

**LELAND TOWNSHIP
P.O. BOX 238
LAKE LEELANAU, MI 49653**

LELAND TOWNSHIP CEMETERY ORDINANCE

ESTABLISHED RULES AND REGULATIONS FOR

BEECHWOOD CEMETERY & COLUMBARIUM

N. Manitou Trail, Leland, Michigan

and

EAST LELAND CEMETERY

Horn Road, Leland, Michigan

Questions and concerns should be directed to:

Barbara Woods -- 231-883-3029

Lisa Brookfield, Leland Township Clerk – 231-256-7546, Ext. 201

**LELAND TOWNSHIP
LEELANAU COUNTY, MICHIGAN**

CEMETERY ORDINANCE

Ordinance 1995-02

Adopted April 10, 1995

**Amended January 8, 1996, July 13, 1997; April 18, 2005; December 10, 2007;
February 8, 2016; and November 12, 2018.**

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 Leland, Leelanau County, Michigan; to provide penalties for violation of said ordinance; and to repeal all ordinances or part of ordinances in conflict therewith.

SECTION 1: TITLE

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

SECTION 2: DEFINITIONS OF CEMETERY LOTS

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate eight grave sites.
- B. A burial space shall consist of a land area of five (5) feet wide and nine (9) feet in length for Beechwood Cemetery and five (5) feet wide and ten (10) feet in length for East Leland Cemetery.
- C. Up to six (6) cremation burials are permitted per grave site or 1 full burial.

SECTION 3: DEFINITION OF COLUMBARIUM SPACES

- A. Columbarium spaces will only be sold in pairs of A (bottom) and B (top) with each of the two spaces sufficient to accommodate 1 urn or container.
- B. Only (1) one urn will be permitted in each space. The cremation vessel selected must not exceed 9 inches by 9 inches and 13 inches high.

SECTION 4: SALE OF LOTS OR BURIAL SPACES

- A. Due to the limited number of grave and columbarium sites, the Township of Leland will only sell grave sites to residents and property owners in the Township.
- B. Cemetery lots and columbarium spaces shall be regarded as sold when paid for in full. Lot owners shall understand that title to the land is vested in the township and that the buyer's Burial Permit grants to the buyer the exclusive use of the grave site(s) or columbarium spaces for burial purposes only.
- C. The Burial Permit shall extend the right of burial in the listed grave and columbarium sites to the buyer and members of the buyer's family. The Burial Permit shall not be assigned or transferred to any other person except family members or to the Township of Leland. Family members are defined as

parents, spouses, children, siblings, nieces, nephews, and grandchildren of the owner of the Burial Permit.

- D. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such Burial Permit upon the original Burial Permit form issued and approved by the Township Clerk, and entered into the official records of the Township Clerk. The Clerk shall issue a new Burial Permit to the assignee and shall cancel the previous Burial Permit.
- E. If the grave, lot, or columbarium owner decides to sell any site(s), the sites must be sold to Leland Township, who will buy the unused grave site at the original selling price, or one-half the current selling price, whichever is higher. All such sales shall be made on a form approved and executed by the Township Clerk.

SECTION 5: PURCHASE PRICE AND TRANSFER FEES

- A. All fees for cemetery graves, vaults in the columbarium walls, transfers to family members, returns to the Township and any other costs or charges shall be determined, from time to time, by the Township Board by resolution.
- B. The foregoing charges shall be paid to Leland Township and shall be deposited in the appropriate account.
- C. The Township Board, by resolution, may periodically alter the fees to accommodate increased costs.

SECTION 6: GRAVE OPENINGS/CLOSINGS

- A. The opening and closing of any grave site shall be at the cost of the family. The charge for full burial interments will be billed directly from the funeral home to the family.
- B. The Sexton shall record burial date and location in the township cemetery records.

SECTION 7: COLUMBARIUM WALL OPENING/CLOSINGS

- A. All columbarium wall openings and closings will be done by the mason designated by Leland Township at the cost of the family.

SECTION 8: MONUMENTS, MARKERS OR MEMORIALS FOR GRAVES

- A. The Sexton shall oversee the placement of all markers. The grave marker foundations shall have at least a 4 inch apron around the grave marker base, even with the ground to facilitate maintenance.
- B. All markers must be of stone, cast bronze, or other equally durable composition.
- C. Grave markers shall not be altered or removed.
- D. Grave markers shall be allowed up to 24 inches high, 48 inches wide and 16 inches deep.

- E. Family markers shall be allowed up to 3 feet high, 5 feet wide and 16 inches deep.
- F. Only one monument, marker, or memorial shall be permitted per burial space. If 6 markers are required for cremation burials, the extra markers located on another section of the grave site shall be flush with the ground.

SECTION 9: MARKERS FOR COLUMBARIUM WALL

- A. All markers for the Columbarium Wall will be uniform and ordered to specifications set forth by the Leland Township Board in Exhibit B.
- B. Plaques for vault A will be on the lake side and plaques for vault B will be on the M-22 side, with both facing Lake Leelanau.

SECTION 10: INTERMENT REGULATIONS

- A. All interments must be made under the direction of the Township Sexton, or designated official.
- B. Interments may be restricted between November 15 and April 15 during inclement weather at the discretion of the Township Sexton.
- C. Cremains being placed in the ground must be placed in a concrete vault.
- D. All grave sites shall be oriented in an east/west direction and headstones shall be placed on the west end of the site at Beechwood Cemetery and east of the eastern graves and west of the western graves at E. Leland Cemetery.
- E. Generally one person may be buried in a grave site. Exceptions: A mother and infant or two children buried at the same time. If two headstones are required, the second one shall be flush with the ground.
- F. Not less than 48-hour notice shall be given in advance of any time of any funeral to allow for the opening of the grave site. The grave and columbarium opening is handled through the Funeral Home after they obtain permission from the Sexton.
- G. The Burial Permit for the grave site involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Township Sexton prior to interment. Where such Burial Permit has been lost or destroyed, the Township Sexton shall be satisfied, from his/her records, that the person to be buried is an authorized and appropriate one before any interment is commenced or completed.

SECTION 11: GROUND MAINTENANCE

- A. No grading, leveling or excavating upon a grave site shall be allowed without the permission of the Township Board, or designee.
- B. Upright markers, concrete walls or any enclosure causing an obstruction that will not permit the mowing of grass continuously from lot to lot are prohibited and lots should be kept level to make it practical and convenient for the care of the cemetery.

- C. Small permanent plantings shall be allowed as permitted by the Township Sexton as directed by the Township Board. No trees, shrubs, or plantings with deep roots are permitted to be planted by individuals/ families.
- D. The Township Board reserves the right to 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.
- E. Flowers shall be placed as to not interfere in the mowing and maintenance of the area. Artificial and temporary arrangements shall be allowed May 15 through October 15 and should be removed by the family or removal shall be made by the township maintenance employee.
- F. The township shall have the right and authority to remove and dispose of any and all growth, emblems, display, or containers that through decay, deterioration, damage or otherwise becomes unsightly, a source of litter, or a maintenance problem.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in trash containers located within the cemetery.
- H. The Township shall have the right (at the expense of the lot owner) to correct the condition or to remove all monuments, mausoleums or tombs that become unsightly, dilapidated, or a safety hazard to visitors.
- I. No solar, battery powered or electric lighting or noisemakers will be permitted within the cemetery.

SECTION 12: FORFEITURE OF VACANT CEMETERY GRAVES OR COLUMBARIUM SPACES

- A. Cemetery Lots or burial spaces sold after the date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

Notice shall be sent by the Township Clerk 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/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notices his desire to retain said burial rights.

Should no written response to the notice indicating a desire to retain ownership of the cemetery lots or burial spaces (which are subject of the notice) be received by the township Clerk from the last owner of record of said lots or burial spaces or his or her heirs or legal representatives within 60 days of the date of mailing the notice, absolute ownership of the lots or burial spaces shall vest with the township and the owners burial permit shall be deemed to be terminated.

SECTION 13: RECORDS

The Township Clerk and Sexton shall maintain records concerning all burials, issuance of burial permits, and records of burial rights ownership, separate and apart from any other records of the township and the same shall be open to public inspection by appointment at reasonable business hours.

SECTION 14: PENALTIES

Any person, firm or corporation who violates any of the provisions of this ordinance shall be bound by the General Code Penalty Ordinance 2016-02 and the violation will be considered a Municipal Civil Infraction.

SECTION 15: SEVERABILITY

The provisions of this 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 12: EFFECTIVE DATE

The foregoing ordinance was duly adopted by the Leland Township Board on the *12th of November, 2018*. A copy of same was recorded into the Leland Township Ordinance Book, kept by the Leland Township clerk, and filed with the Leelanau County clerk. Amendments approved and adopted by the Leland Township on *November 12, 2018* were published in the *Leelanau Enterprise* on *November 29, 2018* The effective date of this revised ordinance is, therefore, *December 29, 2018*.

Board Members' Roll-Call Vote:

Susan Och, Supervisor: Aye
Lisa Brookfield, Clerk: Aye
Shirley Garthe, Treasurer: Aye
Michael Collins, Trustee: Aye
Tony Bordon, Trustee: Aye

Ayes: 5 Nays: 0

Lisa Brookfield, Leland Township Clerk

EXHIBIT A

CEMETERY PURCHASE AND TRANSFER FEE SCHEDULE

- 1. Each cemetery grave shall cost the sum of \$300.00.

- 2. Columbarium vaults are only sold in pairs of 2
and must have owner's names for both at time of sale.
Total fee for the pair is\$600.00.

- 3. Transfer fee for each transfer of burial rights from one family
member to another is \$ 50.00.

BEECHWOOD COLUMBARIUM WALL POLICY

1. Following the passing of a family member whose ashes are to be interred in the wall, the family should contact the Leland Township clerk or the Township Sexton.
2. The Sexton will contact the following:

Martinson's Funeral Home – 231-271-3441 (or whomever the Township Board designates) who will assist in any specific service arrangements/desired dates and billings for all services provided by the Mason and Plaque maker. The designated Funeral Home will be the primary contact with the mason for opening and closing and the provider of the brass plaques.

 - a) Philip Rice – Mason (or his replacement per township board action.)
 - b) Grand Traverse Memorial – the provider of the 10” x 4” bronze plaque (or their replacement per township board action.)
 - c) Families will provide Martinsons with the full name (with initials or spelled out) and birth and death dates. There is a limit of 3 lines per 10” x 4” plaque. These restrictions will allow consistent and uniform plaque appearance for the entire wall.
 - d) Martinsons (or funeral home designated by the Leland Township Board) will handle the accumulation of all costs to be billed back to the estate. It is roughly estimated for budget purposed that the bronze plaque will be approximately \$600.00 and opening/resealing/affixing the plaque to the sealed top will be \$400.00. Martinson's administrative and service fees, the urn, if applicable, should be discussed and agreed upon. Other fees for services provided in other cities will, of course, be additional.
 - e) A legal burial and death document must be submitted to the Leland Township Clerk by the designated funeral home.
3. Once service dates are agreed upon by the Township, the appropriate Bin # will be opened to receive a single container, placed inside and resealed. The “first” to pass will be placed in the bottom vertical chamber (A) and sealed, and the “second” to pass will be placed in the top chamber (B). A bronze plaque will be ordered with a 6-8 week lead time and affixed atop the Bin in the appropriate location. The first location plaque (A) will be placed on the top closest to Lake Leelanau and the second plaque (B) will be placed on the top closest to M-22. All plaques will face Lake Leelanau. See photograph examples.

EXHIBIT B (continued)



4. The maximum dimensions of ashes containers/urns shall be 9" x 9" x 13" high. This will fit in both the lower and top chambers as they are slightly different dimensions.
5. Flowers and appropriate memorabilia for a service are permitted in and around the Bin and immediate wall vicinity. The family has the responsibility to remove these within 7 days, and if not, the Sexton shall have the right to remove them.

This Exhibit may be changed upon action of the Leland Township Board, without changing the ordinance.

Lisa Brookfield, Leland Township Clerk

Approved by Leland Township Board on *November 12, 2018*.