

Chapter 8

CEMETERIES

Sec. 8-1. Cemetery board.

1. The township board, as the legislative body owning and controlling a cemetery or burial grounds, may by resolution or ordinance provide for the perpetual care and maintenance of a cemetery or burial space upon payment by the owner of the space or another person of the agreed upon sum, and in consideration may bind itself to perpetually care for and maintain the lot.
2. The township board has assigned advisory duties to the cemetery board. The cemetery board shall consist of three members appointed by the board of trustees. Each member shall be appointed to a three-year term with one term expiring on December 31 of each year. The cemetery board shall be responsible for advisement of policy and operating procedures which shall be carried out by the sexton under the general management and supervision of the clerk and/or township manager.

Sec. 8-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the cemetery board.

Burial Rights (formally known as deed). Burial rights grant a right of burial only to a space (earth or columbarium) within the cemetery and does not convey any other title to the lot or burial space sold.

Cemetery means a burial ground for earth or columbarium interments.

Cemetery services means all services offered to the public, including grave opening, closings, and foundation installation.

Cenotaph means a memorialization of deceased individuals. A monument or marker is placed in honor of a person whose remains are elsewhere.

Columbarium means a structure with individual space for holding urns containing the ashes of deceased persons.

Cremains means the container and incinerated body of the deceased person.

Grave/lot owner means the owner of burial rights. Such rights are limited to a burial privilege as evidenced by a burial rights certificate. The interest created by purchase or transfer of any plot is a personal contract right and not an interest or estate in real property. Spouses or no more than two unrelated persons may be joint owners with rights of survivorship to any burial space.

Fee Schedule means charges set by the township board by resolution, outside of ordinance.

Immediate family means as follows: spouse, parent, stepparent, grandparent, child, stepchild, grandchild and spouse of the aforementioned, of the owner, and shall include "great- "to the above where applicable.

Interment means the disposition of the remains of a deceased human by earth or columbarium interment.
Lot means a lot consisting of numbered divisions as shown on the recorded plat sufficient to accommodate one to ten burial spaces.

Lot marker means any method used by the cemetery to locate and mark corners of the lot.

Management means the person or persons duly designated by the township board for the purpose of managing the cemetery.

Marker or *monument* means a stone or plaque either flush or above the ground indicating the given and/or family name and must be located on the west side (head) of the plot, except where there is no other option. Only one marker is allowed per burial space or may be centered over two spaces. A marker may be shaped as a bench, provided that all other requirements are followed.

Niche means a space in columbarium designated for placement of one or two urns containing human cremains.

Plot or Space means a burial space consisting of a land area 42 inches wide and nine feet in length, sufficient in size to accommodate one adult interment.

Resident means any person who has legal or official ownership, individually or jointly with another, of any real property which is subject to assessment by the township for ad valorem property taxes or has established domicile with a mailing address within the township at the time of purchase.

Township means Watertown Charter Township.

Trustees means the township board of trustees.

Sec. 8-3. Rights of residents and nonresidents of township; transactions regarding plots.

1. *Purchase of burial rights.* Residents and nonresidents of the township may purchase burial rights at a cost to be determined from time to time by resolution of the township board of trustees. All such sales shall be recorded on an official form, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such rights shall be executed by the township clerk. Purchase of burial rights are limited to five spaces. All spaces must officially be assigned by the owner at the time of purchase.
2. *Assignments.* Each burial space sold should be designated with a specific person's name for burial at the time of sale. If assignment changes are to be made, the owner or assignee (if the owner is deceased or incompetent) must contact the township and make the assignment change to the official record. If the assignee no longer wishes to use space/niche, then they may waive assignment by signing a waiver form with the township if a marker has not been placed on the space. If the assignee is interred elsewhere, the assignment is terminated. In both these instances of transfer, burial authority is returned to the owner.
3. *Transfer of burial rights.* Burial rights may be transferred to those persons defined as an immediate family member or a resident upon payment to the township of a transfer fee. Burial rights may be transferred to a nonresident upon payment to the township of the transfer fee plus the difference, at the time of the transfer, between the current cost of a resident plot and the current cost of a nonresident plot. A transfer of burial rights must be endorsed by and filed with the township clerk. Upon such transfer, the clerk shall issue a new burial certificate to cancel the original certificate thus issued. In addition, all transfers of burial rights are subject to the applicable transfer fee. Burial rights may not be sold between private individuals, funeral homes, or for speculative purposes.

4. *Transfer requested when original purchaser is deceased.* If the original purchaser is deceased or cannot be found, a transfer or reassignment is to be by order of probate court or upon the written direction of an estate's personal representative acting with letters of authority issued by probate court. Burial rights purchased prior to date of the ordinance may sign a written affidavit of last known heir giving ownership to burial rights to that heir. The township has no authority to determine heirs, personal representatives, or next of kin.
5. *Methods of payment.* All burial rights must be paid in full at the time of purchase. Payment can be made by cash, check, or credit card to the township office.
6. *Correction of errors.* The township shall have the right to correct any errors that may be made concerning interment, disinterment, or in the description, transfer, or conveyance of any burial space, either by canceling the permit for a particular vacant burial space or spaces and substituting and conveying in lieu thereof another vacant burial space or spaces in a similar location within the cemetery at issue or by refunding the money paid for the burial space to the purchaser or the successor of the purchaser. If 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 burial space in a similar location in the same township cemetery in accordance with law.

Sec. 8-4. Purchase price and transfer fees.

1. *Resident and nonresident fees.* The township board of trustees shall establish a fee for the purchase of a burial space by a resident and a separate fee for the purchase of a burial space by a nonresident.
2. *Transfer fees.* The transfer of one or more burial rights from the original purchaser to a qualified resident or family assignee shall require payment of a per space transfer fee to the township. The transfer of one or more burial rights from an original purchaser to a nonresident assignee shall require payment of a nonresident per space transfer fee plus payment of the difference in costs as required in section 8-3(b).
3. *Deposit of cemetery revenue.* The cemetery fees and charges shall be submitted to the township treasurer and shall be deposited in the general fund as determined by the township board of trustees.
4. *Authority to increase fees.* The township board of trustees, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Sec. 8-5. Grave opening charges.

1. *Authority to establish grave opening/closing fees.* The opening and closing of any burial space or niche, prior to and following a burial therein, and including the interment of ashes shall be at a cost to be determined from time to time by resolution of the township board of trustees, payable to the township.
2. *Authority of sexton or his/her designee to open/close graves.*
 - A. *Sexton to control.* No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton or his/her designee.

- B. Exceptions; control over removal, reinterment.* This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department, or other properly constituted public authorities.

Sec. 8-6. Markers, memorials, and monument regulations.

1. *Permitted materials and styles.* All markers, memorials, and monuments must be of quality granite or standard bronze. Marble may be permitted if it is of durable quality and finish. All other grades of marble, sandstone, slate, artificial stone, fieldstone, terra cotta, wood, iron, or glass, in any form, shall not be permitted. Appendages such as books, photos, or glasswork are prohibited unless cast in bronze and used as a plate in the die of a marker, memorial, or monument. The board may cause a marker, memorial, or monument to be removed, rebuilt, or remodeled, at the owner's expense, where and when such is desirable for the proper and orderly development of the cemetery and to preserve the aesthetic value thereof. In the event that a marker, memorial, or monument must be removed, rebuilt, or remodeled, the township will not be responsible for any loss thereof either to the lot owner or dealer. The township retains the right to regulate the requirements for markers, memorials, and monuments placed in the cemetery.
2. *Township's liability.* The township assumes no responsibility for ensuring that ordered markers, memorials, or monuments are proper for the area and for name placement on the marker. Markers, memorials, or monuments are private property. The township assumes no responsibility for acts of nature, deterioration, vandalism, etc. In addition, the township is not responsible for care, cleaning or repair of markers, memorials, or monuments.
3. *Monument companies liable for damage.* Monument companies are responsible for all damage to cemetery grounds and surrounding markers, memorials, or monuments that occurs during their installation of a marker, memorial, or monument. The township is not responsible for markers, monuments, or memorials incorrectly placed. Installers are responsible for all damage. The township is not responsible for moving markers.
4. *Marker, monument, and memorial regulations.*
 - A. Only one marker, monument, or memorial shall be permitted per burial space or may be centered over two spaces. All markers, monuments, and memorials shall be located on the west side of the space, except where precedent requires otherwise. A Veterans Plaque can be added to an existing marker by affixing it to the front or back.
 - B. The marker or monument base, as well as the widest portion of the monument, may not be more than 36 inches long, the width of a single burial space, and 14 inches in depth. The marker or monument base, as well as the widest portion of the monument on two or more adjoining spaces may not be more than 54 inches long and 14 inches wide. All monuments must face the east or west direction.
 - C. A temporary marker or monument indicating the name of the deceased person may be placed on a grave for up to six months after a burial.
 - D. It is not the responsibility of the township for receipt of delivery or placement markers, monument, or memorials ordered from online vendors.
5. *Foundations.* The foundation upon which any marker, memorial, or monument must be placed, shall be constructed by the sexton of the cemetery, per specifications and shall be billed to the plot owner or the

deceased member's family at the rate set by resolution of the board of trustees. Orders for foundations shall be placed a minimum of 30 days in advance of delivery of the marker/memorial or monument. Foundations shall not be poured during the winter months nor for a period of 60 days from the date of the burial to allow sufficient time for the ground to settle.

6. *Payment of foundation fees.* No foundation shall be poured unless payment in full has been made. No marker, memorial, or monument may be placed upon any foundation for which there is a balance due, nor may any marker, memorial, or monument be placed upon a gravesite for which payment has not been made.
7. *Variances from requirements.* Any variance from the preceding requirements in Sec. 8-6 must be approved by the board. No variance may be granted to alter the rule of one marker per burial space.
8. *Cenotaph.* The purchase of a burial space or niche is required for the placement of a marker, memorial, or monument on cenotaph spaces. All regulations for foundations and markers apply to burial spaces.

Sec. 8-7. Interment regulations.

1. *Interments per grave site.* Only one person may be buried in a burial space, except for a parent and infant or two children buried at the same time. The ash remains of one person may be interred in a grave wherein lie the remains of only one other person who was an immediate family member or joint owner at the time of initial purchase.
2. *Advance notice required.* Not less than 36 business hours' notice shall be given in advance of the time of a funeral to allow for the opening of the burial space. Business hours shall be defined as all weekdays from 9AM to 5PM excluding holidays when the township office is closed.
3. *Burial transit permit and fee required.* No burial shall proceed until a burial transit permit has been issued and the sexton has received payment of the interment fee.
4. *Method of ordering grave opening.* The township will not assume responsibility for errors in opening graves when orders are given by any means of communication other than in writing or in person. Orders submitted by funeral directors for the opening of graves will be considered as if coming from the plot owner.
5. *Removal of flowers and emblems.* Following an interment, all flowers or emblems used at the interment that have become unsightly or remain beyond 60 days from burial will be removed. Management assumes no responsibility for their return to the owners.
6. *Interments not permitted on Sundays and holidays.* Interments shall not be permitted on Sundays, the Saturday before Memorial Day, or holidays, except as ordered by the county or state health department. The term 'holiday' shall mean every weekday that the township offices are closed, as determined by the township yearly calendar.
7. *Township Official Authority.* The opening and closing of burials spaces or niches shall only be done by the sexton or his/her designee. The sexton or his/her designee must be present for all burials.

Sec. 8-8. Ground maintenance.

1. *Unauthorized groundwork.* No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton.

2. *Plantings.* The board reserves the right to direct the planting of trees and shrubs in the cemetery. Plot owners may obtain permission to plant dwarf evergreens on a plot and must be planted in line on either side of a marker, memorial, or monument. All requests must be submitted to the township clerk.
3. *Board authority regarding plantings.* The board reserves the right to direct the removal or trimming of any tree, plant, bush, or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery. The sexton has the discretionary authority to trim and/or remove all trees, bushes, shrubs, and plantings, which have become unsightly or overgrown. No unauthorized trimming, pruning, or removing of a branch from any tree or shrub in the cemetery is permitted except under the supervision of the sexton.
4. *Mounds are prohibited.* Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
5. *Cemetery sexton authority.* The cemetery sexton shall have the right and authority to remove and dispose of all growth, emblems, displays, or containers that are in violation of ordinance or have become unsightly, source of litter, or maintenance problem through decay, deterioration, damage.
6. *Surface Requirements.* Surfaces other than earth or sod are prohibited.
7. *Proper disposal of refuse.* All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.
8. *Urn regulations.* An urn, defined as an open top, concrete or stone container for planting flowers, is permitted on lots which consist of two plots (63 square feet). An urn must be set in line with the marker, memorial, or monument on a lot. Urns not in use by June 1 may be marked and removed without notice.
9. *Location of flower beds.* Flower beds must be located directly in front of and adjacent to the marker, memorial, or monument and extend not more than eight inches from the base of the marker, memorial, or monument. Potted flowers placed above the ground are not allowed. Beds or urns set contrary to this chapter may be removed without notice.
10. *Cut flower regulations.* Cut flowers may be placed in a depressed metal vase set adjacent to and/or in line with a marker, memorial, or monument and extend not more than eight inches from the base of the marker, memorial, or monument.
11. *Artificial flowers and wreath regulations.* Artificial flowers, grave blankets, and artificial wreaths are permitted at ground level on lots only during fall and winter from November 1 to April 1. They may be placed adjacent to the marker, memorial, or monument or in an urn. The sexton shall remove all artificial flowers, wreaths, and blankets remaining on the grave after April 1. During the summer season (April 2 to October 31) artificial flowers and/or wreaths are permitted only if placed in urns that meet these regulations or affixed to the marker in such manner so as not to interfere with general maintenance practices.
12. *Veteran Flag.* The township will place the United States of America flag on all graves when notified of military service. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
13. *Lighting.* Solar lighting is permitted if it is part of the original purchased marker. Additional solar lights placed in the ground or on the grave are prohibited.

14. *Items not permitted.* The following items shall not be permitted: chairs, settees, benches (unless marker is shaped as a bench), hanging baskets, flowerpots, glass containers, glass covered boxes, photos, and boxes for the preservation of flowers, wreaths, statues, ornaments, trellis, wind chimes, shepherd hooks, bricks, mulch, cloth, alcohol, fire or open flames. Other questionable items are subject to the discretion of the sexton and/or the board.

Sec. 8-9. Forfeiture of vacant cemetery lots or burial spaces.

1. *Vacant Lots.* Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale or last transfer shall automatically revert to the township upon occurrence of the following events:
 - A. Notice shall be sent by the township by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing the notice, his or her desire to retain said burial rights.
 - B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the township from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days from the date of mailing of said notice.

Sec. 8-10. Repurchase of lots or burial spaces.

The township will repurchase the burial rights to any cemetery lot or burial space from the owner for the original price paid the township, upon request of said owner or his legal heirs or representative.

Sec. 8-11. Records.

1. The township shall maintain records concerning sales of all burial rights, all burials, issuance of burial permits, and transfers of burial rights, and shall have access to all cemetery funds, separate and apart from any other records of the township, and the same shall be open to public inspection at all reasonable business hours.
2. Owners of burials rights must keep the township updated with their current address and contact information.

Sec. 8-12. Vaults.

1. All burials shall be contained within a standard concrete or steel vault (or vaults made of other materials when standardized and accepted) constructed in each burial space before interment with the exception of infant burials and cremains. Burial vaults over four feet in length shall be considered adult size.
2. Cremains must be enclosed within in a non-biodegradable container.

Sec. 8-13 Columbarium Rules and Regulations.

1. *General Information.* The township is responsible for the sale and maintenance of columbarium niches. The township will establish records regarding the columbarium. These records will include the names of those who have reserved a niche, copies of Columbarium Rights Agreement, assignments, and Niche Maintenance Reports.

- A. A columbarium niche is for the interment of human cremains only.
 - B. The township will be responsible for repairs to the columbarium. The township will not be held responsible for the loss or destruction of interred remains due to vandalism, acts of nature or any unforeseen circumstances.
2. *Niches.* A single niche is 12"x12"x12". The township will allow up to two cremains per niche if the total dimensions of the urn(s) does not exceed 11"x11"x11". The urn must be made of non-biodegradable material suitable for interment (no cardboard). The township shall have full authority to refuse any cremains receptacle deemed unsuitable. Leaving the cremains in the urn sent by crematorium is allowed if it meets the above requirements.
3. *Niche Purchase.* Residents and nonresidents of the township may purchase committal rights to a columbarium niche. The cost of niches is determined from time to time by resolution of the township board of trustees. All such sales shall be recorded on a Columbarium Rights Certificate, which grants rights to the niche. This is the owner's proof of purchase and should be kept in a safe place that is known to family members or friends. The owner will receive a copy of the Cemetery Ordinance
- A. Purchases of niches are limited to two niches in one purchase.
 - B. All niches must officially be assigned by the owner at the time of purchase. If assignment changes are to be made, the owner or transferee must contact the township and make the assignment change to the official record. If the assignee no longer wishes to use space/niche, then they may waive assignment by signing a waiver form with the township. If the assignee is interred elsewhere, the assignment is terminated. In both these instances of transfer, burial authority is returned to the owner.
 - C. The holder of the Columbarium Rights Certificate acquires no property rights in the columbarium or any of its niches. Legal title to the columbarium and niches always remains with the township. The certificate attests only to the right of interment of cremains of the person(s) named on the certificate in the specific niche. In the event of a discrepancy between the certificate and the administrative records, the latter shall take preference.
 - D. Columbarium Rights Certificates for a niche can only be made through the township. A niche must be paid in full before interment. There will be no exceptions to this rule. The township will buy back a niche from the owner for the original price paid upon written request of said owner or his/her legal heirs or representatives.
 - E. Niche transfers are permitted to those persons defined as an immediate family member or a resident upon payment to the township of a transfer fee. Burial rights may be transferred to a nonresident upon payment to the township of the transfer fee plus the difference, at the time of the transfer, between the current cost of a resident niche and the current cost of a nonresident niche. A transfer must be completed, endorsed by, and filed with the township. Upon such transfer, the township shall issue a new Columbarium Rights Certificate to the transferee and shall void the original certificate issued. Niches may not be sold between private individuals, funeral homes, or for speculative purposes.
4. *Interment.* Interment arrangements shall be made through the funeral home or the owner's family.
- A. Niche openings can only be performed by township employees. Anyone other than a township employee who attempts to open a niche will be prosecuted under state and local laws.

- B. Any funeral home costs are the responsibility of the owner or the owner's family. The township will assess and collect an opening and closing fee before the niche is accessed.
5. *Engraving of niche cover.* To maintain the columbarium in a uniform manner, only first and last name, date of birth, and death date will be allowed. Military brass badge/emblem is allowed on Veterans niche covers. The specific font and size of the engraving is set by township and must be adhered to. Engraving of the niche fronts is allowed before interment of the cremains. Niche covers are not required to be engraved. The township is not responsible for engraving errors. Corrections to engraving errors are at the owner's expense.
6. *Tribute Items.* No flower arrangements, plants, wreaths, toys, flags, or mementoes will be allowed to be placed near the Columbarium at any time, except at the time of interment.
7. *Disinterment of niche cremains.* If cremains must be removed from the columbarium by the family or an authorized person, a written request must be made to the township. This request must explain the reason for the removal, who is making the request, their relationship to the deceased, the day and time requested for the removal, and who will take possession of the cremains. Additional information or documentation may be required.
- A. An opening and closing fee will be assessed and collected at the time of the opening at the current rate. The township assumes no liability for damage to any urn in the process of making a removal.
- B. The original price paid for the vacated niche will be refunded to the owner or the owner's family.
- C. If a niche's cover has already been engraved, the cost of replacement cover is the responsibility of the vacating owner, not the responsibility of the township. Replacement covers can be obtained from the township with prepayment at the current rate.
- D. If the columbarium requires repairs to maintain its integrity, the owner agrees to permit the temporary removal of any cremains until those repairs are completed. The cremains will be returned to the proper niche by the township.

Sec. 8-14. Cemetery hours.

1. *Public visitation hours.* The cemetery shall be open between 8:00 a.m. to 5:00 p.m. between November 1 and April 30. Between May 1 and October 31 the cemetery shall be open the same hours as the township parks, from 8:00 a.m. until dusk, except when inclement weather conditions necessitate an earlier closing time.
2. *Visitation during non-visitation hours.* No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the trustees, the board, or the sexton of the cemetery.

Sec. 8-15. Perpetual care and maintenance.

The purchase price of every plot includes perpetual care and maintenance, and such care is made a part and condition of each sale in order to provide for the essential services and requirements of a cemetery without further expense to the owner. Perpetual care and maintenance shall consist of mowing, reseeding, and leveling all sunken graves at reasonable intervals. Anything other than the essential features of lot maintenance as herein

outlined is not included, such as the repair, maintenance, or replacement of any marker, memorial, monument, or urn. Nor does it include the watering of plants, flower beds or cut flowers, except as such work is done in the normal care incidental to regular maintenance.

Sec. 8-16. Disinterments and reinterments.

1. *Disinterment regulations.* Disinterment of a body once properly interred shall not be made without the approval of the board and is subject to the orders and laws of the properly constituted public authorities. Graves shall not be opened for inspection except for official investigation.
 - A. A permit for disinterment and reinterment is required before disinterment of a dead body. The local health department in whose jurisdiction the body is interred shall issue the permit.
 - B. The department shall prepare and furnish the local health department the forms for permits and applications thereof, which shall be used in the procedures prescribed by this section. The local health department shall retain an application for a disinterment and reinterment permit for not less than five years. A duplicate copy of the permit shall be maintained in permanent records of the cemetery from which the body was disinterred.
 - C. If a required consent cannot be obtained, a person may petition the circuit court of the county in which the cemetery is located for a disinterment order.
2. *Notice and fees required.* At least one week's notice is required prior to any disinterment or removal. All fees for disinterment and reinterment shall be prepaid.
3. *Fees for resetting markers.* Any marker or monument designating the location of an interment shall be removed at the time a disinterment is made. If the body is reinterred, there will be a charge for resetting the marker or monument, the same as for a newly placed marker, memorial, or monument and must be prepaid.

Sec. 8-17. Damage to cemetery properties.

The township shall not be responsible for any kinds of damage by the elements, vandals, and thieves or by other causes beyond its control. The defacement of markers, memorials, monuments, graves, or cemetery appurtenances, whether intentional or otherwise, and the removal of flowers, urns, or any of the cemetery equipment without proper authority will be considered a misdemeanor and the individual will be liable for the damages. The operator of any vehicle will be liable for any damage caused by said vehicle, whether intentional or unintentional. The speed limit established on cemetery roads is ten miles per hour.