

**NOTICE OF PROPOSED ORDINANCE ADOPTION
ORDINANCE NO. 250519A**

**CEMETERY ORDINANCE
GENOA CHARTER TOWNSHIP
LIVINGSTON, COUNTY, MICHIGAN**

Pursuant to Michigan Public Act 359 of 1947, (the Charter Township Act), notice is hereby given that the Genoa Charter Township Board of Trustees will be considering a Cemetery Ordinance at 6:30 p.m. on Monday, May 19, 2025. The purpose of the ordinance is to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Genoa Charter Township (herein after referred to as "Township"), Livingston County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

A true copy of the proposed Ordinance may be viewed and inspected at the office of the Township Clerk located at 2911 Dorr Road, Brighton, Michigan during regular business hours, Monday through Friday, 9:00 a.m. to 5:00 p.m. and on the Township's website located at www.genoa.org.

GENOA CHARTER TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Genoa Charter Township Cemetery Ordinance under the care and custody of the Township Board of Trustees.

Section 2: Purpose and Intent

The Genoa Charter Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments 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. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

Section 3: Definitions

- (a) "Burial site" - Burial sites shall consist of a land area four (4) feet wide and ten (10) feet in length sufficient to accommodate one burial space for one deceased person. Exceptions may be made with Township permission to accommodate infant burial or the burial of cremains.
- (b) "Infant" - Infant means someone who is two years or younger at the time of death.
- (c) "Sexton" – The Sexton is appointed by the Township Clerk and is responsible for cemetery maintenance, grounds keeping and burials.
- (d) "Clerk" – Shall be the elected Clerk of Genoa Charter Township and whom maintains records and sells plots.

Section 4: Sale of Plots

Hereafter, cemetery plots shall be sold only to residents or taxpayers of the Township and/or their immediate family which is described as follows: spouse, parent, grandparent, children, grandchildren,

step-children and foster children of the original plot owners. The term also includes "great" to the above where applicable for the purpose of the burial of such purchaser or his or her heirs at law or next of kin.

No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

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 plot or burial space sold. Such form shall be executed by the Township Clerk.

Section 5: Transfer of Burial Right

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery plots or burial spaces within the Township and may be effective only by an endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

Section 6: Purchase Price

Grave sites may be purchased for \$400.00 each for residents and \$600.00 for non-residents. Cremation sites may be purchased for \$200.00. Transfer price \$100.00.

From time to time, the Township Board of Trustees shall determine the purchase price and transfer fees and in setting such fees should consider the need to accommodate all costs and needed reserve funds for cemetery maintenance and acquisition. The required 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 7: Grave Opening Charges

Opening and closing of any burial plot, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined by the grave-digger who serves the Township and sets the fees related to his or her service. A minimum of 3 business days advance notice shall be given of any funeral to allow for the opening of the burial plots.

All caskets shall be installed in an approved grave liner so that the grave will not sink and shall be within a standard concrete or metal vault installed or constructed within each burial plot before interment. Wood rough boxes will not be allowed for any burial.

Cremation remains shall be interred within an approved container.

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

All fees prior to and following a burial, including the interment of ashes, shall be paid in advance to the Township.

Section 8: Markers or Memorials

The Sexton and Clerk must be notified before any stone is placed.

Monuments will not exceed 30" height x 40" in width per site, or 30" height x 60" width if two sites adjacent to each other are purchased.

All markers, monuments, or memorials must be of stone or other equally durable composition and shall be approved by the Clerk.

Markers shall be located as follows:

- At the head of the grave as platted; No nearer than four (4) inches from a plot; Inscriptions shall read from the same direction and shall be facing the same direction as the markers and memorials around them.
- No more than one marker shall be placed at any one grave or one marker or memorial in total where two adjoining spaces share that one marker or memorial. No marker shall embrace 2 or more graves, except on a 2 or 3 grave plot and then a double or triple grave marker is permitted.
- One (1) flag holder is allowed for each grave of a veteran.
- One in ground flush mount floral vase is allowed per burial site.
- No Mausoleums shall be allowed.
- Grave Curbing is expressly prohibited.
- Grave ledgers are prohibited.

The use of traditional monuments or markers is mandated and will maintain the existing character of the cemetery. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position. All foundations will be placed with approval of the Sexton and Clerk. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed in accordance with Township approval and at cost to the owner of the burial right.

Payment must be made in advance of work commencing. Those persons engaged in placing monuments and markers shall provide planking adequate to protect turf and shall remove materials and equipment immediately upon completion of work. The site shall be left in a clean, orderly condition. Markers and monuments will not be permitted to be delivered to plots until a proper order for a foundation installation has been placed.

The maintenance, repair and upkeep of a cemetery memorial, marker, 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.

Section 9: Interment Regulations

Unless otherwise provided herein, only one (1) person shall be buried in a burial space, except for a parent and infant child or two (2) infants buried at the same time when approved by the Township. A single grave site will provide for the remains of one person (full burial) and a cremation. A single grave site may also provide for the remains of two cremations.

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 either the Sexton or the Clerk prior to interment. Where such permit has been lost or destroyed, the Sexton and Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate before any interment is commenced or completed.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 10: Ground Maintenance

Grading, leveling, or excavating upon burial space is strictly prohibited without the permission of the Sexton and Clerk.

The planting of hedges is strictly prohibited. Existing hedges will be removed whenever they become unsightly or encroach upon an adjoining plot or path.

No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton and Clerk. Any of the foregoing items planted without such approval may be removed by the Township or those providing perpetual care of the cemetery without notice.

Fresh Cut flowers are permitted only in approved receptacles installed flush with the lawn surface.

No elevated mounds shall be built over graves and shall not be filled above the grade established by the Township which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Township or those providing perpetual care 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, a source of litter or a maintenance problem.

- The following items are prohibited: Roping, fences, curbing, steps, benches, steps, any structure made of wood;
- Artificial flowers, toys, dolls, or other man-made objects used as grave decorations;
- Glass jars or bottles as receptacles;
- Surfaces other than earth or sod are prohibited.

Arches for hanging baskets and urns are permitted only if properly installed adjacent to head stone and/or monument.

Winter decorations must be removed from graves no later than April 15th following the winter holidays. All grave decorations shall be consistent with the character of the existing cemetery and any decorations inconsistent with the character of the cemetery maybe removed without notice. All refuse of any kind or nature including dried flowers, wreaths, papers, and flower containers may be removed without notice.

Section 11: Forfeiture of Vacant Cemetery Plots or Burial Spaces

Cemetery plots sold and remaining vacant 50 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- (a) Notice shall be sent by the Clerk by first class mail to the last known address of the last owner of record informing of the expiration of the 50-year period and that all rights with respect to said plots will be forfeited if he/she does not affirmatively indicate in writing to the Clerk within 60 days from the date of mailing of the within notice his/her desire to retain said burial rights.
- (b) Provided that no written response to said notice indicating a desire to retain the cemetery plots in question is received by the Township Clerk from the last owner of record of said plots, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice the cemetery plot shall automatically revert to the Township.

Section 12: Repurchase of Plots or Burial Spaces

The Township will repurchase any cemetery plots from the owner for the original price paid to the Township upon written request of said owner or his/her legal heirs or representatives provided that the original "Right of Burial" is returned or other documents showing the person identified in section 3 has been or will be buried in a different location.

Section 13: Records

The Township Clerk shall maintain records concerning all burials, issuance of Right of Burial permits, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours. Genoa Township does not keep track of cemetery plots that St. George Lutheran Church maintains.

Section 14: Cemetery Hours

The cemetery shall be open to the general public from dawn to dusk each day. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Sexton or Clerk. Possession or use of alcoholic beverages, including beer and wine is prohibited.

Section 15: Trespass

Any person entering upon or loitering within a Township cemetery at any time other than the stated open hours, except with permission of the cemetery Sexton or the Clerk, shall be deemed guilty of trespass on restricted property and shall be subject to penalties for that offense as allowed by law.

Section 16: Vandalism

Any person willfully damaging or destroying markers, monuments, memorials or any improvements to a Township cemetery shall be deemed guilty of vandalizing public property and shall be subject to penalties for that offense as allowed by law.

Section 17: Penalties

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a civil infraction, punishable by a fine of up to \$100.00. Each day that a violation exists, or continues to exist, shall constitute a separate offense. Any proceedings thereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section 18: 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 19: Disclaimer of Township Liability and Responsibility

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. Repair and/or replacement is the responsibility of the family of the deceased.

The purchaser or transferee 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 an injury, damages, causes of action, claims, costs and expenses associated with, relating to the cemetery involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also as to the Sexton/Clerk and any Township employee, officer, official or agent.

Section 20: Effective Date

This ordinance shall take effect on immediately upon its publication. All ordinances or parts of ordinances or Rules and Regulations in conflict herewith are hereby repealed. This ordinance supersedes any previous ordinances.

The above Ordinance was offered for adoption by _____ and supported by _____
Yeas:
Nays:
Absent:
Ordinance declared _____.

Certification

I hereby declare that the above is a true copy of an ordinance adopted by the Genoa Charter Township Board at a regular meeting held on May 19, 2025 at 6:30 p.m. at the Genoa Township Hall, pursuant to required statutory procedures

Signed: _____ Date _____
Janene Deaton, Clerk
Genoa Charter Township

Cemetery – Ordinance No. 250519A
Township Board Introduction: 05/05/25
Date of Posting: 05/07/25
Date of Publication: 05/14/25
Township Board Adoption: proposed 05/19/25
Date of Publication: proposed 05/28/25
Effective Date: proposed 05/28/25