

VERGENNES TOWNSHIP CEMETERY ORDINANCE

Adopted June 19, 1995
Amended April 17, 2000

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 VERGENNES, KENT COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF VERGENNES, COUNTY OF KENT, MICHIGAN ORDAINS:

Section 1: TITLE

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

Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

A. A cemetery lot shall consist of burial spaces sufficient to accommodate eight burials.

B. A burial space shall consist of a land area four and one half feet wide and nine feet in length, except that this provision shall not apply to smaller burial spaces, if any, currently designated on official township surveys of any of the township cemeteries.

C. A burial space will accommodate one vault, one vault and one cremation, or two cremations.

Section 3: SALE OF LOTS OR BURIAL SPACES

A. Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the 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 than as heretofore set forth. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationships to persons interred within.

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. Those persons acquiring a right to a cemetery lot or burial space may not resell such rights to any person or entity other than to the township.

D. Purchase of less than eight burial spaces may not create locked in spaces. Single sites will be sold as chosen by the township clerk.

Section 4: PURCHASE PRICE AND TRANSFER FEES

A. *Costs for the purchase of burial spaces shall be as stated on the current Vergennes Township Fee Schedule.*

B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$10.00.

C. The forgoing charges shall be paid to the township treasurer and shall be deposited in the General Fund, Cemetery account.

D. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition, and in its' discretion establish fees for perpetual care of gravesites.

Section 5: GRAVE OPENINGS

A. No burial spaces shall be opened 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.

B. 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, payable to the funeral director utilized by the deceased or the family of the deceased.

C. In the event of severe weather or adverse ground conditions storage of a vault will be handled by the aforementioned funeral director.

Section 6: MARKERS AND MEMORIALS

A. All markers and memorials must be of stone or other equally durable composition.

B. Any large upright monuments must be located upon a ground level foundation with a three inch border, maintaining the monument in an erect position, and must face the direction indicated on the plot map, issued at the time of purchase. All footings or foundations upon which any monument, marker or memorial must be placed shall be constructed to meet township specifications.

C. Only one monument, marker or memorial shall be permitted per

burial space.

D. Footings for all headstones or monuments shall be installed by persons designated by the township board and shall be constructed of concrete of sufficient size and depth necessary to support said headstone or monument. Fees for such footings are the responsibility of the owner of the burial right or his or her legal heirs or representatives.

Section 7: INTERMENT REGULATIONS

A. Not less than 36 hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space. Contact people include the sexton, clerk and/or burial administrator.

B. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the township clerk prior to 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.

C. All gravesites shall be located in an orderly and neat appearing manner within the confines of the burial space involved following all township regulations.

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 or trees of any type shall be planted. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton. Planting of flowers is permitted only adjacent to monument, none to be on top or outlying corners of grave. Artificial grave decorations must be picked up by October 1st or will be discarded. Winter wreaths or grave blankets are permitted between November 15th and March 15th. Any person wishing to save them must have them removed by March 16th. Urns are encouraged, but not required, and must be placed on the foundation for the monument.

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. 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.

F. Surfaces other than earth or sod are prohibited. Sod removed for a burial shall be reseeded or replaced at time of burial.

G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed from the cemetery.

Section 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold to or owned by non-residents after the effective date of the Ordinance 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 by first class mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk with 60 days from the date of mailing of the within notice his 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 heirs or legal representative within 60 days from the date of mailing of said notice.

Section 10: 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 legal heirs or representatives.

Section 11: RECORDS

The township clerk shall maintain records concerning all burials. Burial Transfer Affidavits shall be filed with the township clerk within 15 days of burial. Records concerning issuance of burial permits separate and apart from any other records of the township shall be open to public inspection at all reasonable business hours.

Section 12: VAULT

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

Section 13: PENALTIES

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section 14: SEVERABILITY

The provisions of the within Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of 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 15: EFFECTIVE DATE

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

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Vergennes Township Board held on the 19th day of June, 1995.

Mari C. Stone
Vergennes Township Clerk