

Bennington Township Cemetery Control Ordinance

Ordinance No. 05-09-01

An Ordinance to protect the public health, safety, and general welfare by establishing regulations relative to the operation, control, and management of cemetery or cemeteries owned by Township of Bennington, Shiawassee County, Michigan; To provide penalties for the violation of said ordinance or parts of ordinances in conflict therewith.

The Township of Bennington of Shiawassee County, Michigan Ordains;

Section 1: Title

This ordinance shall be known and cited as the Bennington Township Cemetery Control Ordinance.

Section 2: Purpose and Intent

- A. The intent of this ordinance is to establish rules and regulations to assist Bennington Township in regulating the maintenance and upkeep of Bennington Township cemeteries.
- B. These grounds are sacredly devoted to the interment of the dead and any person who violates the rules and regulations of the cemetery shall be excluded there from.

Section 3: Rules and Regulations

- A. Any person who shall willfully damage or disturb any grave, tree, shrub, plant, memorial, monument, marker or other objects within the cemetery will be prosecuted.
- B. No burials shall be allowed for other than human remains.
- C. All interments and disinterment shall be performed by authorized personnel who are approved by the Township Board.
- D. Disinterment or Transfers are prohibited except for due cause and then only with the permission of the Health Department or by court order. Foundations where disinterment occurs will be moved and reset at owners expense.
- E. Graves cannot be opened for inspection except under court order.
- F. All maintenance is to be done by Bennington Township Board including markers and footings.
- G. Mausoleums and crypts are prohibited in the cemeteries.
- H. Maintenance of existing trees, turf, and shrubbery shall be performed by Township Authorized personnel only.
- I. The planting of trees and shrubbery shall be done only on pre-approval of the Township Board.
- J. Flowers may be planted within 10 inches of the monument. All other decorations

must be within a 10 inch area.

- a. Winter decorations must be removed by March 31st.
- b. All artificial summer decorations must be removed by November 1st.

If artificial decorations are not removed by above given dates, they will automatically be disposed of.

K. The placing of stone, limestone, wood chips, etc. anywhere within cemetery spaces is prohibited.

L. The mounding of graves is prohibited.

M. "The new state law that took effect in the spring of 1995 prohibits our disposal of artificial materials mixed with real plant material (Such as evergreens, pine cones, dried flowers), frequently used wreaths, may no longer be mixed in the disposal process. It is also illegal to burn these combinations of material." It is no longer feasible for cemetery personnel to take apart or remove each plastic bit of decoration from every memorial item placed on the lots. Therefore, mixed decorations, grave blankets and pillows are prohibited and if delivered will be removed. Arrangements that are 100% natural or 100% artificial are acceptable.

N. The Township Board reserves the right to remove and dispose of without notice to the owner, any unsightly, deteriorated, neglected, or prohibited items except monuments or markers.

O. Monuments

- 1. The Sexton only is responsible for monument footings.
- 2. Figurines and statues are discouraged in order to prohibit vandalism.
- 3. All markers or memorial must be of stone or other equally durable composition.
- 4. Only one monument, marker, or memorial shall be permitted per burial space, except for military graves which are allowed two.

P. The cemetery hours are dawn to dusk. The access road will only be plowed for funeral during the winter months.

Q. Penalties

Any person, firm, or corporation who fails, refuses, neglects, or violates any of the provisions of the within ordinance shall be guilty of a civil infraction which shall subject them to civil sanctions as herein provided and a fine or \$100.00. Each day that a violation continues to exist shall constitute a separate offense.

R. Severability

The provisions of the within ordinance are hereby declared to be severable and should any provision section or part there of be declared invalid or unconstitutional by any court or competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 4: Effective Date

This ordinance shall take effect on the 31st day of October, A.D. 2005.

See the original ordinance at the Bennington Township Hall for filing details.
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