

**TOWNSHIP OF HEATH
HEATH TOWNSHIP CEMETERY
ORDINANCE NOS 33, 70, 76 AND 78**

ORDINANCE NO. 33

Adopted: January 10, 1994
Effective: February 17, 1994

ORDINANCE NO. 70

Adopted: January 14, 2008
Effective: January 21, 2008

ORDINANCE NO. 76

Adopted: November 8, 2010
Effective: November 15, 2010

ORDINANCE NO. 78

Adopted: June 13, 2011
Effective: June 20, 2011

An Ordinance to protect the health, safety and general welfare of the residents, property owners, and people within Heath Township, Allegan County, Michigan, by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Heath; to provide penalties for the violation of said ordinance; and to repeal all rules and regulations in conflict herewith.

**HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDAINS:**

SECTION I

TITLE

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

SECTION II

DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

SECTION III

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 of 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 or sexton, however, is hereby granted the authority to vary the aforesaid restriction on sales 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 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 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.

SECTION IV

PURCHASE PRICE AND TRANSFER FEES

- A. The cost of each adult burial space shall be the sum of \$350 for residents or \$1,200 for nonresidents. A resident is defined as one who lives or dwells in a residence within the Township and can qualify as a resident voter of the Township. However, an immediate family member, which shall include a spouse, parent, brother, sister, grandparent or grandchild, in-laws, step-parent or step-children, may qualify for the resident rate providing said member purchases a gravesite in person. **(Amended by Ordinance Nos. 70 and 76, effective November 15, 2010.)**
- B. 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.
- 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 V

GRAVE OPENINGS

- A. 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 reinterment of bodies and remains, which matters are under the supervision of the local health department.

SECTION VI

MARKERS OR 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 any erect position.
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. The footing or foundation upon any monument, marker, or memorial must be placed and shall be constructed by the Township or memorial company at cost to the owner of the burial right.

SECTION VII
INTERMENT REGULATIONS

- A. No more than one body may be buried within any single lot, except that the remains of any single cremated body may be buried with the remains of any other single cremated body or with the remains of any other non-cremated body, either within or outside of burial vaults.
- B. Not less than a 36 hour notice shall be given in advance of any time 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 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.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION VIII
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 flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or Township clerk. Any of the foregoing items planted without such approval may be removed by the Township or cemetery sexton.
- C. The Township Board reserves the right to trim or remove 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 or cemetery personnel 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 or a source of litter, or a maintenance problem. All containers should be removed in the fall. Containers not removed will be removed by cemetery personnel annually, without notice, after October 1 as time and weather dictate.
- F. Surfaces other than earth or sod are prohibited.
- G. No artificial flowers except silk flowers are permitted. Only one metal flower basket or container 15 inches high with handle and feet shall be permitted. The placement of a flower basket is to be in line with the headstone for ease in mowing the grounds. As soon as the flowers or wreaths from a funeral become unsightly, they will be removed. No statues, shepherd poles, flower pots or vases are permitted and any found will be removed. However, existing concrete urns do not have to be removed. Baskets may be placed on graves beginning May 15, depending on the weather, and are to be removed by October 15. One flower basket per grave is permitted. The full name of the deceased shall be painted on the underside of flower baskets for identification purposes. The Cemetery personnel will remove unclaimed baskets after October 15. Winter wreaths are permitted on tripod stands, but not before December and shall be removed by April 15. **(Amended by Ord 78, eff June 20, 2011.)**

SECTION IX
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 X
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 this Township and the same shall be open to public inspection at all reasonable business hours.

SECTION XI
VAULT

All burials shall be within standard vaults of concrete, metal or plastic or similar material, a type and material meeting generally accepted standards and approved by the Township before interment, except for cremated remains, which may be buried in any suitable container with or without an approved vault.

SECTION XII
CEMETERY HOURS

The cemetery shall be open to the general public from dawn till dusk each day.

SECTION XIII
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 \$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 XIV
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 XV
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on February 17, 1994. All Ordinances or parts of Ordinances and any other rules and regulations in conflict herewith are hereby repealed.

HEATH TOWNSHIP
Sheila Meiste, Clerk
P.O. Box 241
Hamilton, MI 49419
269-751-2403