

**CHARTER TOWNSHIP OF BREITUNG  
DICKINSON COUNTY, MICHIGAN**

**ORDINANCE AMENDMENT TO CHAPTER 95: CEMETERIES**

ORDINANCE NO. 2024-01

At a meeting of the Township Board of Breitung Charter Township, Dickinson County, Michigan, held at the Breitung Charter Township Hall on April 8<sup>th</sup>, 2024, at 7:00 p.m., Township Board Member Trustee Taff moved to introduce the following Ordinance for a first reading prior to posting, publication, and subsequent final adoption, which motion was seconded by Trustee Peterson:

*An Ordinance to amend the Breitung Charter Township Code of Ordinances to add further definitions and exclusions to the current code, and repealing all ordinances or parts of ordinances in conflict with this ordinance.*

THE CHARTER TOWNSHIP OF BREITUNG, DICKINSON COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT TO CODE OF ORDINANCES, TITLE IX: GENERAL REGULATIONS – CHAPTER 95: CEMETERIES:** The Breitung Charter Township Code of Ordinances, Chapter 95, sections 95.01, 95.04, 95.05, 95.06, and 95.07 are amended to read as follows:

**§ 95.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Burial space.* A land area four feet wide and ten feet in length or as platted.

*Cemetery lot.* Burial spaces sufficient to accommodate from one to eight burial spaces.

*Full burial.* An adult casket in a concrete vault interred in a single burial space.

*Resident.* One of the following:

- (1) A person who was a township resident at the time of death;
- (2) A person who was a township resident for the five consecutive years preceding the age of 70 or older; or
- (3) A person who was a township resident for the five consecutive years preceding the time of being placed in a nursing home, invalid care facility, or other managed care facility due to medical reasons.

**§ 95.04 MAINTENANCE OF RECORDS.**

The township clerk or their designee shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart

from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

#### **§ 95.05 INTERMENT LIMITATIONS.**

- (A) The total number of interments for one burial space shall be limited to a maximum of two.
- (B) One burial space may be used in the following manner:
  - (1) One adult full interment per burial space;
  - (2) Infant(s) interment per burial space;
  - (3) Two cremation interments per burial space; or
  - (4) One cremation interment shall be permitted in addition to one adult full interment or infant(s) interment.
- (C) Green burials are not permitted in the Quinnesec Cemetery.
- (D) All full burials shall be made with a concrete vault with the exception of stillborn or infant burials.

#### **§ 95.06 FORFEITURE OF VACANT LOTS.**

Cemetery lots or burial spaces sold after the effective date of the chapter and remaining vacant 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 or their designee by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 40-year period and that all rights with respect to the lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the township clerk or their designee within 60 days from the date of mailing of the within notice his or her 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 or their designee from the last owner of record of the lots or spaces, or his or her heirs or legal representative, within 60 days from the date of mailing of the notice, the cemetery lots or burial spaces shall revert to the township to be sold.

#### **§ 95.07. REPURCHASE OF LOTS OR BURIAL SPACES.**

The township, upon written request from the owner or his or her legal heirs or representatives, will repurchase any cemetery lot(s) or burial space(s) from the owner for the original price paid, less the perpetual care and/or maintenance fees, which is fifty (50) percent of the total cost of the cemetery lot or burial space. The resale or transfer of any cemetery lots or burial spaces from the owner or his or her legal heirs or representatives to



another party shall be made in writing and require the consent of the township clerk or their designee. Any resale or transfer made shall be subject to any and all additional fees as established by the fee schedule.

**SECTION 2. SEVERABILITY:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

**SECTION 3. REPEAL:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

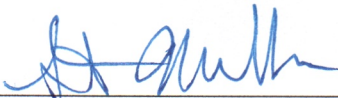
**SECTION 4. EFFECTIVE DATE:** This Ordinance shall take effect the day following publication and posting after final adoption by the Township Board.

YEAS: Trustee Day, Trustee Rochon, Supervisor Olson, Clerk Larson, Treasurer Maki, Trustee Taff, Trustee Peterson.

NAYS: None.

ABSENT/ABSTAIN: None.

INTRODUCED FOR FIRST READING, POSTING, PUBLICATION AND SUBSEQUENT FINAL ADOPTION.



---

Steve Mulka  
Breitung Charter Township Superintendent