

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2017-004**

TOWNSHIP CEMETERIES ORDINANCE

An Ordinance to adopt and codify as an Ordinance, the Township's Cemetery Rules and Regulations in the Waterford Charter Township Code, with reformatting and amendments appropriate to that purpose.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

That the Waterford Charter Township Code is hereby amended by adding a new Chapter 19, to be titled and read as follows.

CHAPTER 19 – TOWNSHIP CEMETERIES

ARTICLE I GENERAL

Sec. 19-001. Title.

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

Sec. 19-002. Intent and Purpose.

The intent and purpose of this Ordinance is to adopt, with amendments and reformatting, the Township's Cemetery Rules and Regulations as previously adopted and amended by Resolutions of the Township Board of Trustees.

Sec. 19-003. Definitions.

In addition to those rules of construction and definitions contained in Section 1-002, the following definitions shall apply to this Chapter:

Board means the Township Board of Trustees, which shall serve as the Cemetery Board for Township Cemeteries.

Cemetery or Township Cemetery means any public cemetery owned, managed, or controlled by the Township.

Certificate means a written certificate of interest of interment rights in a plot or grave issued by the Township.

Cremains means the ashes of a deceased person after cremation.

Cremation means the incineration of the body of the deceased person.

Dis-interment means the removal of remains or cremains from a grave.

Grave means a defined space in a cemetery intended and to be used for the interment of remains or cremains subject to the limitations in Section 19-042.

Interment means the burial in a grave of remains or cremains.

Memorial means a monument, marker, tablet, headstone, tombstone, crypt, niche, or nameplate on a grave or plot.

Monument means a memorial of granite, marble, or other Township approved stone material that extends above the lawn surface grade of the grave or plot upon which it is placed, as determined by the Township.

Owner means the person or persons that purchase a plot or grave from the Township as evidenced in a written certificate of interest issued by the Township granting the right of interment in that plot or grave.

Plot means an area in a Township cemetery comprised of a specified number, generally six (6), of adjoining graves.

Remains means the un-cremated body of a deceased person.

Township, when used in this Chapter and unless otherwise indicated, means authorized personnel in the Facilities and Operations Division within the Township Department of Public Work or the Township Clerk's office.

Township Resident means a person who has permanently resided in the Charter Township of Waterford for a minimum of one (1) consecutive year that provides the Township with supporting documentation of that fact.

Sec. 19-004. Jurisdiction, supervision, and control.

Township cemeteries shall be under the jurisdiction, supervision, and control of the Board and shall be managed, maintained, and operated by the Township Facilities and Operations Division within the Township Department of Public Works, or other designee recommended by the Public Works Official and approved by the Board.

Sec. 19-005 Rules and regulations.

In addition to the provisions in this Ordinance, the Board reserves the right by Resolution, to adopt rules or regulations for the maintenance and operation of, and conduct or activities in, cemeteries. A violation of any such rule or regulation that is not corrected by a person that had prior written notice of the rule or regulation shall be a violation of this Ordinance.

Sec. 19-006. Fees and charges.

Fees and other charges for the purchase and transfer of plots and graves, and interment, dis-interment, and other services provided by the Township related to the cemeteries shall be established and may be amended by Board Resolution, and may be different for Township and non-Township residents.

Sec. 19-007. Records.

Cemetery records are public records of the Township that are maintained by the Facilities and Operations Division within the Township Department of Public Works or Township Clerk's office, and by Appointment, are open to inspection by a member of the public for up to four (4) hours per day during regular business hours of that division and office.

Sec. 19-008. Interpretations, enforcement, variances, and appeals.

- (a) Interpretation, decisions, and enforcement of this Ordinance and any rules and regulations adopted by the Board shall be the responsibility of the Public Works Official.

- (b) Requests for a variance from a provision of this Ordinance or rule or regulation adopted by the Board, and appeals from a final Public Works Official interpretation or decision under this Ordinance shall be made in the time and manner specified in, and be governed by Section 1-015 of this Code.

Sec. 19-009. Violations and sanctions.

Violations of this chapter are civil infractions punishable as provided in Section 1-010(b) of this Code.

Sections 19-010. Reserved.

ARTICLE II TOWNSHIP CEMETERIES, RIGHTS, AND AUTHORITY

Sec. 19-011. Existing township cemeteries.

The five (5) Township cemeteries at the time this Ordinance was adopted are:

- (a) Crescent Hills at 5170 Civic Center Drive.
- (b) Waterford Center at the corner of Airport and Pontiac Lake Roads.
- (c) Four Towns on Cooley Lake Road.
- (d) Drayton Plains at Dixie Highway and Williams Lake Road.
- (e) Waterford Village on Rockcroft off Dixie Highway.

Sec. 19-012. Expanding existing and establishing new township cemeteries.

- (a) When it considers it desirable and necessary, by Resolution the Board may provide for enlargement of an existing cemetery or establish of one (1) or more new cemeteries.
- (b) A Board Resolution to enlarge or establish a cemetery shall be subject to:
 - (1) Providing the County health department with a land description and two (2) copies of a plat for the division of the enlarged or new cemetery; and,
 - (2) County health department approval of a plat for the enlarged or new cemetery.

Sec. 19-013. Right to re-plat, revise, and improve cemeteries.

- (a) The Board shall have the right to resurvey, enlarge, diminish, re-plat, alter in shape or size, or otherwise change all or any part, portion or subdivision of a Township cemetery, including the right to lay out, establish, close, eliminate, or otherwise modify or change the location of roads, walks, or drives, and to file amended maps or plats thereof.
- (b) The Township shall have the right to construct or install, maintain, and operate buildings, shelters, roads, paths, pipelines, conduits or drains for sprinkler, drainage, electric or communications lines, and other improvements in a Township cemetery, and if the cemetery is not owned by the Township, shall have easements and rights of any way over the cemetery property for those purposes.

Sec. 19-014. Township supervision and authority at cemeteries.

The Township reserves the following rights in its management, supervision, control, and operation of the Township cemeteries and any funeral, interment, dis-interment, or other activity at the cemeteries, all of which shall be under and subject to the Township's supervision and control:

- (a) To require all persons entering a cemetery to demonstrate by proper identification or otherwise, a legitimate purpose for being at the cemetery.

- (b) To require vehicles and machines to be brought to a full stop at cemetery entrances and other locations and to direct and control traffic on all cemetery roads.
- (c) The Township shall have the right to refuse the opening of a casket without the written consent of the legal representative of the deceased or a court order.
- (d) The Township shall have the right to refuse interment of improperly prepared or poorly preserved remains or improperly prepared cremains, and upon doing so, may notify the persons responsible and owner of the grave in which interment was refused of the corrective actions necessary to allow interment, or may with notice to those persons, secure the necessary corrective actions, the cost of which shall be paid by those persons.
- (e) The Township shall have the right to refuse interments in vaults of unapproved materials.

Sec. 19-015. Work and improvements in cemeteries.

- (a) All opening and closing of graves, interments, dis-interments, removals, grading, tree and shrub trimming, and lawn maintenance in cemeteries shall be performed by the Township.
- (b) Except as allowed and in conformity with Article VI, all improvements including, but not limited to landscaping, planting, and any care of graves or plots shall be performed by or with the prior written authorization of the Township. Improvements not performed by the Township shall be subject to Township supervision, inspection, and approval after completion.
- (c) Improvements or alterations made without Township authorization shall be removed, altered, or changed at the expense of the person that performed the unauthorized work and owner.

Sec. 19-016. Condition, damages, and repair of plots and graves.

- (a) Memorials, decorations, and other allowed improvements or plantings on any plot, grave shall be maintained in good condition, and shall be promptly repaired or removed when damaged.
- (b) Except for damages directly caused by the Township in its maintenance of the cemeteries for which it is responsible, the owner is responsible for necessary repairs or reconstruction of damaged memorials, decorations, or other improvements or plantings on a plot or grave.
- (c) If the owner is responsible for repairs on a plot or grave, the Township will provide written notice by first class mail to all owners or legal representatives of owners according to Township records, of the necessary repairs, when they must be completed, and that if the owner fails to do so, the Township may perform the repairs or remove the item in need of repair and charge the owner for the Township's actual and administrative 's cost and expenses incurred in doing so.
- (d) The time allowed by the Township for the owner to complete repairs shall be at least 30 days and no more than 120 days from the date of the notice. Less than 120 days shall only be specified if necessary to avoid unnecessary disruption to the cemetery and/or increased costs as a result of likely adverse weather conditions if the full 120 days is allowed.
- (e) If the owner fails to complete required repairs within the required time, the Township may perform or secure the performance of the repairs, or remove the item in need of repair, and charge the actual cost in doing so and an administrative fee equal to 25% of the actual cost to owner.

Sec. 19-017. Correction of Errors.

Township shall have the right to correct any errors made in executing interments or dis-interments, or in the description, sale, or transfer of any grave or plot.

- (a) Errors shall be corrected by either substituting and conveying an alternate grave or plot of equal value and similar location or by refunding the purchase price paid for the grave or plot.
- (b) The Township shall also have the right to correct errors made by placement of an improper inscription.

Sections 19-018 -- 19-020. Reserved.

ARTICLE III PLOT/GRAVE PURCHASES, TRANSFERS, AND RIGHTS

Sec. 19-021. Plot and grave purchases.

- (a) Available plots and individual graves in cemeteries, as identified by the Township, may be purchased by and sold to one or more individuals that are at least 18 years of age, to be used for the interment of the remains or cremains of the person or persons identified by the purchaser(s) at the time of purchase. Except for funeral homes/directors or other business entities acting as an agent for an identified eligible purchaser, no sales shall be made to persons that are not individuals.
- (b) Purchase of interment rights in a plot or grave shall require the payment in full of the purchase price established by Resolution of the Board, with written proof of all owners' residency at the time of purchase required.
- (c) All purchases shall be evidenced by a certificate of interest issued to the purchaser as owner, in a form approved, dated, and signed by the Township. Sales of plots or graves grant interment rights only and do not convey title to the plot or grave, which is retained at all times by the Township.
- (d) Except for owners, or owner's spouses as provided in Section 19-023, persons identified for interment in a grave shall not have any vested right of interment based on such identification having been made by the owners, which may be changed at any time by the Township issuing a revised certificate upon receiving a signed written application by all owners and payment of any required fee.

Sec. 19-022. Plot and grave transfers.

- (a) Plots and individual graves may be transferred or assigned by the owner to one or more individuals that are at least 18 years of age with the Township's prior written authorization and payment of the transfer fee established by Resolution of the Board, with written proof of each new owner's residency at the time of the transfer or assignment required.
- (b) The Township shall only authorize a transfer or assignment if it is requested by each owner and the identified proposed transferee or assignee in a written application that also identifies the person or persons whose remains or cremains are to be interred, and there are no outstanding debts, fees, or charges owed to the Township by the owner or for the plot or grave being transferred or assigned.
- (c) Township authorization of a transfer or assignment shall be evidenced by a written cancellation of the certificate of interest issued to the owner and issuance of a new certificate of interment rights to the transferee or assignee, that for each grave transferred or assigned, identifies the person or persons whose remains or cremains are to be interred in that grave.

Sec. 19-023. Interment rights.

- (a) All rights of interment in graves and plots shall be presumed to be the personal property of the owners named in the most current certificate of interest issued by the Township for that grave or plot. The ownership interests of multiple owners in a plot or grave shall be joint and undivided and may not be separately transferred or assigned.
- (b) The remains or cremains of the spouse of an owner may be interred in a grave in the owner's plot that has not been identified as being for interment of a named individual.
- (c) The joint, undivided ownership interest of multiple owners in a plot shall, unless otherwise indicated in the certificate, provide each owner with a vested right of interment in the plot, and

- upon the death of an owner, that owner's ownership interest shall immediately vests in the remaining owners, subject to the vested right of interment of the deceased owner.
- (d) An affidavit by any person having knowledge of the facts, confirming the death of a joint owner and establishing the identity of the surviving joint owners named in the certificate for any plot, when filed with the Township is complete authorization to the Township to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint owners or their successors in interest.
 - (e) When there are multiple owners of a plot or graves within it, they may designate one or more persons to represent their interests in the plot and file that designation in writing with the Township. In the absence of such notice or of written objections to its doing so, the Township shall not be liable to any grave or plot owner for the Township interring or permitting an interment in the plot upon the request or direction of any owner of the plot or grave in the plot.
 - (f) The right of interment granted by a certificate does not include the right to have remains or cremains interred in any grave in which the remains of any deceased person were previously interred, and does not allow the interment of more remains or cremains than specified in the definition of Grave in Section 19-003.

Sec. 19-025. Disposition of deceased owner interment rights.

Ownership of any interment rights in a plot that will be unused after the deaths and interment of all owners and surviving spouses of owners in the plot, shall be determined as provided by law for personal property, and upon receiving proper written documentation of that determination, shall be recognized by the Township issuing a new certificate to the new owners.

Sec. 19-026. Township notification.

Owners shall be responsible for promptly providing written notice to the Township of any changes in their mailing or residence addresses and other contact information. Township transmittal of notices and other correspondence to the last known address on record shall constitute sufficient and proper notice.

Sec. 19-027. Abandonment and forfeiture of interment rights.

- (a) As provided in section 17 of the Cemetery Regulations Act, MCL 456.537, which is adopted as an Ordinance of the Township as part of this section, owners and other persons with a vested or non-vested interment right in a grave are presumed to have abandoned that right if all of the following apply:
 - (1) No remains have been interred in the grave under that interment right.
 - (2) No memorial has been placed on the grave under that interment right.
 - (3) During the past 60 years, no owner or authorized representative of an owner has provided the Township with an updated address for contact purposes.
 - (4) During the past 60 years, no owner or authorized representative of an owner has contacted the Township and affirmed possession of the interment right in any of the following ways:
 - a. Requesting or notifying the Township of an interment under that interment right.
 - b. Requesting or notifying the Township of a memorial installation under that interment right.

- c. Requesting or advising the Township of a transfer of the interment right.
 - d. Making a payment to the Township related to the interment right.
 - e. Affirming in writing possession of the interment right.
- (b) If an interment right is presumed abandoned under subsection (a), subject to the procedures, notice, and record requirements of, and exceptions in, MCL 456.537, the Township may certify the interment right as abandoned.
- (c) An interment right certified as abandoned shall be forfeited and revert to, and may be resold by the Township subject to the remedies of the person whose interment right was certified as abandoned under MCL 456.537.
- (d) Certificates of interest issued by the Township after the effective date of the Ordinance that adopted this section shall provide written notice of the presumption of abandonment described in subsection (a) that will be applied by the Township to the interment right purchases.

Sections 19-028 -- 19-030. Reserved.

ARTICLE IV ENDOWMENT AND SPECIAL CARE FUNDS

Sec. 19-031. Endowment care.

Endowment care is that care and maintenance necessitated by natural growth and ordinary wear which can be provided at reasonable intervals and includes such activities as planting, cutting, watering, care of lawns, trees and shrubs, cleaning and upkeep of buildings, and the necessary maintenance, repair, and reconstruction of buildings, utilities, walls, roadways, walks, and structures located within cemeteries.

Sec. 19-032. Special care.

Special Care is specific services set forth in a special care agreement between the Township and owners of a plot or grave for the improvement or embellishment of all or any part thereof, the filling and care of vases, special care of flower beds, the placing of floral decorations at holidays or other days agreed to, other special care or ornamenting of any plot, section, building, or portion thereof, or any other purpose or use not inconsistent with the purpose for which a cemetery was established or is maintained.

Sec. 19-033. Investment of endowment and special care funds.

- (a) Money received for endowment care and special care shall be held in trust and invested as provided by law. The Township reserves the right to either handle all investments itself, or to deposit said funds with any person, company or corporation qualified to act as trustee for such funds.
- (b) It is understood and agreed between owners and the Township that endowment care funds and special care funds may be deposited with other funds of like character and intent, provided that the income from such accumulated funds is used for the specified purposes. However, in no case shall the deposit of such funds be construed as a contract by the Township to care for any individual plot or grave in any way other than as provided in this Ordinance or a special care agreement.
- (c) The income earned on the investments of the endowment care fund shall only be used for endowment care and interest earned on a deposit to the special care fund shall be used as provided in the special care agreement.

Sec. 19-034. Expenditures from endowment and special care funds.

- (a) Without Board approval by amendment of this Ordinance, expenditures from the endowment care fund shall be limited to the net interest income earned on that fund, the principal of which shall not be spent or encumbered.
- (b) Expenditures of special care funds for a plot or graves shall be consistent with the special care agreement under which those funds were deposited, which may but is not required to limit expenditures to the net interest income earned on the deposited funds.

Sec. 19-035. Expenditures for endowment care.

- (a) Endowment care fund expenditures shall be made by Township in such manner as will, in its judgment, be most advantageous to the grave and plot owners as a whole, and in accordance with the purposes and provisions of the laws of the State of Michigan applicable to the expenditure of such funds.
- (b) The Township has the full power and authority to determine, in its sole judgment, upon what property, for what purpose, and in what manner the net income from the endowment care fund shall be expended to provide endowment care as described in Section 19-031.
- (c) Township may also expend the net income from the endowment care fund for attorney's fees and other costs necessary for the preservation of the legal rights of the Township.
- (d) Nothing in this Ordinance prevents the Township from funding endowment care from sources other than the endowment care fund.

Sec. 19-036. Deposit to endowment care fund.

The purchase price for each plot or grave that is sold by the Township shall include an amount that is designated by Resolution of the Board for deposit in the endowment care fund, which shall be at least 15% of the purchase price. Upon receipt of the purchase price, the Township shall deposit that designated amount in the endowment care fund.

Sec. 19-037. Record of Deposits.

A record book, electronic or otherwise, shall be kept by the Township showing the name of each grave or plot owner and the amount the purchase price for the grave or plot that has been deposited in the endowment care fund.

Sec. 19-038. Cemetery Regulation Act.

The Township's creation and maintenance of the endowment and special care funds, and the deposit, investment, use, and reporting of those funds under this article shall be in compliance with the applicable provisions of section 16 of the Cemetery Regulations Act, MCL 456.536, as amended.

Sections 19-039 -- 19-040. Reserved.

ARTICLE V INTERMENTS AND DIS-INTERMENTS

Sec. 19-041. General.

- (a) All interments and dis-interments are subject to the laws of the Township, County of Oakland and State of Michigan.

- (b) Tents, artificial grass, lowering devices and other equipment owned by the Township shall be used exclusively in making interments and dis-interments.
- (c) The Township will exercise all due care and diligence in making interments and dis-interments but shall have no liability in any situation where a failure to do so is claimed.

Sec. 19-042. Interment regulations.

- (a) Unless otherwise indicated or restricted in the certificate, a grave may be used for interment of any of the following:
 - (1) The remains of one (1) person and the cremains of a second person.
 - (2) The cremains of up to four (4) persons.
 - (3) For children no older than two (2) years of age at the time of death, a specially designated area of the cemetery is available for interment as an alternative location for interment.The use of a grave for interment of multiple persons does not alter the memorial regulations in article VI.
- (b) All casket interments shall be within a standard concrete or steel vault installed or constructed in each grave before interment. All cremains must be in an urn and buried. Scattering of ashes in a cemetery is not allowed.
- (c) The remains of any person who has died of an infectious or contagious disease shall not be interred unless applicable professional certification by a state or county health agency indicates the remains do not pose a potential adverse public health problem.
- (d) The appropriate permit for the grave involved, together with appropriate identification of the person to be interred therein, where necessary, shall be presented to either the sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that interment of that person in that grave is authorized and appropriate before any interment is commenced or completed.
- (e) All actual interment spaces shall be located in an orderly and neat appearing manner within the confines of the grave and plot involved.
- (f) When weather conditions prevent an immediate interment, the Township may delay the interment and temporarily store or arrange for storage of the remains or cremains. In that situation, the Township shall provide the agent and/or responsible member of the deceased person's family with a written notice that specifies the approximate hour and date of interment and place of temporary storage. Such temporary storage is not considered interment and a dis-interment and re-interment permit is not required.

Sec. 19-043. Dis-interment regulations.

- (a) No dis-interment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such dis-interment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township.
- (b) The Township Board shall have the authority to refuse to allow a dis-interment or the digging up of an occupied grave (and to refuse to issue a Township Dis-interment Permit for the same) if the dis-interment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.
- (c) Removal of remains or cremains for the intention of grave or plot resale by an interred person's family is prohibited.

Sec. 19-044. Scheduling of interments and dis-interments.

- (a) Tuesday through Friday interments shall be confirmed with Township at least 24 hours in advance.
- (b) Saturday through Monday interments shall be confirmed with Township prior to 11:00 AM on the preceding Friday.
- (c) Interments shall commence a minimum of two hours apart.
- (d) Interments shall commence no later than 3:00 PM.
- (e) Dis-interments shall be scheduled at least five (5) working days in advance.
- (f) Holiday interments and dis-interments are subject to additional scheduling considerations, fees, charges, and conditions, with holidays meaning those observed by the Township and any days Township offices are closed in such observance. The Township's Cemetery web page contains a list of holidays.
- (g) The Township shall not be liable for delays and may postpone an interments or dis-interment necessitated by a lawful protest the Township has received prior written notice of, or where the requirements of this Ordinance or adopted rules and regulations have not been complied with. The delay shall be until the protest is resolved or the noncompliance is corrected, pending which the Township will not accept remains or cremains for interment.

Sec. 19-045. Authorizations.

- (a) Township shall inter or disinter a grave or plot only upon receipt of written authorization of the owners or, if deceased, their legal representative of record.
- (b) Authorization to inter and/or disinter a grave or plot shall be recorded on documentation approved and retained by the Township.
- (c) Telephone authorizations shall not be allowed or recognized.
- (d) The Township reserves the right to open a grave or plot in advance of interments.
- (e) State of Michigan Statutes shall prevail pertaining to the right to remove a body from a grave or plot. The directives and wishes of the deceased shall be respected.

Sec. 19-046. Relocations, reassignments, and corrections.

- (a) Relocation of remains or cremains to a different grave or plot within the same cemetery shall be allowed when there has been an exchange or purchase for that purpose and written authorization by all owners has been properly documented.
- (b) The Township shall have the right to reassign designated interment locations upon discovery of interment assignment conflicts and shall coordinate such reassignment with affected owners or, if deceased, their legal representatives.
- (c) The Township shall have the right to correct any errors made in executing interments or dis-interments as provided in Section 19-017.

Sections 19-047 -- 19-050. Reserved.

ARTICLE VI DECORATIONS AND MEMORIALS

Division 1 Decorations

Sec. 19-051. Floral Decorations.

- (a) Glass flower receptacles, glass vases, or any other glass decoration shall not be placed at any grave or plot without prior approved by the Township. The Township shall not be liable for discarded, lost, misplaced or broken receptacles, vases, or decorations.
- (b) The Township shall have the right to remove or provide for removal of all floral designs, flowers, weeds, trees, shrubs, plants or vegetation of any kind that becomes unsightly, dangerous, detrimental, or diseased, or that does not conform to the standard maintained in the cemetery.
- (c) The Township shall have the right to remove floral pieces, baskets or frames in or to which floral pieces are attached and shall not be liable for said discarded, lost, misplaced or broken items.
- (d) Floral frames shall be removed from the grave site within five (5) days of placement by those lawfully entitled to them.

Sec. 19-052. Floral Standards.

- (a) Shall be located twelve (12) inches or less from the front of the monument.
- (b) Shall be located four (4) inches or less from either side or the rear of the grave.
- (c) This standard shall not apply to Section A of Crescent Hills Cemetery where memorials are back to back and no rear of memorial plantings shall be allowed.

Sec. 19-053. Plantings.

- (a) Plantings shall be allowed only with prior authorization by the Township.
- (b) Plantings bearing thorns or needles are prohibited.

Sec. 19-054. Ornaments.

- (a) Placing of ornaments at graves shall be prohibited.
- (b) Township shall not be liable for damage or loss of items placed at a grave, or plot.
- (c) Placing of shepherd hooks and solar lights shall be permitted at monuments, and shall be placed within twelve (12) inches in front of and four (4) inches to the side of said monument.

Sec. 19-055. Township removal and lack of liability.

- (a) The Township shall have the right, without liability to any person, to remove and dispose of decorations from a grave, plot, or other location in a cemetery that are not in compliance with the regulations in this Division, and shall have no obligation to store removed materials for any period of time.
- (b) The Township shall not be liable for damages to trees due to the elements, thieves, vandals, or other causes beyond its control.

Sections 19-056 -- 19-060. Reserved.

Division 2 Memorials

Sec. 19-061. General.

- (a) Memorials shall be proportionally sized to the size of the grave or plot upon which they are located and shall never extend beyond the grave(s) for which they are placed.
- (b) Memorial width shall be determined by number of single graves owned in a plot.
 - (1) Single grave monument maximum width shall be thirty (30) inches.

- (2) Two to three (2-3) grave monument maximum width shall be forty-eight (48) inches.
- (3) Four to five (4-5) grave monument maximum width shall be seventy-two (72) inches.
- (4) No Memorial shall exceed seventy-two (72) inches in width.
- (c) Memorial height shall not exceed forty-eight (48) inches.
- (d) Memorial thickness shall not exceed sixteen (16) inches.
- (e) Memorial shall be centered on individual graves or centered on the combined space, and located one (1) foot into the plot at the common plot line.
- (f) Orientation of memorial located in Crescent Hills Cemetery - Section A shall be back-to-back. Township shall identify such graves at time of sale.

Sec. 19-062. Memorial material.

- (a) Memorials shall be constructed of granite, marble, or with prior Township approval, other stone or other material.
- (b) If approved by the Township, bronze memorials shall be mounted on a granite or concrete base. Alternate metal shall be permitted upon prior approval of the Township.

Sec. 19-063. Foundations.

- (a) Foundations for Memorials shall conform to specifications established by the Township.
- (b) The Township shall perform all foundation work.

Sec. 19-064. Memorial damages.

- (a) The Township shall be responsible for damages to memorials caused by its maintenance activities and shall either replace or repair said damages at its discretion.
- (b) Repair of damages to memorials caused by owners, thieves, vandals, inclement weather, or other causes beyond Township's control shall be borne by the owners or, if deceased, their legal representative.

Sec. 19-065. Memorial repair or removal.

Memorials that are not maintained in good condition shall be repaired by the owners of the grave or plot upon which they are located, and upon a failure to do so and subject to the procedures in Section 19-016, may be removed or repaired by the Township.

Sections 19-066 -- 19-070. Reserved.

ARTICLE VII VISITOR CONDUCT

Sec. 19-071. Use of Walks, Roads, Alleys.

- (a) Visitors shall use the avenues, walks, alleys and roadways provided. Lawn areas, plots, and graves shall only be used when that is the only way to reach the grave being visited.
- (b) Unless otherwise provided by law, the Township shall not be liable for injuries sustained by a person while in a cemetery.

Sec. 19-072. Prohibitions on and regulation of activities.

- (a) Children under fifteen (15) years of age shall be accompanied by an adult or legal guardian.

- (b) The gathering of flowers, either wild or cultivated, or the breaking of trees, shrubbery or plants, is prohibited.
- (c) Loitering within a cemetery is prohibited.
- (d) There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial)
- (e) Loud, boisterous or unseemly conduct in a cemetery is prohibited.
- (f) No person shall destroy, efface, apply graffiti to, or otherwise injure any monument, sign, tree or other lawful item located within a cemetery.
- (g) Smoking is prohibited within a cemetery.
- (h) There shall be no use, possession, or consumption of any alcoholic beverage in a cemetery.
- (i) Leaving rubbish, trash, or any other discarded items within a cemetery, except for those items properly placed within waste receptacles, is prohibited.
- (j) There shall be no picnicking or consumption of food in a cemetery without prior Township approval.
- (k) Motor vehicles and vehicles:
 - (1) Speed – Motor vehicles shall not exceed five (5) miles per hour and shall remain on the right-hand side of cemetery roadways.
 - (2) Parking - Motor vehicles and vehicles shall not be parked or left at a full stop in front of an open grave unless participating in an interment service.
- (l) The operation of snowmobiles and off-road vehicles is prohibited in a cemetery.
- (m) Peddling or soliciting sales of flowers, plants, or other materials or services is prohibited within a cemetery.
- (n) The use of firearms or other weapons within a cemetery is prohibited, except as authorized by the Township or governmental authority.
- (o) Signs, notices, or advertisements of any kind are prohibited in a cemetery, unless authorized by the Township.
- (p) Except for service dogs or with prior approval of the Township, pets shall be prohibited from being in a cemetery.

Sec. 19-073. Township Code of Ordinances compliance.

In addition to the prohibitions on and regulations of activities in Section 19-072, compliance with other applicable provisions of the Waterford Charter Township Code is required by persons in a cemetery.

Sections 19-074 -- 19-079. Reserved.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 3 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2017.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Sue Camilleri, Township Clerk