

**NORWAY TOWNSHIP  
ORDINANCE 2024-1**

**CEMETERY**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of Norway Township Cemetery; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.”

**THE TOWNSHIP OF NORWAY, COUNTY OF DICKINSON, MICHIGAN ORDAINS:**

**Section 101 – Authority**

The Township Board is hereby authorized under this ordinance to establish such regulations and fee schedules as are necessary to administer the Norway Township Cemetery and to protect public property, and no person shall fail to comply with such regulations.

**Section 102 – Objective**

The objective of this ordinance is to provide the public with:

- a) a modern cemetery sacredly devoted to the interment of the deceased;
- b) a burial space at a reasonable cost, and;
- c) care and maintenance of the cemetery grounds

There are no other motives of the Township Board in the adoption of this ordinance.

**Section 103 – Definitions**

- a) Cremains – the ashes that remain after the cremation of a body, in a closed container.
- b) Grave space – a grave space shall consist of a land area approximately 5’ wide and 9’1/2” long.
- c) Lot – a parcel of land for burial purposes only of one or more persons.
- d) Marker – a singular stone of granite or marble, or a bronze plaque, with the name of the individual identification thereon.
- e) Monument – a memorial consisting of granite, marble or bronze bearing the name or names of a family or families, consisting of a base and the upper portion or main section know as a die.
- f) Resident – a person who, at the time of his/her death, owns a property on which the property taxes qualify for a 100% homestead exemption. This includes all members of the immediate family as follows: property owner, spouse, and all children still living at home.

**Section 104 – Perpetual Care Funds**

The Township Board maintains a perpetual care fund, however since October 10, 2011, all perpetual care fees paid and interest earned have been deposited into the Township General Fund for use in operation and maintenance of the Cemetery and no new funds have been added to the perpetual care fund. With the effective date of this ordinance, Norway Township will eliminate the separate designation of perpetual care fees and include this fee in the cost of the purchase price of the grave. The existing perpetual care funds shall be expended upon such graves, lots, or parcels of land for the

purpose of keeping the same in repair or maintaining them by or under the direction of the Township Board of Norway Township. Proper expenditures shall consist of filling in sunken graves and re-sodding as necessary.

### **Section 105 – Receipts**

For sale of graves, the Facilities Manager/Sexton shall give a signed receipt stating the amount paid, the name of the person making the payment, a description of the grave, including block and lot number, for which the payment was made. The Facilities Manager/Sexton record the purchase of all graves in the cemetery records on site at the cemetery and shall also give a copy of the receipt to the Township Clerk for inclusion in the on-line cemetery records. All fees collected by the Facilities Manager/Sexton shall be turned in to the Township Clerk, who shall, after recording the sale in the books, give the fees to the Township Treasurer for deposit.

### **Section 105 – Arms Prohibited**

Firearms, bows and arrows or other weapons are not permitted within the cemetery grounds, except that military or other organizations may carry arms for the purpose of firing a salute over the grave during the burial ceremony or other remembrance events.

### **Section 106 – Animals Prohibited**

Domestic pets, farm animals or horses shall not be permitted within the cemetery.

### **Section 107 – Liability**

The Township shall not be liable for any loss or damage caused by an act of God, common enemy, thieves, vandals, unavoidable accidents, riots, or order of any military or civil authority, to any lots or structures or objects thereon or the flowers or articles removed from any lot or grave, nor for any loss or damage or bodily injuries sustained by any person(s) except as a result of negligence on the part of the Township or its employees.

### **Section 108 – Vehicle Operation**

Any person driving in the cemetery and the owner of the vehicle so driven shall be liable and responsible for any injury or damage done by the vehicle in the driver's charge.

In addition, no person shall:

- a) Drive a vehicle in excess of 15 miles per hour on any cemetery road.
- b) Drive off the established roads unless permission to do so is granted by the Facilities Manager/Sexton.
- c) Drive snowmobiles within the cemetery grounds.
- d) Make any unnecessary noise, such as loud talking, yelling, whistling or the blowing of horns.
- e) Cause any vehicle to be within the cemetery grounds except during the hours established for the cemetery grounds to be open.

### **Section 109 – Hours of Operation**

The entrances of the cemetery shall be open from 7:00 a.m. to one-half hour after sunset and no person shall be permitted to enter the cemetery grounds other than during such hours except by special permission of the Facilities Manager/Sexton. Unauthorized entry by a person or persons is a violation of this ordinance.

### **Section 110 – Grounds Maintenance**

To create and preserve the maximum beauty of the entire cemetery, the following rules shall be observed:

- a) The Township of Norway reserves to itself the sole right to plant and maintain all permanent planting with the cemetery. Lot owners desiring special permanent planting on their lots shall make their request to the Facilities Manager/Sexton, who may permit such planting to be done at the lot owner's expense; such planting shall immediately become the property of the cemetery.
- b) Bushes, shrubs or ornamental trees will be allowed limited growth and trimmed or cut back when they overhang lots or a different owner.
- c) Landscape materials, such as bark, mulch and stone, other than earth or sod are prohibited unless approved by the Facilities Manager/Sexton.
- d) All decorations, plastic decorations, floral designs, baskets and artificial flowers placed on the grave site the previous year may be maintained on graves until determined by the Township Board at which time a notice will be posted and owners shall remove all of the above items to allow for spring and/or fall clean up. If items are not removed on time, cemetery employees will remove them and dispose of them.
- e) The Township reserves the right to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind, whether real or artificial, from the cemetery as soon as, in the judgment of the Facilities Manager/Sexton, they become unsightly, dangerous, detrimental, or deceased, or when they do not conform to the decorum of the cemetery.
- f) Park benches are prohibited in the cemetery.
- g) Watering, sprinkling, etc. is prohibited unless attended by an individual in the immediate area. Devices will be confiscated by the Facilities Manager/Sexton.

### **Section 111 – Monuments and Markers**

- a) Monuments shall be designated with reference to the topography and location of the monument to the surrounding area. No more than one monument shall be erected on a lot platted for less than two graves.
- b) Except where permitted otherwise at the time of the sale of a grave(s), no monument shall be placed upon any lot unless such lot has been paid for in full.
- c) No material except a granite, a good grade or white marble, cut stone from recognized monument quarries or standard bronze shall be used for markers or monuments. Bronze may be used for markers extending about the grade only if attached to a cement or granite base.
- d) The size of all monuments and markers shall be compatible with the markers and memorials now within the cemetery and shall otherwise be designated, engraved and located upon the burial space in a tasteful manner compatible with a place of final interment. The determination of compatibility shall reside solely with the Facilities Manager/Sexton. Any monument or marker placed on the grave shall be a maximum of 36 inches overall width. A second marker shall be placed flush with the ground.

### **Section 112 – Foundations and Footings**

- a) All monuments shall be placed on foundations or solid masonry. The depth of footing under a monument shall be four feet.
- b) Foundations (footings) for upright markers or monuments will be left no more than two inches below the grade of the lot and shall exceed the dimensions of the gravestone or monument by three and one-half inches (3-1/2") on all sides at ground level.
- c) All materials used in the construction of any foundations, monuments, or headstones must be inspected by the Facilities Manager/Sexton. All construction and installation relative to foundations, monuments, or headstones must be performed during regular Township working hours. All such construction and installation must be performed with the approval of the Facilities Manger/Sexton.

### **Section 113 – Burial Regulations**

The Facilities Manager/Sexton, or a designated assistant, is expected to see that the regulations and decorum of the cemetery are observed. No burials shall be made on national holidays except by order of the Facilities Manager/Sexton. No interment equipment except that provided by the Township shall be used. Workmen engaged in the vicinity of a burial shall suspend their labors during services at the grave.

- a) No interment shall take place unless the grave space has been paid for and rules and regulations relative to burials have been complied with. The Township shall not be liable for such Burial Permit or responsible for the accuracy of the date contained therein or for the identity of the person to be interred or entombed. The burial permit must be received by the Facilities Manager/Sexton at or prior to the time of burial.
- b) No person shall be buried in any lot owned or hereinafter purchased unless and until the perpetual care fee (on lots sold before October 10, 2011) for that particular lot is paid prior to the burial.
- c) No grave shall be opened unless the grave space has been paid for or unless then funeral director assumes the responsibility of payment for such grave space. Funeral directors making arrangements for burials shall be responsible for grave (s) purchases and all interment charges if not paid by the owner or his agent.
- d) If the deceased to be interred is not the owner or is not a member of the owner's immediate family, written consent of the owner, owners, or authorized agent must be filed with the Facilitates Manger/Sexton before interment by be permitted.
- e) The cremains of a spouse or other family member are permitted to be placed in the grave above the interment vault, resulting in a maximum of two remains per grave space. Any cremains buried within that grave space shall be subject to the fee schedule established by the Township Board.
- f) No cremated ashes are to be scattered on cemetery grounds.

### **Section 114 – General Regulations**

- a) The Township or its agents or employees shall not be held responsible for errors in location of graves on lots arising from improper instructions by owners. Orders from funeral directors shall be construed as orders from lot owners. Under no circumstances shall the Township assume responsibility for errors in opening graves when orders are given by telephone.
- b) No graves shall be opened except by employees of the Township.

- c) No vaults or other materials shall be delivered to the cemetery on Sundays or nationally observed holidays except by orders of the Facilities Manager/Sexton. Funeral directors shall arrange the time of a funeral so that cemetery employees can complete interment by 3:00 p.m. except in cases of emergency.
- d) Concrete or metal vault shall be compulsory for all burials requiring a five foot (5') or larger opening.
- e) The number of remains placed in a grave is limited to one, except that the remains or a baby may be placed in a grave with adult remains.
- f) The number of cremains placed in one grave space will be limited to two. No other remains will be allowed in that grave space.
- g) No cremains are to be scattered on cemetery grounds.

### **Section 115 – Disinterment**

- a) Disinterment and removal of a body shall not be made without notice in writing to the Facilities Manager/Sexton and the permission in writing of the lot owner and next of kin of the deceased. Graves shall not be opened for inspection except for official investigation by proper legal proceedings. Permits for disinterment and removal of a body must be obtained from the County Health Department before the procedure can be done.
- b) After the close of any funeral service at the grave and after the placing of a body in the receiving vault, it shall not be permissible for anyone to open the casket or to touch the body therein without the consent in writing of the legal representative of the deceased or a Court Order for that purpose.
- c) The Township shall exercise due care in making a disinterment and/or removal, but it shall assume no liability for any damage to any casket or burial case incurred in making the disinterment or removal.

### **Section 116 – Exceptions**

None of these regulations are intended to violate any burial customs of any religious organization, and where any contradictions exist, exceptions to these rules may be permitted by the Township Board if they are not in violation of any other regulations or laws.

### **Section 117 – Lots**

- a) All lots shall be sold subject to these regulations or those hereafter adopted. No lot shall be used for any other purpose other than the burials of human remains and the placing of appropriate memorials. Interment of the remains of any person other than the owner of a lot or any member of the immediate family shall be permitted only after written consent by the owner, owners, or authorized agent has been filed with the Facilities Manager/Sexton. In the case of a minor, the guardian or authorized agent thereof shall give such consent upon proof of authority to act. Burials lots are exempt from ordinary taxes and cannot be seized on execution. The Township may impose specific charges against lots.
- b) No deceased paupers or indigents buried at public expense shall be buried in any lot unless such paupers or indigents shall be residents of the Township of Norway or unless such paupers or indigents or their families shall own a lot in the Norway Township Cemetery in which the said paupers or indigents can be buried.

## **Section 118 – Lot Transfer and Assignment**

A transfer or assignment of any lot, or interest therein, may only be made by the Township of Norway and upon the request of the lot owner. Such transfer or assignment shall thereafter be recorded on the books of the cemetery and a new receipt with designated block, lot and grave number shall be issued to both parties for their records. If any indebtedness is due the Township of Norway from the owner of any such lot at the time of such transfer or assignment, such indebtedness shall first be paid to the Township of Norway.

Upon a transfer or assignment to the Township of Norway such lot(s), or interest therein, shall become the sole property of the Township of Norway and subject to resale by it to others at such price therefore as may be deemed equitable, consistent with current schedules of rates and charges therefore. Lot transfers or assignments to the Township of Norway will be refunded as a proportion of the unused portion of the entire lot's original purchase price.

## **Section 119 – Forfeiture of Vacant Lots**

Cemetery lots or burial spaces sold after the effective date of this document and remaining vacant for 40 years from the date of their sale shall automatically revert to the Township upon 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 them of the expiration of the 40-year period and that all rights with respect to the lots or spaces will be forfeited if they do not affirmatively indicate in writing to the Township Clerk with 60 days from the date of mailing of the within notice of their desire to retain the burial rights.
- b) When no written response to the notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of the lots or spaces, or the heirs or legal representative, within 60 days from the mailing of the notice , the cemetery lots or burial spaces shall revert to the township to be sold

## **Section 120 – Fee Schedule**

The Norway Township Board shall adopt fee schedules for burial services, lot sales, annual care, and special services for residents and non-residents. Prices may be revised at any time by the Norway Township Board as conditions require.

A child up to the age of two (2) years shall have free burial.

## **Section 121 – Violations and Penalties**

Violation of this ordinance is a misdemeanor subject to punishment by fine and/or imprisonment. The amounts of the fine, imprisonment and/or both shall not exceed \$200.00 and ninety (90) days respectively.

## **Section 122 – Amendments**

This ordinance shall be subject to amendment by the Township Board at ny time hereafter in the manner provided by law and said amendment shall become effective upon thirty (30) days following the publication of the amendment thereof.

**Section 123 – Sever ability**

Should any section or port thereof of this ordinance be declared unconstitutional, null or void by a court of law, then such declaration shall not affect the validity of the remaining sections or parts thereof of this ordinance.

**Section 124 – Repealing Clause**

Norway Cemetery Ordinance No. 2011-02, and all township cemetery ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 125 – Effective Date**

This ordinance supersedes any and all rules and regulations previously implied and/or published. This ordinance shall be published in a news paper and circulated within the Township of Norway within fifteen (15) days following the adoption thereof. This ordinance shall become effective thirty (30) days after it is published herein.

Enacted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

**Roll call vote:**

Byczek \_\_\_\_\_

Solda \_\_\_\_\_

Edwards \_\_\_\_\_

Steen \_\_\_\_\_

Giuliani \_\_\_\_\_

Donald Byczek \_\_\_\_\_  
Supervisor

Date: \_\_\_\_\_

Joyce Giuliani \_\_\_\_\_  
Clerk

Date: \_\_\_\_\_