

EAST CHINA CHARTER TOWNSHIP

OFFICIAL PROCEEDINGS

JUNE 19, 2023

CALL TO ORDER – Supervisor Westrick called the meeting to order at 7:30 p.m., with Clerk Smith, Trustees Reichle, Blackstock, Knotts, Babel. Treasurer Hart absent.

PLEDGE OF ALLEGIANCE

APPROVE AGENDA – Trustee Reichle, supported by Trustee Blackstock, moved to approve the Agenda as presented. Carried.

APPROVE MINUTES – Trustee Reichle, supported by Trustee Babel, moved to approve the Minutes of June 5, 2023. Carried.

PUBLIC COMMENT - None.

CONSENT AGENDA – Supervisor Westrick, supported by Trustee Knotts, moved to accept the Consent Agenda as follows: May Financials, Marine City Fire Authority Report for May, Planning/Historical Minutes for May, CWSRF CIPP Report. Carried.

Trustee Knotts commented that the budget for 101 General appears to be overbudget.

DISBURSEMENTS – Supervisor Westrick, supported by Trustee Knotts, moved to approve Payroll \$38,014.38, Accounts Payable \$1,006,106.77, EFT's \$19,910.30, E-checks \$604.60, Tax Account \$8.12, and Invoices \$140,822.73. Roll call vote: Yea: Reichle, Smith, Westrick, Blackstock, Babel, Knotts. Carried.

OLD BUSINESS

OB 1 – 1st Reading of Ordinance 325 to Amend Ordinance 310, Chapter 195 - Cemeteries

Supervisor Westrick offered the 1st Reading of the synopsis of Ordinance 325.

ORDINANCE NO. 325

CHARTER TOWNSHIP OF EAST CHINA

ST. CLAIR COUNTY, MICHIGAN

TO AMEND ORDINANCE 310, CHAPTER 195 – CEMETERIES.

[HISTORY: Adopted by the Board of Trustees of the Charter Township of East China 11-4-2013 by Ord. No. 310.^[1] Amendments noted where applicable.]

[1] *Editor's Note: This ordinance also repealed former Ch. 195, Cemeteries, adopted 12-15-1997 by Ord. No. 253 (Ch. 8-01 of the 1980 Code), as amended.*

§ 195-1. Title.

This chapter shall be known and cited as the "Rosehill Cemetery Ordinance."

§ 195-2. Purpose and intent.

The Charter Township of East China Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterment's and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Township Board finds that the adoption and enforcement of this chapter is in the best interests of the property owners and residents of the Township.

§ 195-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BURIAL RIGHTS

The Burial Rights acquired by the party named herein and evidenced hereby may not be transferred, assigned or conveyed except back to East China Charter Township in exchange for the refund of the original purchase price, excluding the Cemetery Maintenance Fund care cost paid when the Burial Rights were purchased.

- a) Whenever a lot is conveyed to an individual owner, the whole of such lot becomes inalienable and shall be held as a family lot of the owner. One grave site may be used for the owner's interment or may be used for the interment of a surviving spouse of the owner, and those remaining may be used for the parents and children of such deceased owner.
- b) In the event there is no spouse, parent or child surviving an owner, the right of interment shall go to the next heirs at law of the deceased owner.
- c) If there are no surviving heirs of the owner and/or the grantee waiver's the right of interment shall convey back to East China Charter Township in exchange for the refund of the original purchase price, excluding the Cemetery Maintenance Fund care cost paid when the Burial Rights were purchased.
- d) No transfer or assignment of burial right site shall be valid without properly recording of assignment of burial lots and name change with the Township Clerk.

CEMETERY PLOT

Shall consist of an area in the Township cemetery sufficient to accommodate one burial space for one deceased person. It shall consist of a land area at least 40 inches wide and 96 inches in length. Exceptions may be made, with Township permission, to accommodate an infant burial or the burial of cremains.

COLUMBARIUM

Shall consist of a structure containing a group of niches in the Township cemetery. Each niche is sufficient to accommodate two inurned cremains.

TOWNSHIP

East China Charter Township.

TOWNSHIP CEMETERY or CEMETERY

Any cemetery owned, operated and/or controlled by the Township.

§ 195-4. Sale of cemetery plots and columbarium niches.

- A. After the effective date of this chapter, cemetery plots and columbarium niches shall be sold by the Township for the purpose of burial *rights* or placing inurned cremains for the purchaser of a cemetery plot or columbarium niche, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
- B. All sales and transfers of cemetery plots and columbarium niches shall be made on a form approved by the Township Board and signed by the designated Township official, which grants a right of burial only and does not convey any other title or right to the cemetery plot, columbarium niche or burial space sold. Such forms shall be signed by the Township Clerk or Deputy Township Clerk and shall constitute a permit when approved.
- C. Cemetery plots and columbarium niches may *only* be sold back, for the original purchase price, to the Township for resale by the Township.
- D. The Township Board shall have the authority to place a limit on the number of cemetery plots and columbarium niches sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery plot(s) or niche(s) will be sold to a specific person and where such cemetery plot(s) or niche(s) will be located within the Township cemetery. Such decision shall be based upon reasonable factors, including, but not limited to, the number of vacant cemetery plots and niches available and whether family or relatives of the person seeking to purchase a cemetery plot(s) or niche(s) are buried adjacent or nearby the cemetery plot(s) or niche(s) requested.
- E. The Township shall have the right to correct any errors that may be made concerning interments, disinterment's, or in the description, transfer or conveyance of any cemetery plot or columbarium niche, either by canceling the permit for a particular vacant cemetery plot or plots, niche or niches and substituting and conveying in lieu thereof another vacant cemetery plot or plots, niche or niches in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot or niche to the purchaser or the successor of the purchaser. In the event that 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 cemetery plot or niche in a similar location in the same Township cemetery in accordance with law.

§ 195-5. Purchase price for cemetery plots, columbarium niches and indigent burials.

- A. The cost of each cemetery plot or columbarium niche shall be set by resolution of the Township Board. The lawful owner of any cemetery plot or columbarium niche shall promptly provide the Township Clerk with any change in that owner's mailing address.
- B. All charges shall be paid to East China Township.

- C. The Township Board may by resolution periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

§ 195-6. Grave and niche opening charges.

A. The Township may charge reasonable fees for the opening and closing of any cemetery plot or columbarium niche, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board, payable to the Township.

B. No cemetery plot or columbarium niche shall be opened or closed except under the direction and control of the Township Sexton or such other individual as designated by the Township Board. This subsection shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Township Sexton shall be given at least 24 hours' prior notice of when such grave opening or closing will occur.

§ 195-7. Plot markers and memorials.

A. All markers and memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.

B. Only one marker or memorial shall be permitted per cemetery plot, or one marker or memorial in total where two adjoining plots share that one marker or memorial. Markers shall be no more than 34 inches in width or 74 inches in width for a double marker, with an overall height of no more than 48 inches above ground level, including the foundation. Individual markers flush with the ground shall be no more than 12 inches by 24 inches in size.

C. The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township, or such person(s) as may be designated by the Township Board. Fees for such work shall be set from time to time by resolution of the Township Board, payable to the Township.

D. Should any monument or memorial (including any monument or memorial that was in place before this chapter became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the cemetery plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.

E. The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. The

Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such marker, memorial, urn or similar item.

§ 195-8. Columbarium niche markers.

- A. All markers must be comprised of bronze and ordered by the Township by an approved supplier. Veteran markers shall be governed by the Veterans Administration rules and guidelines. Any and all other attachments are prohibited on the columbarium and niches.
- B. Only one marker shall be permitted per niche. Markers shall be four inches by 11 inches in size. Fees for columbarium markers shall be set from time to time by resolution of the Township Board, payable to the Township.

§ 195-9. Interment regulations.

- A. Only one person shall be buried in a cemetery plot, except for a parent and infant child or two children buried at the same time when approved by the Township. **Burial sites** are for human remains only. The following burial combinations are allowed. Per burial plot/grave:
 - 1. One coffin burial
 - 2. One cremation burial
 - 3. One coffin and one cremation burial.
 - 4. Two cremation burials.
- B. Only two cremains shall be interred in each columbarium niche. Cremains shall be in a container approved by the Township.
- C. The Township shall be given not less than 36 hours' prior notice in advance of any funeral to allow for the opening of the cemetery plot or columbarium niche. All openings and closings shall be done only by the Township Sexton or such person or persons as are designated by the Township.
- D. The appropriate permit or form issued by the Township for the cemetery plot or columbarium niche involved, together with appropriate identification of the person to be buried therein and the burial transit permit from the Health Department, shall be presented to either the Township Sexton or the Township Clerk (or designated Township official) prior to interment. Where such permit or form has been lost or destroyed, the Township Clerk must be satisfied from his or her records that the deceased person to be buried in the cemetery plot is an authorized and appropriate person for that space before any interment is commenced or completed.
- E. The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved.

§ 195-10. Disinterments.

- A. No disinterment 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 disinterment 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 disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment 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.

§ 195-11. Winter burials.

- A. The Township may charge additional fees for winter burials.
- B. No winter burials shall occur without the prior consent of the Township Sexton.

§ 195-12. Cremains.

- A. Cremains may be buried in a container approved by the Township in a cemetery plot or in a columbarium that has been installed by the Township within a Township cemetery.
- B. No cremains shall be scattered or dispersed within a Township cemetery.

§ 195-13. Grounds maintenance.

- A. One flower pot **in a township approved stand** may be placed and maintained at the head stones of graves. The contents must be maintained or contents will be subject to removal. Veteran flags and flag holders shall be governed by the Veterans Administration rules and guidelines. Grave blankets may be placed on graves no earlier than November 15 of each year and must be removed no later than April 1 each year.
- B. No grading, leveling or excavating within a cemetery shall be allowed. Furthermore, no tree, shrub, landscaping or similar plantings shall be allowed.
- C. The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds, bricks, blocks and any borders are prohibited.
- E. The Township Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, statues, containers and other items
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature, including, but not limited to, dried flowers, wreaths, papers and plastic flower containers, must be removed from the cemetery within 10 days after a burial.
- H. No glass containers or items are allowed.

§ 195-14. Disclaimer of Township liability and responsibility.

Every person who enters, remains in and travels within the Township cemetery does so at his/her own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in the Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, hanging flower pot or any other item placed at or near a cemetery plot, burial site or anywhere in the Township cemetery. The purchaser or transferee of any cemetery plot and columbarium niche or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument or similar items, and any matter related to the cemetery involved. Such waiver, release and hold-harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

§ 195-15. Forfeiture of vacant cemetery plots, columbarium niches or burial spaces.

Cemetery plots, columbarium niches or burial spaces sold after the effective date of this chapter and remaining vacant for 40 years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

- A.** 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/her of the expiration of the forty-year period and that all rights with respect to said plots, niches 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 such notice of his/her desire to retain such burial rights; and
- B.** No written response to said notice indicating a desire to retain the cemetery plots, columbarium niches or burial spaces in question is received by the Township Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.
- C.** Upon the discretion of the Township to sell forfeiture lots or to remain vacant.

§ 195-16. Repurchase of plots or burial spaces.

The Township may repurchase any cemetery plot or columbarium niche from the owner upon the written request of said owner or his or her legal heirs or representatives.

§ 195-17. Records.

The Township Clerk shall maintain records concerning all burials, cemetery plots, columbarium niches, issuance of burial permits and any other records of the Township related to Township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

§ 195-18. Vaults.

- A.** All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each cemetery plot before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.
- B.** Cremains shall be in a container approved by the Township.

§ 195-19. Cemetery hours.

Unless otherwise specified by the Township Board by resolution, all Township cemeteries shall be closed during the hours from 9:00 p.m. until 7:00 a.m. During those hours, no person shall be present in a Township cemetery. Such prohibition on being present in a Township cemetery during the time when a Township cemetery is closed shall not apply to the Township Sexton, any Township official, a person accompanied by the Township Sexton or other Township official, or any law enforcement or fire-fighting official when engaged in the lawful duties of any such office or position.

§ 195-20. Prohibited uses and activities.

A. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a Township cemetery.

B. No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.

C. No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.

D. There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.

E. There shall be no destruction of cemetery property.

F. There shall be no destruction, defacing, cutting, etc., of any tree or plant within the cemetery.

G. There shall be no headstones, ornaments, vases, artificial flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in the cemetery except those expressly allowed by this chapter.

H. There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.

I. There shall be no digging, grading or mounding unless expressly authorized by this chapter.

J. There shall be no driving of an automobile, truck or any vehicle on any portion of the cemetery except the designated roads or drives.

K. There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles.

L. There shall be no disinterment or grave openings unless approved by the Township.

M. There shall be no possession or consumption of any alcoholic beverage

N. There shall be no picnicking or consumption of food without prior Township approval.

O. There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.

P. There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.

Q. There shall be no littering or dumping.

R. There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.

S. There shall be no private signs, lighting, moving displays or changeable copy on a sign.

T. There shall be no fires, candles or open flames.

U. No children under 12 years of age shall be allowed in the Township cemetery unless accompanied by an adult and properly supervised by an adult.

V. There shall be no exceeding of posted speed limits.

W. There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to dogs assisting handicapped persons.

X. No firearms or archery arrows shall be discharged or shot, except that military or other veterans' organizations may carry arms for the purpose of firing over the grave at the burial of a member.

Y. No person shall engage in any fight, quarrel or disturbance.

Z. Cremains or ashes of a deceased person shall not be scattered or dispersed.

AA. There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.

§ 195-21 Authority of Township Sexton.

A. The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board.

B. The Township Sexton shall assist other Township officials with the enforcement and administration of this chapter.

C. The Township Sexton shall have such duties and obligations with regard to the Township cemetery as may be specified from time to time by the Township Board.

§ 195-22 Fees.

The Township Board shall have the authority to set fees pursuant to this chapter from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, niche opening, setting of foundations, grave closing, winter or holiday burial, the price for a new cemetery plot or columbarium niche, maintenance fund, transfer fees for cemetery plots, columbarium niche markers and other matters. Cemetery maintenance funds will only be disbursed by motion of the Township Board.

§ 195-23 Applicability.

A. This chapter shall apply only to cemeteries owned, controlled or operated by the Township.

B. The provisions of this chapter shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.

C. The provisions of this chapter shall not apply to police officers or fire-fighting officials or officers involved in carrying out their official duties.

§ 195-24 Interpretation/appeals to Township Board.

A. The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this chapter and any rule or regulation adopted pursuant to this chapter, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this chapter or any rules or regulations promulgated under this chapter where practical difficulties in carrying out the strict letter of this chapter or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this chapter.

B. Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this chapter, as well as any matter relating to the Township cemetery, rights to a cemetery plot or columbarium niche, or other matter arising pursuant to this chapter, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty (30) days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least 10 days' prior written notice of the meeting at which the Township Board will address the matter, unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.

C. The Township Board may set a fee or fees for any such appeal from time to time by resolution.

§ 195-25 Authority of Township to remove unauthorized or unlawful items.

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this chapter, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery. No such item (including, but not limited to, a monument, marker,

planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this chapter or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

§ 195-26 Enforcement officials.

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this chapter and to issue municipal civil infraction citations/tickets pursuant to this chapter:

- A.** Township Supervisor.
- B.** Township Clerk.
- C.** Township Sexton.
- D.** Township Zoning Administrator.
- E.** Township Ordinance Enforcement Officer.
- F.** Any Deputy of the St. Clair County Sheriff's Department.
- G.** Any State Police officer.

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

REPEAL

All Ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE

This Ordinance shall become effective upon publication after adoption.

INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 5111 River Road, East China, Michigan 48054, during regular posted office hours.

NEW BUSINESS

NB 1 – Appoint new Park Liaison

Supervisor Westrick, supported by Trustee Knotts, moved to appoint Trustee Allen Reichle as Park Liaison, term ending November 20, 2024. Carried.

MEMBER COMMENTS – Bike path bridges are completed and paving repairs will be completed tomorrow. River Road across from Little Grocery was restored temporarily; the contractor did not complete the sewer manhole replacement and will return in the fall to complete. Township hall has new blinds, TV, and security camera, and 2 of 3 furnaces are installed. Cemetery paving will also be completed soon. Trustee Babel thanked Water Plant and Wastewater Plant Superintendents for the great plant tours for staff and Board members.

ADJOURN – Trustee Reichle, supported by Trustee Babel, moved to adjourn at 7:47 p.m. Carried.

Sandra Smith, Clerk

Verne Westrick, Supervisor

Approved 7.3.2023