

Keene Township Cemetery Ordinance

Ordinance # 2-12-13

Date 2-12-13

An ordinance to protect public health, safety, general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Keene, Ionia County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict with this ordinance.

TOWNSHIP OF KEENE, COUNTY OF IONIA, MICHIGAN ORDAINS:

Section 2: DEFINITIONS OF CEMETARY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- C. An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length.

Section 3: SALE OF LOTS OR BURIAL SPACES

- A. Cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others unless provided otherwise. The Township Clerk, however, is granted the authority to vary this restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred in the township.
- 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 township clerk.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township as specified in section 3 A and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such 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. Those persons acquiring or have purchased a right to a burial space may not resell such rights to any person or entity other than to the Township.

Section 4: PURCHASE PRICE AND TRANSFER FEES

- A. Costs for the purchase of burial spaces shall be listed on the current Keene Township Cemetery Fee Schedule.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost the amount designated on the current Keene Township Cemetery Fee Schedule.
- C. The foregoing charges shall be paid to the township treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- D. The township board, by resolution, may periodically alter these 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, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board and be designated on the current Keene Township Cemetery Fee Schedule, payable to the township.
- B. No burial spaces 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition.
- B. All monuments or memorials shall be placed on suitable foundations or footing, constructed according to industry specifications, and at the discretion of the Keene Township Sexton at the cost to the owner of the burial site. Only one monument, marker or memorial shall be permitted per burial space.

Section 7: INTERMENT REGULATIONS

- A. NUMBER PER BURIAL SPACE
  - 1. Vault. A vault is required, and two persons may be buried in a burial space.
  - 2. Cremation. If cremation is utilized, then five ashes may be in a burial space.
- B. Not less than a 36 hour notice shall be given in advance of any funeral to allow for the opening of the burial spaces.

- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried, here necessary, shall be presented to either the cemetery sexton or the township clerk prior to the interment. Where such 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.

#### Section 8: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the township clerk.
- B. No shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.
- C. 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.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. Surfaces other than earth or sod are prohibited.
- F. 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.
- G. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.

#### Section 9: VACANT CEMETARY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of the Ordinance and remaining vacant 40 years from the date of sale:

- A. Notice shall be sent by the township clerk by certified mail to the last known address of the owner of record informing that the lots have been owned for more than 40 years, but remain vacant. An owner must affirmatively indicate in writing to the township clerk within 90 days from the date of mailing of the notice of his desire to retain said burial rights.
- B. If 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 owner of record of said lots or

spaces or his/her heirs or legal representative within 90 days from the date of mailing, of said notice, then such lots shall automatically revert back to the Township.

#### Section 10: REPURCHASE OF LOTS OR BURIALS 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 legal heirs or legal representation.

#### Section 11: RECORDS

The township clerk shall maintain records concerning all burials, issuance of burials 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.

#### Section 12: VAULT

All burials shall be within a standard, state approved vault, installed and constructed in each burial space before interment.

#### Section 13: CEMETERY HOURS

- A. The cemetery shall be open to the general public from the hours of sunrise to sunset 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 board or the sexton of the cemetery.

#### Section 14: PENALTIES

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a municipal civil infraction for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$250.00 nor more than \$1000.00 for each subsequent offense, as may be determined by the discretion of the court, and in addition to all other costs, damages, expenses, and other remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

#### Section 15: SEVERABILITY

The provisions of the within Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared valid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, 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 affect.

Section 16: EFFECTIVE DATE

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

Jean Burton

Jean Burton - Township Clerk

2-12-13

Date