

ORDINANCE NO. _____

CEMETERY ORDINANCE

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 ROBINSON, OTTAWA COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

THE TOWNSHIP OF ROBINSON, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the Robinson Township Cemetery Ordinance.

Section 2. Definition of Cemetery Lots. A cemetery lot shall consist of a land area designated by the Township. The terms burial space and cemetery lot and lot may be used interchangeably.

Section 3. Sale of Lots.

- A. Hereafter, cemetery lots shall be sold only to residents of the Township for the purpose of the burial of such purchaser or the purchaser's heirs at law or next of kin. No sale shall be made to funeral directors or others who would resell the lots as part of their business. The Township Clerk, however, is granted the authority to vary that restriction on sales to Township residents where the purchaser discloses sufficient personal reasons for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- B. All sales of lots 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 Township Clerk.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of lots or burial spaces within the Township and may be effected only by endorsement of an assignment of such deed upon the original deed form issued by the Township Clerk. Transfers are subject to the approval of the Township Clerk, and they shall be entered upon the Township Clerk's official records. Upon

such assignment, approval and record, the Township Clerk shall issue a new deed to the assignee and shall cancel and terminate upon such records the original deed.

Section 4. Purchase Price and Transfer Fees.

- A. Cost for each burial space shall be determined by a fee structure established by the Township Board.
- B. The charges shall be paid to the Township Treasurer.
- C. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5. Grave Opening Charges.

- A. The opening and closing of any burial space, prior to and following a burial therein, including the interment of ashes, shall be at a cost to be determined from time to time by resolutions of the Township Board, payable to the Township Treasurer.
- B. No burial spaces shall be opened and closed except under the approval, direction and control of the Sexton/Caretaker. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains under the supervision of the local health department or as a result of a court order. All disinterments must be conducted in cooperation with the Township.

Section 6. Markers or Memorials.

- A. All markers or memorials must be of stone or acceptable industry material only. "Acceptable industry material" means material used by companies to construct markers or memorials intended to be used outside in cemeteries.
- B. Any large upright monuments must be located upon a suitable foundation to maintain them in an erect position. Markers and monuments must be placed in a straight line not to exceed the width of the burial space and may not impede mowing or maintenance.
- C. Any tombstone, monument, inscription or any other memorial structure or display shall be approved by the Sexton/Caretaker.
- D. All benches must be approved by the Sexton/Caretaker.

- E. The footing or foundation upon which any monument, marker or memorial must be placed shall be set by the Sexton/Caretaker at the cost of the owner of the burial right.
- F. Funeral homes and mortuaries are required to place temporary markers at time of burial.

Section 7. Interment Regulations.

- A. Only one conventional burial may be placed in a burial space, except for the simultaneous burial of a mother and one infant, or two children.
- B. Up to six cremains are allowed per burial space. Only one cremains may be placed with a conventional burial.
- C. Not less than 36 hours advance notice shall be given to the Sexton/Caretaker before any funeral, to allow for the opening of the appropriate burial space.
- D. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, shall be presented to either the Sexton/Caretaker or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk must be satisfied, from the Township Clerk's records, that the person to be buried in the burial space is authorized and appropriate before the interment is commenced or completed.
- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 8. Ground Maintenance.

- A. No grading, leveling, or excavating upon burial spaces shall be allowed without the permission of the Sexton/Caretaker.
- B. No flowers, shrubs, trees or vegetation of any type may be planted without the approval of the Sexton/Caretaker. The Township or the Sexton/Caretaker may remove any of the foregoing items planted without such approval.
- C. All flowers, real or artificial, must be in urns.
- D. All urns shall be placed to the side of the tombstone and NOT over the gravesite.
- E. No walls, concrete edgings or buildings are to be placed on a lot.

- F. 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 use of the cemetery.
- G. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- H. Surfaces other than earth or sod are prohibited.
- I. The Sexton/Caretaker or the Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- J. All refuse of any kind or nature, including among others dried flowers, wreaths, papers, and flower containers, must be removed or deposited in containers located within the cemetery.
- K. No glass or porcelain is allowed.
- L. No shepherd hooks are allowed.
- M. General cleanup days will begin on or after March 1st and October 1st of each year.
- N. Any decision made by the Sexton/Caretaker may be appealed to the Township Board.

Section 9. Repurchase of Lots or Burial Spaces. The Township will repurchase any cemetery lots or burial spaces from the owner for the original price paid the Township, upon written request of the owner or the owner's legal heirs or representatives.

Section 10. Records. The Township Clerk shall maintain records concerning all lot sales, all burials, and issuance of burial permits, separate and apart from any other records of the Township. Those records shall be open to public inspection at all reasonable business hours.

Section 11. Vault. All conventional burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

Section 12. Cemetery Hours.

- A. Township cemeteries shall be open to the general public during daylight hours, or as otherwise designated by the Township Board.

- B. No person shall be permitted in the Township cemeteries at any time other than daylight hours, or as otherwise designated by the Township Board, except upon permission of the Township Board or the Sexton/Caretaker.

Section 13. Interpretation. Any question on the interpretation of the rules contained within this Ordinance must be brought to the Township Board for settlement.

Section 14. Operation of Vehicles; Regulation of Roads, Drives and Walkways.

- A. No person may drive a vehicle in excess of 10 miles per hour in Township cemeteries.
- B. All persons within a Township cemetery shall use only the designated roads, drives, alleys, walks and aisle ways. However, a person may carefully walk upon or cross graves, or lawns when necessary to gain access to a grave.
- C. Any vehicle parked on the grass may be ordered removed by the Sexton/Caretaker, and the owner or operator or both shall be responsible for all costs.
- D. No person may operate a vehicle in a cemetery for recreational purposes.
- E. No person may park a vehicle in front of an open grave unless the person is attending the funeral pertaining to that open grave and the parking area is not otherwise reserved.
- F. No person shall enter a cemetery except through a permitted point of entry.

Section 15. Conduct of Persons.

- A. Within a cemetery, all persons are prohibited from picking flowers (wild or cultivated), breaking or injuring any tree, shrub or plant, or writing upon, defacing or destroying any tombstone, monument, inscription, or any other memorial structure or display. No person may destroy or otherwise disturb the birds or other animal life within a cemetery if not authorized by the Sexton/Caretaker.
- B. Within a cemetery, no person may loiter, litter, use profane language, or bring in or consume alcoholic beverages. Further, no person may possess firearms without the approval of the Sexton/Caretaker, unless the person is a duly authorized law enforcement officer or a duly authorized military escort for a veteran's funeral or memorial service.
- C. No person may walk or allow dogs or other animals in a cemetery.

- D. Peddling of flowers or plants or soliciting the sale of any commodity, other than grave sites by authorized Township employees, is prohibited within a cemetery.
- E. No signs or notices or advertisements of any kind shall be allowed in a cemetery, unless placed by authorized Township employees.
- F. Proper conduct must be observed on cemetery grounds at all times. Cemeteries shall not be used as a place for recreational activity. The Sexton/Caretaker shall have the authority to direct the removal from a cemetery of any person who acts in a disrespectful manner or without proper decorum.

Section 16. Violations.

- A. Any person violating any of the provisions of this Ordinance shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the municipal civil infraction ordinance adopted by the Township. A person who commits a civil infraction shall subject to a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation of this Ordinance continues shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be \$100.00, plus costs and other sanctions.
- B. Members of the Ottawa County Sheriff's Department assigned to the Township, members of any law enforcement agency whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are designated as the authorized Township officials to issue municipal civil infraction citations (directing alleged violators to appear in court).

Section 17. Rules By Resolution. The Township Board may adopt rules pertaining to the operation of a cemetery which are in addition to the provisions of this Ordinance. The additional rules shall be set forth in resolutions adopted by the Township Board. A copy of this Ordinance, as amended, and copies of all other rules in effect shall be available for inspection at each cemetery and the Township Hall during normal business hours.

Section 18. Severance Clause. The sections of this Ordinance shall be deemed to be severable. Should any section, paragraph or provision be declared by the courts to be unconstitutional or invalid, that holding shall not affect the validity of the balance of this Ordinance, which shall be construed as if the unconstitutional, invalid or rejected portion had never been included.

Section 19. Repeal. All ordinances, parts of ordinances or amendments to ordinances, any of which are in conflict with the provisions of this Ordinance, are repealed to the extent of such conflict.

Section 20. Administrative Liability. No officer, agent or employee of the Township, or member of the Township Board, shall be personally liable for any damage which may occur as a result of any act, decision or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

Section 21. Effective Date. This Ordinance was approved and adopted by the Township Board of the Township of Robinson, Ottawa County, Michigan, on _____, 200____, and it is ordered to take effect 30 days after publication of the Ordinance or a summary in the Grand Haven Tribune, a newspaper having general circulation in the Township, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.

Bernice Berens, Township Supervisor

Jackie Frye, Township Clerk

CERTIFICATE

I, Jackie Frye, the Clerk for the Township of Robinson, Ottawa County, Michigan, certify that the foregoing Robinson Township Cemetery Ordinance was adopted at a regular meeting of the Township Board held on _____, 200___. The following members of the Township Board were present at that meeting: _____

_____.

The following members of the Township Board were absent: _____

_____.

The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board

_____ voting in opposition. The Ordinance

was published in the Grand Haven Tribune on _____, 200__.

Jackie Frye, Clerk
Robinson Township