserved. The right to install, maintain, and operate or alter or change pipelines or gutters for sprinkler systems, drainage, etc. is also expressly reserved.

Section 9: Records

- A. The Township Clerk shall maintain records concerning all burials, issuance of burial permits and deeds and certificates separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

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- B. The rules and regulations may be changed without notice to any owner by the Markey Township Board.

Section 10: Outer Burial Containers

- A. All burials shall be within an outer burial container constructed of concrete or metal before interment. No wooden boxes are allowed. Urns must be used for cremation remains.

Section 11: Penalties

Any person, firm or corporation who violates any of the provisions of the Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction.

Section 12: Severability

The provisions of this ordinance are declared to be severable and should any provision, section or part be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the partial provision, section or part involved in such decision and shall not affect or invalidate the remainder of the ordinance which shall continue in full force and effect.

Section 13: Effective Date

This ordinance shall take effect 30 days following publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Current fees attached.

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This Ordinance was adopted by the Township Board of the Township of Markey, Roscommon County, Michigan at a regular meeting held on January 14<sup>th</sup>, 2008. On a roll call vote, 5 aye votes were recorded. No nay votes.

I certify that this is a true and correct copy of Markey Township Cemetery Ordinance #40.

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Esther Rons

Markey Township Clerk

Amended 4-12-2010

Amended 6-8-2015

Amended 5-9-2022