

**BINGHAM TOWNSHIP**  
**LEELANAU COUNTY, MICHIGAN**  
**ORDINANCE 93-01**  
**(Revision 9)**

**BINGHAM TOWNSHIP CEMETERY ORDINANCE**

**THIS AMENDED AND ADOPTED VERSION DATED: MAY 18, 2015.**

**IMPLEMENTED BY: Bingham Township Board of Trustees**  
**CARRIED OUT BY: Cemetery Oversight Committee**

**This is an ordinance to protect public health, safety, and general welfare, by establishing regulations relating to the operation, control, and management of the cemeteries owned by the township of Bingham, to provide penalties for the violation of said ordinance, and to repeal all ordinances, or parts of ordinances, in conflict therewith.**

**SECTION 1: TITLE AND RESPONSIBILITY**

This Ordinance shall be known and cited as the “**Bingham Township Cemetery Ordinance**”. The Township Board of Trustees, (“The Board”), shall appoint a “**Cemetery Oversight Committee**”, (“The Committee”), of ten (10) members composed as follows:

- 4 - Township residents owning a burial site in Maple Grove Cemetery.
- 4 - Township residents owning a burial site in Bingham Cemetery.
- 1 – Township Cemetery Sexton.
- 1 – Township Clerk.

The Committee shall appoint a Chairperson from its current members. The Committee shall meet in assembly a minimum of once a year, and as often as necessary to carry out the requirements of this ordinance. There is no specified member term. The Committee shall make recommendations to the Board, and take direction from the Board. The Board will consider Committee recommendations, and provide funds as needed.

The township clerk shall record and prepare minutes, which will be provided to the Board and include notations and records of any funding requests.

It shall be the responsibility of The Committee to maintain the Ordinance current, and implement the Ordinance.

**SECTION 2: BINGHAM TOWNSHIP CEMETERIES**

Two Cemeteries are owned by Bingham Township, both on County Road No. 633 (Center Highway), approximately 5-miles apart. “**Maple Grove Cemetery**”, is located in Keswick, approximately 2-miles South of Suttons Bay. “**Bingham Cemetery**”, is located in Bingham, tenths of a mile south of the intersection of County Road No. 633 (Center Highway), and County Road 618, (Bingham Road).

### **SECTION 3: DEFINITION OF CEMETERY LOTS**

*NOTE: A "Lot" is a defined piece of property, given a Lot Control Number, for underground burial.*

#### **A. MAPLE GROVE CEMETERY**

A "Lot", encompasses available space for eight to ten (8 to 10) vault burial sites. Partial Lots are defined in survey terms, e.g. "Northwest (NW) ¼ of Lot 33", for two burial sites. A vault burial site may contain one vault or one or more cremation urns.

#### **B. BINGHAM CEMETERY**

(1) A "Vault Lot", may have available space for one (1) to six (6) vault burial sites. Lots sized for four (4) and six (6) vaults may be divided. When divided, each part retains the original Lot No., followed by the letter; "N", or "C", or "S", indicating "North", "Center", or "South" segment. Vault Lots are numbered, 1 through 235. A vault burial site may contain one vault, or one or more cremation urns.

(2) A "Cremation Lot", (Bingham only) is a small Lot, 4-feet by 5-feet, suitable for one (1) to four (4) underground cremation urns. Cremation lots are numbered 236 through 283; 47 total. They are located in the Southwest corner. (See Cemetery Plot Map)

### **SECTION 4: PURCHASE OF LOT OR BURIAL SITE**

Cemetery Lots or burial sites shall be sold only to individuals or families for internment of person(s) for whom the buyer is directly responsible. Lot and burial site sales shall not be made to funeral directors, companies, investors, or organizations.

A Cemetery Lot, or burial site, may be purchased at the Bingham Township Office, from the Township Clerk, during normal business hours for the Clerk, or by appointment. (Clerk's hours are posted on bulletin board beside entry door.) Payment for a Lot or burial sites shall be made by check or money order, payable to Bingham Township, and given to the Township Clerk. All checks shall be deposited into the appropriate account by the Township Treasurer. Purchase prices, which may change over years, are included within Addendum A, "Current Fee Schedule", of this Ordinance.

A "Certificate of Burial Rights" is issued by the Township Clerk when a buyer fully pays for a Cemetery Lot. The Certificate grants the buyer exclusive use of the grave site(s) for burial purposes and installation of a grave marker only. Title to the land always remains vested in the Township.

### **SECTION 5: SALE OR TRANSFER OF LOT OR BURIAL SITE**

#### **A. SALE OF A LOT, OR BURIAL SITE, BY OWNER**

A Lot Owner may sell "ownership" of a Lot or burial site, if it is no longer to be used, but may only sell back to the Township. The Township will purchase the unused grave sites at one-half (50%) of the prevailing selling price. The buy-back check shall be issued by the Bingham Township Clerk.

#### **B. FAMILY TRANSFER OF 'CERTIFICATE OF BURIAL RIGHTS'**

A Certificate of Burial Rights may transfer **within a family** as responsibilities change, or shift from generation to generation. At time of transfer, notification must be made to the Township Clerk, for updating township records. The Township Clerk shall be provided in writing, the former owner's name, the new owner's name, relationship, and address. Transfer may be made only to persons eligible for original purchase. The Township Clerk shall issue a new "Certificate of Burial Rights", if the transfer is acceptable.

## **SECTION 6: GRAVE OPENING FOR BURIAL**

All cemetery interments must be made under the direction of the Bingham Township Cemetery Sexton. A minimum of 36-hours notice must be given in advance of any funeral, to allow for opening of the burial site. Interments may be restricted during severe/inclement weather. Snow removal charges for winter internments are not the responsibility of Bingham Township.

Unless otherwise specified in this ordinance, all cemetery interments must be made below the surface of the earth. Cremains interments may be made above ground in a container approved by the cemetery sexton at locations where above ground monuments are allowed.

Specific location of the vault or cremation urn burial site within the lot shall be designated only by the Cemetery Sexton. The Sexton shall mark the specific site location by name on the "Sexton's Cemetery Plot Map", and notify the Township Clerk of the name and burial date, denoting the specific lot number and burial site within the lot. The Township Clerk shall record all information in the "Cemetery Record Book", the "Cemetery Alphabetical Card File", and the Master Township "Cemetery Plot Map".

All vault grave sites shall be oriented in an East/West direction. Headstones shall be placed on the West end of the burial site. In the Bingham Cemetery the primary lettering shall face East; lettering positioning at Maple Grove is optional. Generally only one person may be buried within the vault, in a vault burial site. Exceptions: A mother and infant, or two small children buried at the same time. If two "headstones" are required on one burial site, the second headstone shall be flush with the ground surface. Cremains may be buried one, two or more per single Cremation Lot or vault burial site, up to four, which is the maximum permissible.

An occupied burial site shall not be opened or altered by any person, except under the direction of the Township Cemetery Sexton. This provision shall not apply to the removal and re-interment of bodies, remains, or cremation urns, when under the direct supervision of the Leelanau County Health Department.

## **SECTION 7: CEMETERY GRAVE MARKERS**

*NOTE: All new markers shall be of stone, cast bronze, or other equally durable material.*

### **A. MAPLE GROVE CEMETERY (Keswick)**

Above ground headstone grave markers, or flush with the ground surface grave markers, may be installed on Cemetery Lots.

### **B. BINGHAM CEMETERY**

Above ground headstone grave markers, or flush with the ground surface grave markers, may be installed on Cemetery Lots No. one (1), through one-hundred fifty-four (154), all lots between the East cemetery line and the West Cemetery driveway. Footstone markers may be used in similar manner. All markers shall be kept in alignment with other existing headstone/footstone markers. Flush with ground surface grave markers only, shall be used on Cemetery Lots one-hundred fifty-five (155), through two-hundred eighty three (283), this section added to the Cemetery in 2007. These Lots, located primarily West of the West Cemetery driveway, shall only have ground surface flush grave markers of stone, concrete, or bronze. Flush surface markers shall not exceed dimensions of 36-inches long; 18-inches top to bottom. Military bronze markers are 24-inches long; 12-inches top to bottom.

Grave markers (Lots 155-283) shall be installed only at the extreme West end of the burial site, to permit undisturbed grave opening for a vault interment; maximum space for cremains interment. Above ground benches are not permitted on Lots, No. 155 through No. 283. Density of Lots, both vault and cremation, prohibit above ground markers or other fixed installation in this portion of the Cemetery.

## **SECTION 8: CEMETERY GROUNDS**

Seasonal flowers, wreaths, displays, and all containers shall be placed so as to not interfere with the mowing and maintenance of the area. Artificial and temporary arrangements shall be allowed between May 1, and October 15, and should then be removed by the family, or removal shall be made by the cemetery caretakers. Refuse, including dried flowers, deteriorated wreaths, papers, and flower containers should be removed, or deposited into containers located within the Cemetery. The Committee has the right and authority to remove and dispose of any and all growth, emblems, displays, and containers that through decay, deterioration, damage, or otherwise, become unsightly; a source of litter, or a maintenance problem.

Trees, shrubs, or permanent plantings of any type, may be placed into the cemetery only with approval of The Committee, or the Cemetery Sexton. No fruit bearing trees may be planted within the Cemetery. Fruit bearing trees interfere with grass mowing and are subject to diseases which may spread to nearby agricultural orchards. The Committee shall have the right to remove or trim any tree, plant, or shrub, located within the Cemetery, in the interest of maintaining proper appearance; proper cemetery care, preventing damage to grave markers, disease control, or use of the cemetery.

Material and fixture installations beyond headstone grave markers, (excepting veteran's flag holders) which hinder the free use of a lawnmower or other gardening apparatus are prohibited.

No construction of mounds; no grading, leveling, or excavating upon a burial site is allowed without written permission of The Committee, or Cemetery Sexton.

Motorized vehicles must remain on designated roadways. No snowmobiles, motorcycles, or all-terrain vehicles shall be allowed in the cemeteries at any time.

## **SECTION 9: VACANT LOT FORFEITURE TO BINGHAM TOWNSHIP**

Cemetery Lots or burial sites remaining vacant, and without owner contact with the Township office, for forty years from the date of their sale shall revert back to Bingham Township upon execution of the following, without "owner" response.

Notice shall be sent by the Township Clerk, by first class U.S. Mail, to the last known address of the last owner of record, informing the owner of expiration of the forty year period and that all rights with respect to the specified Lot/site will be forfeited if they do not affirmatively indicate in writing, to the Township Clerk within sixty (60) days from the date of mailing of the notice, their desire to retain their burial rights.

## **SECTION 10: CEMETERY RECORDS AND RESPONSIBILITIES**

The Township Clerk shall maintain records concerning issuance of all burial permits, records of burial rights ownership, all burials with specific location of burial site, name of person buried, and date. These shall be separate from other records of the township. Cemetery records shall be open to public inspection by appointment at reasonable business hours. Cemetery records shall consist of: (1) an Alphabetical Card File record, (2) a Record Book of Lots, with name, and specific burial sites noted within the Lots, (3) Name on specific burial site on Master Cemetery Plot Map, and in duplicate on the Sexton's Plot Map.

**SECTION 11: CEMETERY FEES**

All Cemetery fees are noted in: **ADDENDUM A, “CURRENT FEE SCHEDULE”**, to this Ordinance. Fees are set by The Board, upon recommendation by The Committee. They may be changed without effect upon this Ordinance.

**SECTION 12: VETERAN’S FLAGS**

Veteran’s of United States Military Services are entitled to have a Flag Standard with an American Flag. The Committee is responsible to assure placement of a new American Flag at the burial site of each veteran prior to Memorial Day each year. Bronze Flag Standards have historically been provided by the Leelanau County V.F.W. American Flags have been provided by the County, and distributed by the V.F.W. Flag Standards on Veteran’s gravesites are a permissible installation, as noted in Section 8.

**SECTION 13: ORDINANCE VIOLATION PENALTIES**

A violation of this Ordinance constitutes a municipal civil infraction as defined by Michigan law, and shall be punishable by a civil fine determined in accordance with the following schedule:

| <u>Offense</u> | <u>Minimum Fine</u> | <u>Maximum Fine</u> |
|----------------|---------------------|---------------------|
| ~First         | \$ 150.00           | \$ 500.00           |
| ~Second        | \$ 225.00           | \$ 500.00           |
| ~Third         | \$ 350.00           | \$ 500.00           |
| ~Fourth +      | \$ 500.00           | \$ 500.00           |

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Bingham Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

The Bingham Township Ordinance Enforcement Officer, the Leelanau County Sheriff’s Deputies, and any other individual Township officials that may from time to time be designated by the Township Board, shall administer this Ordinance and are hereby authorized and empowered to investigate violations, to issue notices of violation, and to issuer and serve appearance tickets and citations, including municipal civil infraction citations, pursuant to MCL 964.9c, MCL 600.8701, and MCL 600.8707, on all persons in violation of this Ordinance. Such appearance tickets and/or citations shall be issued and served in accordance with applicable Michigan law.

**SECTION 14: 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 a court of competent jurisdiction, such decision shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

**SECTION 15: AUTHORITY AND DATE EFFECTIVITY**

The original Township Cemetery Ordinance, 93-01, was adopted by the Bingham Township Board in 1993. Ordinance Revision No. 3, was adopted by The Board following transfer of the Bingham Cemetery from private to Township responsibility in 1997.

This Revision, No. 9, was adopted by the Board in 2015. A copy of same was recorded into the Township Book of Ordinances, kept by the Township Clerk, and a notice published in the Leelanau Enterprise on the   16th   day of   March  , 2017, and the effective date of the amended Ordinance is, therefore, the   16th   day of   April  , 2017.

**BOARD MEMBER VOTE: Yay   5  , Nay   0  , BY ROLL CALL VOTE.**

|                       |                                  |              |
|-----------------------|----------------------------------|--------------|
| <b>Board Members:</b> | <b>Midge Werner – Supervisor</b> | <u>  Y  </u> |
|                       | <b>Peggy Core – Clerk</b>        | <u>  Y  </u> |
|                       | <b>Sandra Grant – Treasurer</b>  | <u>  Y  </u> |
|                       | <b>Mary Bush – Trustee</b>       | <u>  Y  </u> |
|                       | <b>Gary McGhee – Trustee</b>     | <u>  Y  </u> |

BINGHAM TOWNSHIP

By: \_\_\_\_\_ Midge Werner, Supervisor      Date: \_\_\_\_\_

By: \_\_\_\_\_ Kathy Morio, Clerk      Date: \_\_\_\_\_

**ADDENDUM A  
TO  
BINGHAM TOWNSHIP CEMETERY ORDINANCE  
Ordinance #93-01  
(Revision 9)**

**CURRENT CEMETERY FEE SCHEDULE  
For: Maple Grove Cemetery and Bingham Cemetery**

**Dated: April 2015**

**Lot For Vault Burial:** Lots for vaults have a variable number of burial sites.  
The fee is based on the number of vault burial sites per lot.

**Vault Burial Site:** **Purchase price is for one (1) vault burial site:**

|                                 |                  |
|---------------------------------|------------------|
| Bingham Township Taxpayer ..... | <u>\$ 200.00</u> |
| Non-Township Taxpayer ..        | <u>\$ 500.00</u> |

**Lots for Cremation Interment Only – Available in Bingham Cemetery only.**  
These are small Lots, 4-feet by 5-feet, for 1 to 4 cremation urns.

|                                 |                  |
|---------------------------------|------------------|
| Bingham Township Taxpayer ..... | <u>\$ 200.00</u> |
| Non-Township Taxpayer .....     | <u>\$ 500.00</u> |

**Payment Shall Be By:** Check or money order payable to “Bingham Township”.

**Grave Opening and Closing for Vault Burials:**  
Associated costs are the responsibility of the family, and will be a direct charge from the funeral home or burial company.

**Site Opening and Closing for Cremains Burials:**  
Associated costs are the responsibility of the family, and, if applicable, will be a direct charge from the funeral home or burial company.