

ALGANSEE TOWNSHIP ORDINANCE NO.301

CEMETERY RULES AND REGULATIONS

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the Algansee Township Board as the rules and regulations of Fisher Hill Cemetery and Lester Cemetery and all lot owners and visitors within the cemetery and all lots sold shall be subject to said rules and regulations and subject further to such other rules and regulations, amendments or alterations as shall be adopted by the Algansee township Board from time to time and the reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as if set forth in full therein.

SECTION 1.

DEFINITIONS

1. Cemetery. The term cemetery is hereby defined to include a burial park for earth interments and for vault and cremation burials.
2. Lot. The term lot shall apply to a space of sufficient size to accommodate one adult interment approximately 3 x 10 feet, one grave.
3. Plot. The term plot shall apply to numbered divisions as shown on the record plat which consists of two or more plots.
4. Interment. The term Interment shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment or by burial.
5. Memorial. The term Memorial shall include a monument, tablet, headstone, tombstone, coping, or urn.
6. Monument. The term monument shall include a tombstone or memorial of granite or marble which shall extend above the surface of the ground.
7. Marker. The term marker means a memorial flush with the ground.
8. Lot Marker. The term lot marker refers to any means used by the cemetery to locate corners of the lot or plot.
9. Certificate of Ownership. The term certificate of ownership shall apply to the original conveyance given by the cemetery to the original purchaser.
10. Management. The term management shall mean the person or persons duly appointed by the Algansee Township Board for the purpose of conducting and administering the cemetery.
11. Cemetery Office. The term cemetery office shall mean the township clerk's office.

SECTION II.

GENERAL RULES

1. The Algansee Township Board reserves the right to refuse the use of any of the cemetery's facilities at any time to any person or persons whom the management may deem objectionable to the best interest of the cemetery.
2. The cemetery will be open from sunup to sundown.

3. Employees of the township are not permitted to do any work for lot owners except upon order of the sexton but are required to be courteous to all visitors.

4. Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

5. Persons visiting the cemetery or attending funerals are prohibited from picking upon, defacing or injuring any memorials, fence or other structure within the cemetery grounds.

6. Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral procession they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Motor cars must not be left with the engine running and the emergency brakes must be set when the driver is not in his seat. Mufflers must not be opened nor the horn sounded within the cemetery.

7. The following things are prohibited:

- a. The driving of motor cars or other vehicles through the gates or in the Cemetery at excessive speeds.
- b. Driving any motor car, vehicle or animal across or upon any grave, lot or lawn or parking or leaving the same thereon.
- c. Parking or leaving any motor car or vehicle abandoned on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing the same, or if parked or left management will remove at the owner's expense.
- d. Making a complete or partial reverse turn of any motor vehicle on any road or driveway within the cemetery.

8. No bicycles or motorcycles will be admitted to the cemetery except such as may be in attendance at funerals or on business.

9. Children under fifteen years of age are not permitted within the cemetery, or its buildings, unless accompanied by proper persons to take care of them.

10. Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or any part of the grounds, or in the buildings, is prohibited.

11. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases and similar articles, upon plots will not be permitted and if so placed the management reserves the right to remove them.

12. It is the utmost importance that there should be strict observance of the properties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place.

- a. Loud or boisterous talking.
- b. Picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or writing
- c. Idling or loafing on the grounds or in any of the buildings.
- d. Bringing lunches or refreshments into the cemetery or consuming them on the grounds.
- e. Peddling or soliciting the sale of any commodity within the cemetery.
- f. Placing of signs or notices or advertisements of any kind within the cemetery.
- g. Bringing dogs into the cemetery or any of its buildings.
- h. Bringing firearms into the cemetery except by a military escort accompanying a veteran's funeral or attending memorial services.

13. It is the duty of the management to see that the rules and regulations are complied with and it is his duty to see that order is maintained and to protect and promote the best interests of the cemetery. To that end, he is authorized to make temporary additional rules this may be needed, from time to time, to meet emergencies which are not covered by these Rules and Regulations.

14. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore reserves the right to make exceptions, suspensions, or when in judgment of the Management such action appears necessary; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

15. The Cemetery hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations, at any time. Sufficient notice will be given by the Township of any rule change that will create expense, hardship or inconvenience to lot owners or other individuals having business with the cemetery.

SECTION III. PLOT AND LOT OWNERS

1. Persons or representatives, desiring to purchase plots should visit the Cemetery where the management will aid them in making a selection, and will issue a deed describing the lot purchased, and all plots must be assigned a name.

2. Before any burial is made in a plot or lot, complete payment for lot must be made to Alganssee Township.

3. No lot shall be used for any other purpose than for the burial of the human dead.

4. No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the Cemetery, but such road, drive, alley, or walk may be used as a means of access to the Cemetery or buildings, as long as the Management devotes it to that purpose.

5. The right to enlarge, reduce replat or change the boundaries or grading the cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives or walks, or any part thereof is reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The Cemetery reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.

6. Descriptions of lots will be in accordance with the Cemetery plats which are kept on file in the township Clerk's office.

7. The Management will take all reasonable precautions to protect lot owners, and the property rights of plot owners, within the Cemetery from loss or damage; but the Cemetery disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

8. It is the duty of the plot owner to notify the township Clerk of any change in his post office address.

9. The instrument of conveyance of these Rules and Regulations and any amendments thereto constitute the sole agreement between the Township and the plot owner. The statement of any employee or agent, unless confirmed in writing by the Management, shall in no way bind the Township.

SECTION IV. CARE OF LOTS

1. The general care of the Cemetery lawns is assumed by the Township and includes trimming and mowing (reasonable height at all times-4" or less), rolling the lawns, weeding, removing dead flowers from burials, removing leaves and twigs and small branches, remove leaves and grass clippings, emptying the trash cans- 2 in each cemetery and township will reimbursed when shown receipt, and anything else necessary for the general upkeep and to create a pleasing appearance at all times.

2. The general care assumed by the Township shall in no case mean the maintenance, repair or replacement of any memorial, tomb placed upon the lots; nor the doing of any special work in the Cemetery. Nor does it mean the reconstruction of any marble or granite work on any section or plot, or any portion or portions thereof in the Cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, civil authority, whether the damage be direct or collateral, other than herein provided.

3. Arrangements may be made for special care on only those lots specifically designated by Algonsee Township. Funds may be provided by the establishment of an endowment under a special care agreement whereby the Township will hold and invest the principal sum deposited by the lot owner and use the annual income there from to defray the cost of such special care.

4. Special care provided by the establishment of an endowment fund, as above mentioned, shall be limited to the income received from the investment of the endowment, with no part of the principal being expended, anything herein stated to the contrary notwithstanding.

5. Investment of endowment funds. The money received for perpetual care shall be held in trust and invested as provided by law. Algonsee Township reserves the right, however, either to handle all investments itself, or to deposit said funds with any person, company, or corporation qualified to act as trustee for such funds.

SECTION V. CORRECTION OF ERRORS

Algonsee Township reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Management or the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Township reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

SECTION VI. DESCENT OF TITLES

The laws of the State of Michigan govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. Algonsee Township will assist any lot owner who desires information or advice on questions pertaining to his lot. When purchasing plots purchaser must designate who is to be buried in each plot.

SECTION VII. INTERMENTS

1. The Cemetery will open for interments from sun up to sundown daily with the exception of all Sundays, Memorial Day, July 4th, Thanksgiving Day, Christmas, and New Years. When Memorial Day or July 4th fall on Saturday or Monday and delay will cause unreasonable hardship or inconvenience, interments may be made on such days but an additional fee will be added to the regular charge.

2. Where immediate burial is required by the Laws of the State of Michigan or under the rules and regulations of the Board of Health, interments may be made on Sundays and Holidays but an additional fee will be added to the regular charge.

4. All funerals on entering the Cemetery shall be under the charge of the Cemetery Management.

5. Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee, or agent, shall be permitted to open the casket or to touch the body

without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

6. Funeral Directors, upon arrival at the Cemetery, must present the necessary burial permit from the local health office.

7. All orders for interments in lots must be signed by the owner of the lot or his legal representative. However, when this is impossible because such person is absent from the city, telegraph or fax permission will be accepted in lieu thereof.

8. Lot owners shall not allow interments in their lots in return for remuneration of any kind.

9. No interment of two or more bodies shall be made in one grave except in the case of mother and child or two infants buried in one casket. Only two cremations are allowed in a plot, one grave.

10. When an interments to be made in a lot, the location of such interment shall be designated by the lot owner. Should the owner fail or neglect to make such designation, the Cemetery reserves the right to make the interment in a location designated by the Cemetery Management.

11. The Sexton is the only person permitted to open graves with the following exceptions:

a. When the cemetery 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 Management.

b. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Management his signed authorization to release the body to himself and his lawful agents. In such case the disinterment must be made by the coroner or his lawful agents. Cemetery employees will not be permitted to assist the coroner or his agents.

12. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wood boxes, it is required that all interments must be made outside containers made of natural stone or of metal, of reinforced concrete, or of fiberglass. All such containers must be made so and installed as to meet management approval. Outside containers may be procured from any source provided they meet the established specifications. When cemetery employees handle or install such containers a reasonable charge will be made for such service.

13. All charges for interment or services in connection therewith, shall be paid to the Sexton who will issue a receipt therefore upon request.

14. Arrangements for payment of any indebtedness due to the Township and or Sexton must be made before interment will be made.

15. The right is reserved by the Township to insist upon at least twenty four hours' notice prior to any interment and at least one week's notice prior to any disinterment or removal.

16. All interments, disinterment, and removals must be made at the time, and in the manner, and upon the charges fixed by the Management.

17. Besides being subject to these Rules and Regulations, all interments, disinterment, and removals are made subject to the orders and laws of the properly constituted public authorities.

18. The Cemetery will not be responsible for any order given by telephone or for any mistakes occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.

19. The Cemetery will not be liable for the interment permit nor for the identity of the person sought to be interred.

