

**ORDINANCE NO. 2021-1
ELY TOWNSHIP CEMETERY**

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of cemetery owned, controlled or operated by the Township of Ely, Marquette County, Michigan.

THE TOWNSHIP OF ELY, COUNTY OF MARQUETTE, MICHIGAN ORDAINS:

SECTION 1. Title

This Ordinance shall be known and cited as the “Ely Township Cemetery Ordinance”.

SECTION 2. Purpose and Intent

The Ely Township Board recognized and concluded 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. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

SECTION 3. Disinterment

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.

The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave if the disinterment or digging up of an occupied grave is not done pursuant to applicable state law.

Any person who requests the opening and closing of a burial space shall be responsible for all applicable charges.

SECTION 4. Grounds Maintenance

No grading, leveling or excavation within a cemetery shall be allowed without the prior permission of the Township Supervisor. Furthermore, no tree, shrub, landscaping or similar plantings shall occur without the prior permission of the Township Supervisor.

The Township Supervisor 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.

Mounds, bricks, blocks and any borders that hinder free use of the lawn mower are prohibited.

The Township Supervisor shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that cause decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem.

No glass containers or items are allowed.

Except for markers, memorials, flowers and veteran flags as authorized by law, no other item shall be installed or maintained within the cemetery, nor shall any grading, digging, mounding or similar alteration of the ground occur except as authorized by this Ordinance or by the Township.

SECTION 5. Disclaimer of Township Liability and Responsibility

Every person who enters, remains in and travels within a Township cemetery does so at their 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 or other item placed at or near a cemetery plot or anywhere in the Township cemetery. The owner of any cemetery plot (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 to any Township employee, officer or agent.

SECTION 6. Records

The Township Clerk shall maintain the records concerning the cemetery that they have been able to gather since the original loss of records in a fire. These records shall be open to the public during regular business hours.

SECTION 7. Cemetery Hours

Unless otherwise specified by the Township Board by resolution, the cemetery shall be closed during the hours of 9pm until 7am the next morning. During those hours, no person shall be present. Such prohibition on being present in the cemetery during closing hours shall not apply to any Township Agent or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.

SECTION 8. Prohibited Uses and Activities

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

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

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

There shall be no destruction of cemetery property.

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

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

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

There shall be no littering or dumping.

There shall be no fires or open flames.

SECTION 9. Interpretation/Appeals to the Township Board

The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance.

SECTION 10. Severability

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision

involved in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

SECTION 11. Penalties

Any civil infraction for violation of this Ordinance will be punishable by fines up to \$500.

SECTION 12. Effective Date

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance appears in the newspaper.

The above Ordinance was offered for adoption by Township Board member Wing and was seconded by Township Board Member Hosang.

Ayes: Wing, Hosang, Schultz, Jaykka, Pepin

Nays: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance adopted by the Ely Township Board at a regular meeting held on January 18, 2012.

Dated: January 18, 2012

Respectfully submitted,

Kim D. Wing
Township Clerk