

OGDEN TOWNSHIP CEMETERY ORDINANCE  
**Amended – November 9<sup>th</sup>, 2021**

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 Ogden, Lenawee County, Michigan; to provide penalties for the violation of said ordinances or parts of ordinances in conflict therewith. The following cemetery regulations are adopted by ordinance pursuant to authority granted the Township by PA 113 of 1915, PA 46 of 1931, as amended, PA 95 of 1909, as amended, and PA 215 of 1937, as amended.

**THE TOWNSHIP OF OGDEN, LENAWEЕ COUNTY, MICHIGAN,  
ORDAINS:**

**Section 1: Title**

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

**Section 2: Sale of Burial Lots**

All lots in this cemetery are conveyed to the tax payer or legal resident of Ogden Township for the purpose of human burial only and are subject to rules and regulations as the Township Board may make from time to time by resolution. Persons holding burial rights shall be prohibited from selling or transferring such rights until obtaining permission from the Township Board. Any resident or tax payer having moved out of the Township because of health or old age reasons will be considered a resident. The Township Board shall from time to time adjust all charges and fees by resolution to keep in line with surrounding cemeteries, and the lots are to be taken in rotation.

**Section 3: Ground Maintenance**

No lot shall be filled above the established grade, nor shall any graves be permanently mounded. No steps, coping, nor any kind of enclosure shall be permitted about lots. No iron or wire work, (shepherd hooks) seats, plants or plantings will be allowed on lots. No decorations on or in ground, all decorations on monument or footer around monument. Grave blankets are allowed November 1<sup>st</sup> to April 1<sup>st</sup>. Graves shall be brought back to level and maintained as necessary. All casket burials shall include a vault made from an impregnable material. All burial of ashes shall be kept at two per grave site and shall include a vault, made of an impregnable material.

The Township Clerk or his/her designee reserves the right to install, 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.

The Township Clerk or his/her designee shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly or constitute a maintenance problem. Shepherd hooks may be removed if they pose a danger for grave maintenance.

#### **Section 4: Markers & Memorials**

All headstones or monuments shall be composed of a natural stone material (Marble, Granite, slate, etc.) All headstones and monuments shall be placed on a concrete foundation meeting the following requirements:

- The top of every foundation shall be an inch above the level of the ground and dimensions that will leave a six-inch border from the outside edges of the marker, around the outside of the base with the footer at a depth of 42 inches.
- The face side of the base shall be set in a straight line with the base next to it.

The township shall have all foundations, called footers for new markers installed as needed with the cost to be paid by the owner of the burial right. Only one monument, marker, or memorial shall be permitted per burial space, and the total width of marker shall not exceed the 42" grave width.

#### **Section 5: Grave opening & closing**

All graves shall be opened and closed by the Sexton of the cemetery. It is important that a friend or member of the family go to the cemetery with the Sexton or Clerk to locate the grave desired opened. All interments of lots shall be restricted to members of the immediate family. The Sexton must be given a minimum of thirty-six (36) hours' notice before opening a grave.

#### **Section 6: Disinterment regulations**

No disinterment shall be allowed without the permission of the Township Board, the lot owner, and the next of kin to the deceased. Any and all fees incurred related to disinterment will be paid by the requesting party.

## **Section 7: Cemetery hours/General Rules**

In no case shall any tree, plant or bush be set as a permanent fixture. Any existing tree, plant or bush not maintained will be trimmed or removed. The cemetery shall be open to the public from dawn to dusk. No person shall:

- 1: Throw rubbish or debris on any part of the cemetery grounds.
- 2: Pick or mutilate any flower or disturb any tree, shrub or other plant
- 3: Consume alcoholic beverages on the premises.
- 4: Permit any domestic animal to enter the cemetery unleashed.
- 5: Discharge a firearm in the cemetery unless as part of an authorized volley at burial or memorial services.
- 6: Damage any monument, marker, urn, vault or other structures on cemetery property.
- 7: Use any form of advertising on the premises.
- 8: Drive off established roads without permission of the township board.
- 9: Use the cemetery as a public thoroughfare.
- 10: Gain entrance to the cemetery except via established entry points.
- 11: Gain entrance to the cemetery before dawn or after dusk.
- 12: Use motorized pleasure vehicles such as snowmobiles, go-carts, ATV's, Golf carts, etc., within the cemetery.

## **Section 8: Cemetery Clean Up**

Cemetery spring clean up needs to be completed by April 1<sup>st</sup>. Fall clean up to be completed by October 1<sup>st</sup>. Items not removed during clean up times will be removed and discarded by the Township Groundskeeper. Maintenance shall be performed by authorized personnel only.

## **Section 9: Records/Purchase Price**

Cemetery lots will be provided in single grave spaces unless otherwise deemed necessary by the Township Board. A resident of Ogden Township will be sold a grave for a fee set forth by Township Board resolution. A surviving spouse and/or minor must reserve their grave at that time if adjoining graves are wanted.

Each resident of Ogden Township desiring to reserve a grave prior to death shall be charged the fee set forth by board resolution, and must have that site in their legal name.

Any resident that moves away for a reason other than health or old age (gives up residency) becomes a non-resident, unless the grave site has been previously reserved.

All non-residents are sold a grave for a fee set forth by Township Board resolution. A certificate of ownership will be issued to each lot owner. When the lots are issued at the time of death, a foundation and marker with proper identification must be placed within one year.

## **Section 10: Transfers**

The transfer of one or more burial spaces from an original purchaser to an assignee shall cost \$100.00. Any transfer of ownership must be completed by contacting the Township Board in writing before the time of death or during the settlement of the estate. Graves not properly transferred will revert back to the Township.

## **Section 11: Forfeiture of Lots**

The family plots in the cemetery must be used. In the instances where 4, 6 or more burial spaces have been allocated, in the past, to a family they must be used by that family rather than requesting burials in another part of the cemetery. If they wish to use another part of the cemetery then the remaining family members must relinquish the old lots, by signing a release form, assigning back to the Township the same amount of burial spaces provided in another area of the cemetery. Lots with no burials taking place since 1960 will be considered available for use.

## **Section 12: Restoration of Vandalized Grave Sites**

Any costs associated with restoring lot to condition conforming to this ordinance will be charged to responsible party. Ogden Township Board will assess charges for needed time and materials.

The Township assumes no responsibility and shall not be liable for damage to any item placed on any cemetery lot or burial space, including without limitation any damage caused by regular maintenance activities, such as mowing, weed whacking and tree removal. Further, the Township assumes no responsibility and shall not be liable for damage to any headstones or markers resulting from regular maintenance or other natural or weather related events, including damage from falling trees or branches.

## **Section 13: 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. Nothing in this Ordinance shall be construed to limit any other remedy at law or in equity, including but not limited to injunctive relief for violations of this Ordinance. Any such remedies shall be in addition to any other remedy.

#### **Section 14: 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 and effect.

#### **Section 15: Effective date**

This ordinance shall take effect on December 18<sup>th</sup>, 2009. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

Amendment 2013-01 shall take effect on May 19<sup>th</sup>, 2013. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

Amendment 2021-01 shall take effect on November 9, 2021. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

#### **Section 16: Amendments**

This Ordinance may be amended from time to time.

#### **Section 17: Adoption**

This amendment to the Ogden Township Cemetery Ordinance shall become effective upon its adoption and publication. The foregoing amendment was duly adopted and passed by the Ogden Township Board, Lenawee County, Michigan on November 9<sup>th</sup>, 2021, at a regular Township meeting with all members present, by the following vote. Roll Call Vote: Yes – 5, No – 0.

I further certify that the foregoing amendment to the Ogden Township Cemetery Ordinance was published in The Blissfield Advance, a newspaper of general circulation in the above township, on the November 24<sup>th</sup>, 2021.

Ashley Vandebusch  
Ogden Township Clerk