

**ASSYRIA TOWNSHIP
BARRY COUNTY, MICHIGAN
4 November 2019**

A policy designed to protect the public health, safety and general welfare by establishing rules and policy relating to the operation, control, maintenance and management of cemeteries owned by the Township of Assyria, Barry County, Michigan and to repeal or replace all rules, regulations, ordinances or policies in conflict therewith.

THE TOWNSHIP OF ASSYRIA, COUNTY OF BARRY, MICHIGAN RESOLVES:

Section 1. Title:

This Policy shall be known and cited as the "Assyria Township Cemetery Policy."

Section 2. Purpose and Intent:

To insure proper and reasonable maintenance, appearance and use of the cemeteries owned by the Township. To provide for a long-lasting commemorative place to honor the deceased and provides a place for the wider circle of friends and family to come to mourn or "pay their respects." To insure that burials, disinterment and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. To help us remember those who have gone before so that our history is not lost.

Section 3. Definitions:

- (a) A "cemetery plot" shall, upon the date of adoption of this policy, consist of an area in a Township cemetery of four (4) feet by eight (8) feet. Plots issued, reserved, or containing remains as a result of action predating this ordinance are exempt from this requirement.**
- (b) Plot numbers issued prior to the date of adoption of this policy consist of a number and a letter and were issued in lots of five and allowed for five adult persons to be buried side by side, i.e., 78 A, B, C, D, & E. Plots issued (reserved) in cemetery sections opened after this policy is set shall be assigned a numerical value without an alpha value so that only one adult person is buried per plot number. Family lots may consist of more than one contiguous plot, i.e., 78, 79 and 80.**
- (c) "Township" means Assyria Township, Barry County, Michigan.**
- (d) "Township cemetery" or "cemetery" means any cemetery wholly owned by the Township.**
- (e) The "reservation of use" (sometimes referred to as "sale" of a cemetery plot refers to the "right of use", not deeded ownership.**
- (f) "Holder" means the person having the authority to designate who may be buried in a particular plot. The holder may be the person to whom the original plot reservation(s) was accorded or an heir or legatee of that person.**

(g) "Resident" is a person who is living in the township of Assyria (i.e. registered to vote, mailing address) at the time said person becomes a cemetery plot holder in Assyria Township.

Section 4. Obtaining the Reservation of a Cemetery Plot(s):

(a) The burial plot reservation accorded by the Township is for the purpose of burial for the purchaser of a cemetery plot reservation or his or her family or such other person as may be authorized by the holder. Funeral directors shall not be accorded plot reservations.

(b) A resident may reserve up to five contiguous burial plots by submitting a completed Assyria Township Form "REQUEST TO HOLD BURIAL PLOT – ASSYRIA TOWNSHIP" (SEE APENDIX A) burial plot reservation form to the Township Clerk. A nonrefundable fee is required for each plot reserved; said fee may be adjusted from time to time by the Township Board.

(c) Cemetery plots may be reserved by any resident or property taxpayer of the Township. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on plot reservations where the perspective holder discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such variance) may be overturned by the Township Board.

(d) The person accorded the reservation(s) shall designate who may be buried in the accorded plot(s). The person to whom is accorded the reservation (reserved right to use) is responsible for providing the Township the name and address to whom designation control succeeds upon his or her inability to exercise such direction. Should the holder of a burial plot be unable to exercise the rights and responsibilities incumbent upon the holder, burials not already planned by the holder shall not occur until proof of the right of use is provided by the heirs, devisees or guardian.

(e) Cemetery plots not having the designation control described in Para (d) above for a period of forty years shall be automatically returned to the Township for use by another person. This automatic return is without fiscal consideration or remuneration of any kind.

(f) The Township has the absolute right and discretion to determine whether a particular cemetery plot or plots will be reserved for a specific person and where such cemetery plot or plots will be located and within which Township cemetery.

(g) The Township shall have the authority to correct any errors that may be made concerning interments, disinterment, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot reservation to the procurer or the successor of the procurer. In the event that an error involves the interment of the 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

the same Township cemetery in accordance with law, or adjust records to show the actual interment location.

(h) The person being granted the right of burial by the holder of a plot need not be a Township resident or a family member of the plot holder.

(i) A burial plot may contain two cremains or sibling infants. Deviation is subject to Township approval.

Section 5. Indigent Persons and Perpetual Care:

(a) The Township does not provide for the burial of indigent persons.

(b) Money donated to the Township for perpetual care shall not be designated to a specific cemetery, plot or purpose. The money shall not be considered an asset or reserve but shall be placed in the general fund. Any such revenue shall be used for general cemetery upkeep.

(c) The Township is not responsible for monuments, monument upkeep or preservation.

Section 6. Grave Opening :

(a) A mortuary representative shall contact the township Clerk at the earliest possible moment to advise the township of an impending interment. Forty-eight hours is the minimum satisfactory notification acceptable. The Clerk shall inform the Sexton or Sexton's representative when and where a grave is to be opened. The cemetery sexton will arrange for the proper digging of the grave and coordinate with the vault installer arranged for by the mortuary. A mortuary representative will provide the burial permit and interment check to the sexton, said check will be made out to "Assyria Township" see Para (b) following. *Special Note: If a mortuary fails to provide the 48 hour notice required and the grave cannot be provided when wanted, the mortuary shall not deliver the body until notified the grave is ready. In no case shall the wishes of a client or mortuary staff translate into creating an emergency for the Township. However, if the Township burial personnel are successful in completing a burial with abbreviated notice, i.e., 24 hours, a surcharge of \$200 will be rendered.*

(b) The Township shall charge fees for the opening and closing of a plot, including the interment of ashes. Such fees shall be set from time to time by the Township Board, payable to the Township.

(c) No cemetery plot shall be opened or closed except under the direction and control of the Township Clerk or such other individual as is designated by the Township Board. This subsection shall also apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, such activity shall not begin until after arrangements are made to satisfy the costs involved.

(d) Graves shall be dug in an East/West orientation with the "head" of the grave & headstone even with adjacent headstones.

(e) A plot may accommodate one (1) body or a body and one (1) cremains, or two (2) cremains, or a parent and infant child or two (2) children buried at the same time

(f) A completed Funeral Home Death/Burial certificate shall be received by the Sexton before interment.

(g) Interments may be occur between 9 a.m. and 4 p.m.

Section 7. Grave Marker / Headstone / Memorial:

- (a) After the effective date of this policy all markers and memorials must be comprised of stone or other equally durable composition. The Township will provide generic veteran flag holders if the burial permit identifies the deceased as a U.S. Veteran of honorable service. The holder may substitute a "service specific" flag holder at his or her own cost.**
- (b) Memorial headstones shall be placed upon a foundation installed by cemetery staff. There shall be a minimum five (5) inches of open space between each outer side of the foundation and the sides of the memorial headstone placed on it. This "open space" is to allow for "mower deck clearance" or "mowing collar". Foundations shall be level and flush with the surface of the ground if the ground is level. Where the ground is uneven, the "uphill" side of the foundation will be flush with the ground.**
- (c) The measurements of the foundation shall be ten inches (10") wider than the width of the marker or headstone and ten inches (10") longer than the length of the marker or headstone in order that a foundation border of five inches (5") will extend beyond the entire length and width of the marker or headstone after it has been installed.**
- (d) The depth of the foundation of an upright marker or headstone shall be approximately one-half the height of the marker or headstone. Piers or other foundational support shall be used where indicated.**
- (e) "Flat-to-the-ground" markers shall be placed on a concrete foundation at least 12" deep and be flush with the turf line. All foundations shall be made using a standard wet mix consisting of four parts chat, one part sand, and one part cement. Removal of excavated dirt and clean-up of the gravesite shall be performed promptly by the party preparing the foundation.**
- (f) Veterans plaques may be installed flush in the ground at the foot of the grave or attached to the back of the headstone itself.**
- (g) Veterans flag holder shall be placed at the headstone's own right facing the cemetery centerline.**
- (h) The acquisition and cost of grave headstones, foundations, vaults, 'service specific' flag holders and maintenance of same is the responsibility of the holder.**
- (i) The footing or foundation upon which any marker or memorial rests must be placed/constructed by the Township, or such person(s) as may be designated by the Township Board. The top surface of foundation shall be at ground level. Fees for such work shall be set/adjusted from time to time by the Township Board, payable to the Township. Said footing (foundation) shall not exceed the limits of the grave plot except to provide for a headstone denoting a relationship between the buried persons in two contiguous plots, i.e., husband & wife.**
- (j) Should any monument or memorial (including any monument or memorial that was in place before this policy became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the cemetery plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.**
- (k) The maintenance, repair and upkeep of a cemetery memorial, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding**

the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

(l) The Township will, as much as is reasonably possible, maintain the historicity of cemetery plots.

(m) In the spirit of Para 6 (c) of the United States Flag Code, flags will be installed in flag holders for Veterans Day and Memorial Day (placed one week before picked up one week after). Flags that are in disrepair shall be turned in to the Supervisor for ceremonial burning.

Section 8. Disinterment:

No disinterment or digging up of an occupied grave shall occur without an appropriate court order or the permission of the Township Board.

Section 9. Winter Burials:

(a) An interment may not occur as desired when inclement weather, frozen ground or similar conditions prevent safe grave excavation.

(b) Funeral Directors should facilitate coordination between their client and the Township with regard to extra costs involved due to winter conditions.

Section 10. Cremains:

(a) A cremains container must be made of a durable material.

(b) No cremains shall be scattered or dispersed within a Township cemetery.

Section 11. Grounds Maintenance:

(a) Flower pots, urns and grave blankets may be placed and maintained at the head stones of graves no earlier than **May 1** and must be removed no later than **October 1** of each year. Decorations will be permitted for holidays falling outside of these dates, but only for one (1) week prior and one (1) week following the holiday.

(b) No tree, shrub, landscaping or similar plantings shall occur without Township approval.

(c) No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn.

(d) The Township Board reserves the right to remove or trim any trees, plants or shrubs located within a cemetery.

(e) Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(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 made of glass are allowed to remain in any Township cemetery.

(i) Except for markers, memorials, flowers, and urns expressly allowed by this policy, 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 a Township cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as authorized by this Policy or by the Township.

Section 12. Disclaimer of Township Liability and Responsibility:

(a) Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a Township cemetery.

(b) The holder of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, 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 items, and any matter related to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

Section 13. Forfeiture of vacant cemetery plots:

Cemetery plots or burial spaces reserved and remaining vacant for forty (40) years or more from the date of their sale/reservation shall automatically revert to the Township upon the occurrence of the following events:

(a) Notice having been sent by the Township Clerk by first-class mail to the last known address of the last holder of record informing him/her of the expiration of the 40-year period and that all rights with respect to said plots 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 such notice of his/her desire to retain such burial rights; and

(b) No written response to said notice indicating a desire to retain the cemetery plot(s) or burial space(s) in question is received by the Township Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within ninety (90) days from the date of mailing of said notice.

Section 14 . Return of plot to Township:

The holder of a plot may relinquish interest in said plot to the Township by letter and receive from the Township a remuneration of \$10 per burial plot.

Section 15. Records:

The Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the Township related to Township cemeteries, and the same shall be open to public inspection, by appointment, during normal business hours. A copy of each action and transaction shall be provided to the Township Supervisor as part of the Clerk's Report each month.

Section 16. Vaults:

- (a) All adult interments shall utilize a preinstalled concrete vault (or similarly durable material.**
- (b) Cremains shall be in a "non-glass container.**

Section 17. Cemetery Hours:

Township cemeteries shall be closed from sundown until sunup.

Section 18. Prohibitions:

- (a) There shall be no private signs, lighting, moving displays.**
- (b) No hunting of or taking of game or nuisance animals for sport or recreation.**
- (c) Cremains or ashes of a deceased person shall not be scattered or dispersed.**

Section 19. Fees:

The Township Board shall set fees pursuant to this Policy from time to time. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave opening, closing, winter or holiday burial, the cost for a new cemetery plot, transfer fees for cemetery plots, and other matters.

Section 20. Applicability of this Policy:

- (a) This Policy shall apply only to cemeteries owned by the Township.**
- (b) The Township Board may ascribe the duties of Cemetery Sexton to an individual employee or to a contractor as the Board deems fit and proper. In either case, adherence to this policy shall apply as an integral part of the ascribed duties or contract.**

Section 21. Interpretation/Appeals to the Township Board:

- (a) The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Policy and any rule or regulation adopted pursuant to this Policy, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Policy or any rules or regulations promulgated under this Policy where practical difficulties in carrying out the strict letter of this Policy or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Policy.**
- (b) Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this Policy, as well as any matter relating to a Township cemetery, rights to a cemetery plot, or other matter arising pursuant to this Policy, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty (30) days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least ten (10) days' prior written notice of the meeting at which the**

Township Board will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.

(c) The Township Board may set a fee or fees for any such appeal from time to time.

Section 22. Authority of the Township to Remove Items:

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this Policy, any Township rule or regulation regarding Assyria Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Policy or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

APPENDIX:

REQUEST TO HOLD PLOT
ASSYRIA TOWNSHIP, BARRY COUNTY, MICHIGAN

CEMETERY NAME _____ PLOT ID/S _____

Name of requestor (typed or printed) _____

Address: _____

Phone: _____ e-mail _____

Alternate contact: Name: _____

Address: _____ Phone: _____ Email: _____

I understand that I have the responsibility of designating who is to be buried in the reserved grave/s and that no costs associated with said burial are incumbent upon the Township. I understand that it is my responsibility to initiate a family procedure whereby the Township is kept informed of who holds this burial plot reservation. Further, I understand and agree to the requirements of the Assyria Township Cemetery Policy

Veteran Status: If the prospective inhumane is a veteran, must provide and attach a copy of an honorable discharge or other document showing honorable service such as a DD214 or ID card to be authorized a Township provided Veteran flag holder

SIGNITURE OF REQUESTER: _____ Date _____

SIGNITURE OF TWP CLERK: _____ Date _____

NOTE: The control of any unused plot that appears to be abandoned for forty (40) years shall revert to the Township without fiscal restraint or encumbrance.

Amount received by Township \$ _____ Cost per grave site is set by the Township Board.

Notes:

Use the reverse side for additional information