

**Cemetery Rules and Regulations Ordinance  
Omard Cemetery  
Sanilac County  
Brown City, Michigan**

ORDINANCE # 2022-2

Unless specifically stated otherwise, whenever in the following rules and regulations ordinance the word ***cemetery*** is used, it shall mean all sections of the Omard Cemetery owned and managed by Flynn Township.

The Township hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, paragraph or sentence in these Rules and Regulations at any time. Any alteration to this document will result in a new version number.

A copy of these Rules and Regulations Ordinance shall be furnished to every purchaser of burial rights at the time such sale is made, as well as, to any prior purchaser of burial rights upon request.

Failure to follow the rules and regulations ordinance may result in further action taken by the Flynn Township Board with any incurred costs the responsibility of the burial plot owner.

**DEFINITIONS**

**1 . Definitions of Lots and Lot Owners:**

- a. A *Burial Plot* shall consist of one grave site permitted for the burial of one person in the form of one vault or one cremains.

- A standard burial plot shall consist of an area four feet (4') wide by eight feet three inches (8'3") in length,
- b. A *Lot* shall consist of one or more burial plots as determined when the sections were platted,
  - c. *Width* (i.e. width of a headstone) shall refer to the horizontal dimension along the short side of a burial plot.
  - d. *Depth* (i.e. depth of a headstone) shall refer to the horizontal dimension along the long side of a burial plot,
  - e. *Thickness* shall refer to the vertical dimension of concrete foundations,
  - f. *Height* shall refer to the vertical dimension of upright headstones and monuments above the surrounding grade.

## 2. Definitions of Monuments, Headstones and Markers:

- a. A headstone is defined as an upright memorial placed at the head of a grave. All headstones shall be made of granite, marble or other durable stone.
- b. A niche headstone is defined as an upright memorial intended for above ground internment of cremains. All niche headstones shall be made of granite, marble or other durable stone.
- c. A marker is defined as a memorial set flush with the surrounding grade. Markers may be set at the head of a grave in lieu of a headstone. Markers may also be placed at the foot of a grave such as military veteran markers. Markers are of three varieties:
  - i. A durable stone such as granite or marble,
  - ii. A bronze plaque set in concrete,
  - iii. A bronze plaque affixed to a flat, durable stone such as granite or marble.
- d. A monument is defined as a statue or other structure placed in memory of the dead. Headstones or markers are required for proper identification of each burial plot.

## **ARTICLE 1 – GENERAL RULES**

- 1. Be Respectful.**
- 2. Persons visiting the cemetery or attending funerals are prohibited from picking flowers, wild or cultivated, breaking of any tree, shrub or plant, or from writing upon, defacing or injuring any memorial or other objects (such as trees, signs, ...) within the cemetery grounds.**
- 3. No person shall trim, prune, or remove any branches from any tree in the cemetery, instead notify the Cemetery Sexton.**
- 4. The following are prohibited:**
  - a. The driving of motor cars or other vehicles through the entrances or in the cemetery at excessive speeds. The maximum speed limit within the cemetery is five (5) miles per hour,**
  - b. Driving any motor car or vehicle across or upon any grave, lot or lawn or parking or leaving the same thereon,**
  - c. Parking or leaving any motor car or vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other cars or vehicles from passing same.**
- 4. Minors are not permitted within the cemetery unless accompanied by an adult.**
- 5. No planting of trees, bushes, shrubbery, shall be permitted. Flowers or other ornamental beds of plantings, vase of cut flowers, a potted plant or a square urn, placed not more than twelve inches (12") from the base of the marker, of a size not exceeding twelve inches (12") in width, length and height will be allowed. Said ornamentation and container to be placed at the owner's responsibility. Glass containers are not allowed for safety reasons.**

6. It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, no person within the cemetery shall:
  - a. Talk in a loud or boisterous manner or quarrel,
  - b. Make any improper noise or disturbance,
  - c. Be drunk or intoxicated,
  - d. Use any profane, vulgar or indecent language,
  - e. Conduct themselves in an obscene or disorderly manner,
  - f. Loiter on the grounds,
  - g. Engage in any game, amusement or diversion within the cemetery,
  - h. Bring food or refreshments into the cemetery or consume them on the grounds,
  - i. Peddle or solicit the sale of any commodity within the cemetery,
  - j. Place signs, notices or advertisements of any kind within the cemetery without Cemetery Sexton approval,
  - k. Light or maintain a fire in any form,
  - l. Bring animals into the cemetery without a proper leash and the owner removes any waste the animal creates while visiting the cemetery,
  - m. Bring any explosives into the cemetery, or discharge any firearms or explosives within the cemetery except by a military escort accompanying a veteran's funeral or participating in a memorial service, unless he or she is a police or peace officer on official duty.
  
7. The hours of the cemetery will be from dawn to dusk, daily. Winter decorations will need to be removed by April 1<sup>st</sup>. Summer Decorations will need to be removed by October 1<sup>st</sup>.
  
8. Complaints of any inattention, neglect or other misbehavior on the part of any Township official (or hired resources) connected with the

cemetery may be made to the Township Supervisor, and the same will be promptly investigated.

## **ARTICLE 2 – LOTS AND LOT OWNERS**

1. Multiple burials or cremains on a single burial plot is not permitted.
2. Purchase of a full-size burial plot is required for infant burials and cremations.
3. Purchases of burial plots in the cemetery shall be made with the Township and the cost of burial plots shall be paid in full at the time of purchase at the current rate on the date of the purchase.
4. Description of burial plots will be in accordance with the cemetery plats which are kept on file at the Township Hall, online and in the office of the Township Clerk.
5. All lots as platted are for below ground level interments except in the form of Niche Headstones. All other forms of above ground level burial vaults and mausoleums are prohibited on these lots, except by permission of the Cemetery Sexton. Above ground level interments shall apply towards the total permitted number of burials per Burial Plot.
6. All burial plots in the cemetery can only be sold to the Flynn Township Board for the amount originally paid by the Deed holder. Burial plots may be gifted to others but never sold. All transfers must be documented in writing (with a copy of the existing Deed) to the Cemetery Sexton or Flynn Township Clerk and a new Deed issued before the transfer is valid.

7. Purchases of lots shall acquire only the privilege or right to make interments in the lot so purchased. No burial plot shall be used for any purpose other than for the burial of the human dead.
8. Ashes from cremains must be buried in the ground or placed in a cremain niche and may not be scattered over any burial plot.
9. The Township will take all reasonable precaution to protect lot owners, and the rights of lot owners, within the cemetery from loss or damage; but the Township disclaims all responsibility for loss or damage from causes beyond its reasonable control.

### **ARTICLE 3 – CARE OF LOTS**

1. The general care of the cemetery is assumed by the Township and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds and the pruning of shrubs and trees.
2. The general care assumed by the Township shall in no case mean the replacement of any memorial placed upon lots.
3. No person shall be allowed to remove the sod from burial plots. Persons who make changes upon their burial plots, after having been graded, thereby disarranging the previous improvements, shall be charged the cost of putting the lots in the same order as before.
4. No burial plots shall be defined by any fence, railing, coping, trees, shrubs, embankments, depression or any other marks (including paint in any form) to define its boundaries.

5. No burial plots shall be covered in whole or in part by sand, gravel, mulch, broken stone, broken glass, cinders or other substance, which may prevent the free growth of grass.

## **ARTICLE 4 – FUNERALS, GRAVE DIGGING & REOPENING OF GRAVES**

1. All notifications for burial shall be made in time to allow the Cemetery Sexton at least eight (8) working hours to prepare the grave. Each body or cremains must be accompanied by a Burial Transit Permit issued by the appropriate authority, without which no burial will be allowed.
2. Orders for burial on Saturday, Sunday or a Holiday must be given to the Cemetery Sexton before ten o'clock A.M. of the previous regular workday, except in extenuating circumstances.
3. At the time of application for burial, precise understandable written instructions must be given regarding the particular burial plot in the lot where interment is desired; the Cemetery Sexton or Flynn Township Board will not be held responsible for any mistake occurring if no precise understandable written instructions were provided. If there are no written instructions provided, it is at the Cemetery Sexton's discretion in choosing the burial plot.
4. All funerals, while within the cemetery, shall be under the control of the Cemetery Sexton and shall use only such roadways as he/she shall direct.
5. Formal services within the cemetery may take place at the grave-side. For grave-side services, tent, chairs, etc., if desired, shall be arranged for by the Funeral Director.

6. During a burial service, all work in the immediate vicinity by employees, contractors or others shall be discontinued.
7. All burial vaults shall be of pre-fabricated concrete. Surface vaults or casket/vault combos are not allowed.
8. Burial vaults must be in place prior to lowering the casket into the grave excavation unless extenuating circumstances dictate otherwise.
9. The burial of two (2) or more persons in one burial vault is not permitted (except i.e. mother and infant or multiple stillborn infants, if buried at the same time) without permission of the Township Board.
10. Burial urns must be made of nonhazardous material safe for burial in the ground.
11. One week after burial, or at the discretion of the Cemetery Sexton, all flowers will be removed from the grave and as soon as possible thereafter the earth will be settled to the regulation grade.
12. The burial of all persons who have died of infectious or contagious diseases shall be conducted strictly in accordance with the regulations of the State or Local Health Department.
13. Disinterment, removals or reopening of graves shall be conducted exactly the same as original burials, being made only by the Cemetery Sexton upon a permit issued by the Township Clerk; and the Township Clerk shall not issue a permit for the disinterment, removal or reopening of the grave of any person who died of any infectious or contagious disease without first obtaining the



permission of the State or Local Health Department which shall direct the manner in which the work shall be done.

14. The Township holds that a burial plot, once used for burial, thereby becomes sacred ground and the Township shall refuse to allow the body buried therein to be disinterred except by order of the husband, wife, father, mother, son or daughter of the deceased, and the Township Board reserves the right to refuse any such request, regardless of the need therefore with the following exceptions:
  - a. When the Township is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Township Clerk,
  - b. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Township Clerk, a signed authorization to release the body to himself/herself and his/her lawful agents.

## **ARTICLE 5 - MONUMENTS, HEADSTONES AND MARKERS**

1. All headstones, markers, and monuments shall rest upon foundations installed under the Cemetery Sexton's direction. Foundations for all headstones, markers and monuments shall have the same width and depth dimensions as the base.
2. Headstones, markers and monuments thereon shall face the nearest path or roadway as designated by the Cemetery Sexton and shall be placed on a line parallel to the path or roadway as determined by the Cemetery Sexton.
3. Only one (1) headstone, marker or monument may be placed on any one burial plot. A single headstone, marker or monument may be used for multiple burial plots (i.e. Husband / Wife, Siblings, ...). The

headstone, marker or monument must be 100% within the parameter of the owner's purchased lot.

4. Headstones, markers or monuments should be no wider than 75% of the width of the burial plot(s) intended to identify the interred.  
*For example:*
  - a. A single burial plot is 4' wide, thus headstones, markers or monuments should be no wider than 3' for a single burial plot,
  - b. A double burial plot (burial plots side by side) is 8' wide, thus headstones, markers or monuments should be no wider than 6' for a double burial plot.
5. The Township of Flynn will not be responsible for incorrect engravings. For multiple burial plot headstones, markers and monuments, the purchaser or monument company should check with the family or funeral home to ensure that the names are correctly shown before the engraving is authorized or initiated.
6. Owners of lots shall have the right to erect proper headstones, markers or monuments thereon, but all such headstones, markers or monuments shall be free from defects as regards their quality of endurance; no veneered stone shall be erected; no tablets of wood or iron shall be placed on any lot; all headstones, markers or monuments shall be made of granite, marble or other durable stone.
7. All work in connection with the erection or setting of headstones, markers or monuments shall be done under the direct supervision of the Cemetery Sexton and no work which is not within these rules will be allowed, except by permission of the Flynn Township Board.
8. Headstones, markers or monuments are required for proper identification of the dead and installed within a reasonable time period.

**ARTICLE 6 – PERPETUAL CARE**


A perpetual care fund shall be maintained by the Flynn Township Board. Perpetual care funds may be obtained by levying an additional fee on lot sales, receipt of donations, appropriation of Township funds or other lawful means. The Flynn Township Board shall not be obligated to place any particular amount of money into the perpetual care fund. However, any money placed in the perpetual care fund shall be invested in interest bearing accounts or securities. Only interest on the perpetual care fund may be spent for cemetery care. The principal shall be left untouched in the perpetual care fund.

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***THE FORMER FLYNN TOWNSHIP CEMETERY ORDINANCE NUMBER 2, ADOPTED AUGUST 21, 1983, IS HEREBY REPEALED IN ITS ENTIRETY. THE UNDERSIGNED SUPERVISOR AND CLERK OF THE TOWNSHIP OF FLYNN HEREBY CERTIFY THAT THIS ORDINANCE WAS DULY ADOPTED BY THE FLYNN TOWNSHIP BOARD AT A MEETING HELD ON THE 9<sup>TH</sup> DAY OF AUGUST, 2022 AND A SUMMARY PUBLISHED IN THE SANILAC COUNTY NEWS ON THE 24<sup>TH</sup> DAY OF AUGUST, 2022. THIS ORDINANCE BECOMES EFFECTIVE UPON SAID DATE OF PUBLICATION.***



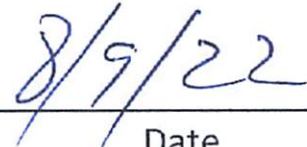
Grant Burgess, Flynn Township Supervisor



Date



Robert Vinande, Flynn Township Clerk



Date