

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**CEMETERY ORDINANCE
ORDINANCE NO: 215**

**ADOPTED:
EFFECTIVE:**

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 Valley, Allegan 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 VALLEY, ALLEGAN COUNTY, ORDAINS:

SECTION 1: Title

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

SECTION 2: Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

- A. A standard burial space shall consist of a land area of four (4) feet wide and ten (10) feet in length.
- B. 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 in areas set aside specifically for such burials.

SECTION 3: Sale of Lots or Burial Spaces

- A. Cemetery lots or burial spaces shall be sold to residents or taxpayers of the township at a resident rate for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. Non-residents may purchase lots at the non-resident rate for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. The resident and non-resident rates are to be determined by the township board and periodically reviewed. No sale shall be made to funeral directors or others. The township clerk may vary the restriction on sales or transfers where the principal discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons previously interred therein.
- B. All such sales or transfers shall be made on a certificate 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.

SECTION 4: Purchase Price and Transfer Fee

- A. The cost of each standard burial space shall be based on a fee set by the township board.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall be based on a fee set by the township board.
- C. The foregoing charges shall be paid to the township treasurer and shall be deposited in the cemetery fund.
- 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.

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, 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 and Memorials

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township at cost to the owner of the burial right. All abnormal monument sizes or special footings shall be approved by the township clerk.

SECTION 7: Interment Regulations

- A. Only one person may be buried in a burial space with the exception if it's an adult and infant, or two children. Another exception would be if two people (i.e. husband and wife) are both cremated.
- B. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces without prior approval from the township clerk.
- C. 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 authorized and appropriate prior to interment.

SECTION 8: Ground Maintenance

- A. No alteration after interment will be allowed without the permission of the cemetery sexton or township clerk.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton. Any of the foregoing items planted without such approval may be removed.
- C. The township board reserves the right to 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.
- G. 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.

SECTION 9: Forfeiture of Vacant Lots or Burial Spaces

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant for a period of 100 years 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 them of the township's attempt to reclaim the lot(s) and that all rights with respect to said lot(s) or space(s) will be forfeited if they do not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice their desire to retain said burial rights.
- B. If no written response to said notice indicating a desire to retain the cemetery lot(s) or burial space(s) in question is received by the township clerk from the last owner of record of said lot(s) or space(s), or their heirs or legal representative, within 60 days from the date of mailing of said notice, the township shall have the right to retain ownership.

SECTION 10: Repurchase of Lots or Burial Spaces

The township will repurchase any cemetery lots or burial spaces from the owner for the original purchase price paid to the township upon written request of said owner or their legal heirs or representatives.

SECTION 11: Records

The township clerk 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.

SECTION 12: Vault

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

SECTION 13: Cemetery Hours

- A. The cemetery shall be open to the general public from 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 civil infraction and shall be subject to a fine of up to \$500 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 15: 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 16: Effective Date

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