

# Milan Township Cemetery Ordinance

## Ordinance No. 13.28

An Ordinance enacted pursuant to Act 246 of the Public Acts of 1945 (MCL §41.81) as amended, to protect the public health, safety, and general welfare by establishing rules and regulations relating to the use, operation, control, and management of cemeteries owned by the Township of Milan, Monroe County, Michigan; and to provide penalties for the violation of said Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF MILAN, COUNTY OF MONROE, STATE OF MICHIGAN HEREBY ORDAINS:**

### **SECTION 1 – TITLE.**

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

### **SECTION 2 – DEFINITIONS.**

- A. The term “cemetery” is hereby defined as a burial park for earth interments.
- B. A “grave” is a space in the ground in a cemetery for the burial of bodily remains or cremains and shall consist of a land area four (4) feet wide and ten (10) feet in length.
- C. A cemetery “lot” shall consist of a land area to accommodate four (4), four (4) foot wide by ten (10) foot wide graves.
- D. A “mausoleum” is a building containing above-ground tombs or crypts.
- E. A “crypt” is an underground vault or chamber used as a burial place.
- F. A “columbarium” is a building or other aboveground structure that is affixed to land and is a permanent repository for cremated human remains.
- G. “Sexton” refers to the individual(s) hired by the Milan Township Board to perform tasks for the cemetery, which shall be defined in a resolution created by the Milan Township Board.
- H. “Purchaser” refers to the individual obtaining the lots/graves situated within one of the Milan Township cemeteries.
- I. “Burial Right” is the right to use a grave, mausoleum, or crypt for the interment of human remains.
- J. A “resident” is a person who currently resides in Milan Township.

- K. A “non-resident” is a person who does not currently reside in Milan Township.
- L. A “qualified person” shall be defined as a resident or landowner, or the purchaser’s heir at law.
- M. A “non-qualified person” shall be defined as someone who does not currently live in Milan Township, nor are they an heir at law to a purchaser.
- N. A “grave marker”, “marker”, or “monument” is what is placed at the head of a grave, indicating who is buried there.
- O. A “footing” or “foundation” is a concrete base installed under a grave marker, marker, monument, or under a flush marker for long term stability.
- P. A “footstone” is a stone marking the foot of the grave.
- Q. “Natural/Green Burials” shall be defined as cremation or full-body burial in a biodegradable wooden box or shroud, with no embalming fluids.
- R. “Pet” is any animal kept for companionship.

### **SECTION 3 – CEMETERY COMMITTEE.**

- A. By resolution, the Milan Township Board may appoint individuals to serve on a Cemetery Committee to oversee records and make recommendations to the Board, as needed.
- B. The Cemetery Committee shall convene per the Cemetery Committee resolution created and maintained by the Milan Township Board.
- C. All duties and responsibilities shall be outlined in the Cemetery Committee resolution, along with any other pertinent information regarding the Cemetery Committee.

### **SECTION 4 – SALE OF LOTS AND GRAVES.**

- A. The price of cemetery lots and/or individual graves to be sold by the Township to or on behalf of a qualified or non-qualified person, shall be set forth in a resolution passed by the Township Board. No sale shall be made to funeral directors for their clients, or for resale or assignment, other than for their own burial.
- B. All such sales shall be made on a form approved by the Milan Township Board, which grants a right of burial only and does not convey any other title to the grave or cemetery lot sold. Such form shall be executed by Milan Township Clerk.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of graves or cemetery lots within Milan Township, or to any qualified person of the purchaser, and may be valid only by endorsement of an

assignment of such burial certificate upon the original burial certificate form issued by Milan Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial certificate to the assignee and shall cancel and terminate upon such records, the original certificate thus assigned.

- D. Graves for Township Residents for Pauper/Hardship cases will be at the discretion of the Milan Township Board.

#### **SECTION 5 – PURCHASES AND TRANSFERS.**

- A. Each Qualified Person shall have a limit of eight (8) graves available to purchase.
- B. Each Non-Qualified Person shall have a limit of four (4) graves available to purchase.
- C. All fees associated with sales of graves/lots, transfers, Natural/Green Burials, etc., shall be determined by a cemetery resolution created and maintained by the Milan Township Board.
- D. The foregoing charges shall be paid to Milan Township and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- E. Any additional costs will be the purchasers' responsibility.

#### **SECTION 6 – GRAVE OPENING CHARGES.**

- A. The opening and closing of any grave, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined by resolution of the Milan Township Board.
- B. No graves shall be opened and closed except under the direction and control of the Milan Township Clerk and Sexton.

#### **SECTION 7 – MARKERS OR MEMORIALS.**

- A. All grave markers must be of granite, not greater than 40 inches in width and 24 inches in depth. In front of an existing Crypt/Mausoleum the marker shall be flush to the ground. Any exceptions need approval from the Milan Township Board.
- B. If the purchaser would like to place a footstone on their lot or grave, they must first receive approval from the Milan Township Board. All approved footstones must be flush to the ground.

- C. Only one grave marker and one Veteran's marker shall be permitted per interment.
- D. The footing or foundation upon which any grave marker must be placed shall be constructed by the Township Sexton, or other trained specialist approved by the Milan Township Board, at cost to the owner of the burial right and must be placed on the west end of the grave.
- E. Mausoleums shall be permitted in certain areas as determined by the Township Engineer, Township Sexton, and Township Board.
- F. Any marker or memorial that does not comply with A-E of this section, must be presented to the Board for approval, prior to placement.

### **SECTION 8 – INTERMENT REGULATIONS.**

- A. Only one (1) vault plus two (2) cremation urns, or eight (8) cremation urns may be buried in a grave. Children/infants may be buried two (2) to a grave with the casket and vault not to exceed three (3) feet in length each.
- B. Notice of the time and date of any funeral shall be given to the Milan Township Clerk and Sexton no less than forty-eight (48) hours in advance to allow for the opening and preparation of the grave site.
- C. The appropriate certificate for the grave involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to both the Sexton and the Milan Township Clerk prior to interment. Where such certificate has been lost or destroyed, the Milan Township Clerk must first be satisfied, from his or her records, that the person to be buried in the grave is authorized and appropriate, forty-eight (48) hours before an interment is commenced or completed.
- D. All graves shall be kept in an orderly and neat manner. There shall be no trash or overabundance of items put on the gravesite that may interfere with the maintenance of the cemetery grounds. Memorial items of any kind shall comply with the regulations set forth in Section 8 below and shall stay within the confines of the burial space involved and the length of the grave situated on an East-West orientation.
- E. Natural/Green Burial allows for and encourages rapid return of human remains to the elements and materials of which all living things on earth are composed. This process does not allow for the option of voluntary disinterment of the remains placed in the burial/grave site. All materials must be made of 100% biodegradable material and of sufficient structural integrity to allow for lowering the remains in the grave. Concrete covers or inverted vaults are required for all green burials.

- F. No pets will be allowed to be buried in the Cemetery in a separate grave. If a person wishes to have their pet buried with them, they need to obtain permission from the Milan Township Board. If permitted, all pets must be cremated before being placed in the grave, and the pet must be recognized on the marker located on the gravesite.

## **SECTION 9 – GROUND MAINTENANCE.**

- A. No grading, leveling, or excavating for a grave shall be allowed without the permission of the Sexton and the Milan Township Clerk.
- B. No shrubs or trees of any type shall be planted without the approval of the Sexton and the Milan Township Board. Any of the foregoing items planted without such approval may be removed by the Sexton.
- C. The Milan Township Board reserves the right to remove, replace, or trim any tree, plant, shrub, or landscaping located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. All refuse of any kind including, but not limited to, dried flowers, wreaths, grave blankets, papers, and flower containers must be removed or deposited in containers which may be located within the cemetery by May 1<sup>st</sup> and November 1<sup>st</sup> of each year. The Sexton 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.
- F. Surfaces other than earth or sod are prohibited.
- G. Owner of grave is responsible for the care of any grave markers/monuments.

## **SECTION 10 – FOREFEITURE OF VACANT CEMETERY LOTS OR GRAVES**

Cemetery lots and graves sold after the effective date of the predecessor to this Ordinance (February 6, 1996), and remaining vacant 75 years from the date of their sale, shall automatically revert to Milan Township without claim or compensation upon occurrence of the following:

- A. Notice is sent by the Milan Township Clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 75-year period and that all rights, with respect to said lots and/or graves, will be forfeited. He or she must affirmatively indicate in writing his or her desire to retain said burial rights for another 75-year period, addressed to the Milan

Township Clerk within 60 days from the date of mailing of the notice. If the Milan Township Clerk receives a letter within the 60-day time period indicating the owner's request to retain the lots and/or graves, the burial rights shall remain the owner's and will be subject to the same notice and reversion status after another 75 years, and

- B. No written response to said notice indicating a desire to retain the cemetery lots or graves in question is received by the Milan Township Clerk from the last owner of record of said lots or graves, or from his or her legal representative, within 60 days from the date of mailing of said notice.

### **SECTION 11 – RECORDS.**

The Milan Township Clerk shall maintain records concerning all burials, issuance of burial certificates, and any perpetual care fund, separate and apart from any other records of Milan Township and the same shall be open to public inspection at all reasonable business hours.

### **SECTION 12 – VAULT.**

All burials shall be within an industry standard concrete vault installed or constructed in each grave site before interment unless previous arrangements have been made with the Milan Township Board to have a mausoleum interment.

### **SECTION 13 – CEMETERY HOURS.**

- A. The cemetery shall be open to the general public from the hours of daylight to dusk each day.
- B. No person shall be permitted on the property of the Milan Township cemeteries at any time other than the foregoing hours, except upon permission of the Milan Township Board or the Sexton of the cemetery.

### **SECTION 14 – PENALTIES.**

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor, shall be obligated to pay restitution for all damages and costs, and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall prevent civil proceeding for abatement and termination of the activity complained thereof.

**SECTION 15 – 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 that 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 16 – EFFECTIVE DATE.**

The Ordinance shall become effective thirty (30) days after it, or a summary of it, is published in a newspaper of general circulation in the Township of Milan.

I, Stephanie Kozar, do hereby certify that I am the duly elected and acting clerk of the Township of Milan, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Milan, County of Monroe, State of Michigan, at a regular meeting of the Township Board held at the Milan Township Hall, on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Vote: \_\_\_\_ Aye \_\_\_\_ Nay

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF MILAN, COUNTY  
OF MONROE, STATE OF MICHIGAN

By: \_\_\_\_\_

Stephanie Kozar  
Milan Township Clerk

AUTHENTICATED:

By: \_\_\_\_\_

Mark Bogi  
Milan Township Supervisor