

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**CEMETERY ORDINANCE
ORDINANCE NO: 251**

**ADOPTED: April 8, 2014
EFFECTIVE: May 8, 2014**

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 Cemetery Burial Spaces

A. A standard burial space shall consist of a land area of four (4) feet wide and ten (10) feet in length. One burial space may contain: one (1) full body, one (1) full body and one (1) urn, one (1) full body and one (1) infant or stillborn, or four (4) urns.

B. An infant or stillborn burial space shall consist of a land area of three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.

C. An urn burial space shall consist of a land area of twelve (12) inches wide and twelve (12) inches in length in areas set aside specifically for such burials.

SECTION 3: Sale of Burial Spaces

A. Cemetery 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 spaces 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. All interments in lots shall be restricted to members of the owner's family and relatives unless special permission to the contrary shall have been obtained in writing from the Township Supervisor.

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 burial space sold. Such form shall be executed by the township clerk.

SECTION 4: Purchase Price and Transfer Fee

A. The cost of each 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 a \$50 fee, which was 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 and Closing 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 periodically 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. Only one monument, marker or memorial shall be permitted for burial space unless otherwise approved by the Township Board. Monuments, markers or memorials erected without prior approval may be removed.
- B. All monuments, markers and memorials must be made of stone, such as marble and granite. Bronze may also be used.
- C. All monuments, markers and memorials must be located upon a suitable foundation to maintain the same in an erect position.
- D. The footings 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 sizes and special footings shall be approved by the Township Board.
- E. Valley Township will not maintain headstones.

SECTION 7: Interment Regulations

- A. Only one person may be buried in a burial space unless it is an adult and infant or adult and urn, or the cremains of two persons.
- B. At least forty-eight (48) hours notice shall be given for the opening of the burial space without prior approval from the township clerk.
- C. The appropriate permit for the burial space involved, together with the 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 will be removed.

C. Decorations, other than cement urns, metal baskets and large cement or bronze statues, shall be removed prior to November 1 and April 1 for fall and spring clean up. Decorations not removed by those dates may be removed and discarded by the cemetery sexton, without notice or compensation. This includes, but is not limited to, all plastic flowers and wreaths, small statues not on a permanent base, toys, pinwheels, chimes, birdhouses, plaster cast items and the like.

D. All decorations must not exceed the width of the burial lot.

E. All types of fencing and surfaces other than earth or sod such as gravel, crushed stone or landscaping bark are prohibited.

F. Glass containers, vases and urns are prohibited due to breakage and safety concerns.

G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and all flower containers must be removed or deposited in containers located within the cemetery. The cemetery sexton shall have the right and authority to remove any decoration or container that through decay, deterioration, damage, or becomes unsightly, a source of litter or a maintenance problem.

H. 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.

I. Township responsibility for upkeep of the cemetery shall be limited to providing water and water tank, mowing, trimming, snow removal, tree removal and grading of the cemetery road.

SECTION 9: Forfeiture of Vacant Burial Spaces

Cemetery burial spaces sold after the effective date of the ordinance and remaining vacant for a period of one hundred (100) years shall automatically revert to the township upon occurrence of the following events:

A. Notice shall be sent by the township clerk through first class mail to the last known address of the last owner of record informing them of the township's attempt to reclaim the spaces(s) and that all rights with respect to said space(s) will be forfeited if they do not affirmatively indicate in writing to the township clerk within sixty (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 burial space(s) in question is received by the township clerk from the last owner of record of said space(s), or their heirs or legal representative, within sixty (60) days from the date of mailing of said notice, the township shall have the right to retain ownership.

SECTION 10: Repurchase of Burial Spaces

The township will repurchase any cemetery 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. An administrative fee of 25% of original purchase price shall be charged for repurchasing a cemetery burial space or spaces.

SECTION 11: Records

The township clerk shall maintain records concerning all burials, and 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 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 cemetery 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, association, partnership, corporation or governmental entity who violates any of the provisions of this ordinance shall be deemed to be responsible for the municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense within 3-year period*	\$ 75.00	\$ 500.00
2 nd Offense within 3-year period*	150.00	500.00
3 rd Offense within 3-year period*	325.00	500.00
4 th or more Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s). Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Valley Township 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. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other

appropriate remedy to compel compliance with this ordinance. Each day that a violation exists shall constitute a separate offense.

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 thirty (30) days after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.