

TOWNSHIP OF HOPE
BARRY COUNTY, MICHIGAN
CEMETERY ORDINANCE
ORDINANCE NO. 77

ADOPTED: JULY 18, 2011

**EFFECTIVE: THIRTY (30) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of cemeteries owned by the Township of Hope, Barry County, Michigan; to provide sanctions for violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF HOPE
BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This Ordinance shall be known and cited as the "Hope Township Cemetery Ordinance".

SECTION II
DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A "cemetery lot" shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- B. A "burial space" shall consist of a land area four feet wide and ten feet in length.

SECTION III
SALE OF LOTS OR BURIAL SPACES

- A. Hereafter, cemetery lots or burial spaces shall be sold to residents and non-residents of the Township of Hope. In the event that there are a limited number of cemetery lots or burial spaces available, then and in

such event sales shall be to residents, non-resident taxpayers, and non-residents who are not taxpayers of the Township in that order of priority. The Township Board of the Township of Hope shall have the right and authority to charge different purchase prices among those classes of persons eligible to purchase cemetery lots or burial spaces so long as there is no discrimination among persons of a particular class of purchasers. No more than 2 cemetery lots or 8 burial spaces shall be sold to a particular person or that person's family as defined in the Hope Township Zoning Ordinance, unless approved by the Township Board. The Township Board's decision to grant or deny such approval shall be based upon reasonable factors including, but not limited to, the number of vacant cemetery lots or burial spaces available and whether relatives of the person seeking to purchase the additional cemetery lot(s) or burial(s) are buried adjacent or nearby the cemetery lot(s) or burial space(s) requested.

- B. All such sales shall be made on a form approved by the Township Board which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Clerk of the Township, his/her deputy, or, if the Township Clerk and Deputy Clerk are unavailable, the Clerk's designee.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be effected only by endorsement or an assignment of such burial permit upon the original burial permit issued by the Township Clerk, approved by the Township Board, and entered upon the official records of the Township Clerk. Upon such new assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.
- D. The purchaser of a cemetery lot(s) or burial space(s) may designate in a writing filed with the Township Clerk whom is to be buried in a purchased lot/grave space. This designation may only be changed by the purchaser or the purchaser's heirs. The Township Clerk shall maintain a record of all designations made hereunder.
- E. The Township Board of Hope Township reserves the right to correct any errors made in description, transference, or conveyance of burial rights either by substituting a site in another location or by refunding the purchase price of said burial rights.

SECTION IV
PURCHASE PRICE, TRANSFER FEE, AND GRAVE OPENING CHARGES

- A. Purchase price of burial spaces shall be at a cost determined from time to time by the Township Board and will be available in the Clerk's office.

- B. Transfer of one or more burial spaces from an original purchaser to a qualified assignee shall be at a cost determined from time to time by the Township Board.
- C. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by the Township Board.
- D. The foregoing charges shall be paid to the Township Treasurer and deposited in the cemetery fund of the Township.
- E. No burial space shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

SECTION V
MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition.
- B. All such markers or memorials must be located upon a suitable solid cement foundation to maintain the same in an erect position.
- C. Only one monument, marker, or memorial shall be permitted per burial space. In the event that one upright monument, marker, or memorial is dedicated to the use of two or more burial spaces, then and in such event such monument, marker or memorial shall be centered, as nearly as practical, among those contiguous burial spaces to which such monument, marker or memorial is dedicated.
- D. The footing or foundation upon which any monument, marker, or memorial must be placed shall be constructed by the Township at a cost to the owner of the burial right. At least 3 inches on all sides shall be added to the base measurement of the monument, marker, or memorial to form an apron on the foundation.

SECTION VI
INTERMENT REGULATIONS

- A. Except as provided in this Section, only one person may be buried in a burial space except for a mother and infant or two infants buried at the same time.
- B. Not less than 48-hour advance notice of the time of any funeral shall be given to the Township Clerk or his/her designee in order to allow sufficient time for the opening of the burial space. The notice shall clearly identify the previously-purchased burial space to be opened.

- C. The appropriate permit for the burial space involved, together with the appropriate identification of the person to be buried therein, when necessary, shall be presented to the cemetery sexton prior to interment. Where such a permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- E. Up to four cremation interments may be placed in one regular burial space. However, only one marker, memorial or monument may be placed on said burial space.
- F. One cremation interment and one regular interment may be placed in one regular burial space. However, only one marker, memorial or monument may be placed on said burial space.

SECTION VII
GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be performed by a person other than the cemetery sexton.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted within the ground of a Township cemetery, except for plantings made by the cemetery sexton. This provision shall not be deemed to prohibit plantings or artificial flowers within an urn placed on a foundation or plantings or artificial flowers within or supported by one of the devices identified in subsection K below. Any plantings or placements of artificial flowers not permitted under this subsection may be removed by the Township or the cemetery sexton.
- C. Artificial flowers and wreaths shall be removed by April 1 of a year following the year of their placement in the Township cemetery. Any artificial flowers or wreaths remaining beyond this time period shall be removed by an authorized Township official or employee or by the cemetery sexton.
- D. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- E. Mounds, fencing, curbs, walls or similar structures on burial spaces that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- F. The cemetery sexton shall have the right and authority to remove any and all growth, emblems, displays, wreaths, artificial flowers or containers therefor that

through decay, deterioration, damage or otherwise become unsightly, a source of litter, a maintenance problem or which hinders groundskeeping.

- G. Surfaces other than earth or sod are prohibited.
- H. All refuse of any kind or nature including dried-up flowers or wreaths, must be removed from the cemetery or deposited in litter containers located within the cemetery.
- I. There shall be no jars, glass, or metal receptacles, or other temporary above ground containers used on the premises for the holding of cut flowers. However, permanent receptacles as part of the marker, memorial, monument, or foundation for same are permitted if on a foundation.
- J. Dogs which are not on a leash are prohibited on the grounds of any of the Hope Township Cemeteries. The person accompanying a dog shall pick up any of the dog's feces and place them in a waste disposal container.
- K. Shepards hooks, light hooks, pointed vases and stick-in-the-ground crosses (the latter not to exceed 12 inches above ground height and be of structurally sound construction) shall be allowed, subject to the removal provisions set forth in subsections B, D, F and H herein.

SECTION VIII
FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant 60 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 him/her of the expiration of the 60-year period and that all rights with respect to said lots or spaces will be forfeited if the owner does not affirmatively indicate in writing to the Township within 60 days from the date of mailing of the within notice his/her desire to retain said burial rights.
- B. No written response to said 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 said lots or spaces or his/her heirs or legal representatives within 60 days from the date of mailing of said notice.

SECTION IX
REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of said owner or his/her heirs or legal representatives and approval of the Township Board.

SECTION X
RECORDS

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

SECTION XI
VAULT

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

SECTION XII
CEMETERY HOURS

- A. The cemeteries shall be open to the general public from sunrise to sunset of each day.
- B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township or the Sexton of the cemetery.

SECTION XIII
SANCTIONS

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute, which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township of Hope has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation continues to exist shall constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction.

SECTION XIV
REPEAL AND EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are repealed.

SECTION XV
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

Linda Eddy-Hough, Clerk
Township of Hope