

ORDINANCE # 42

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 CLYDE, ALLEGAN COUNTY, MICHIGAN; TO PROVIDE SANCTIONS FOR THE VIOLATION OF SAID ORDINANCE, AND TO REPEAL ALL ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF CLYDE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1: TITLE

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

Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

A: A cemetery lot shall consist of burial space sufficient to accommodate one burial space.

B: A burial space shall consist of a land area 4 feet wide by 10 feet in length.

Section 3: SALE OF LOTS OR BURIAL SPACES

A: Rights of burial in Township cemetery lots or burial space shall be sold to residents and non-residents of the Township for the purpose of burial.

B: All such sales shall be 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. Such certificate shall be executed by the township clerk.

C: The purchaser, by acceptance of the certificate issued for the cemetery lot or burial space, shall be deemed to have agreed to obey the rules as stated in this Ordinance or any subsequent amendment to the same.

D: The Township will repurchase any cemetery lot or burial space from the current owner for the price said owner paid, upon written request of said owner or his or her legal heirs or representative.

Section 4: PURCHASE PRICE

A: The price of burial rights in a burial space or cemetery lot shall be determined by resolution of the Clyde Township Board and may be amended thereafter by resolution of the Clyde Township Board. The Township Board's authority to establish the price of burial rights shall include, but not be limited to, the authority to establish different price levels based upon whether or not the person for whom the burial space is intended is a resident of Clyde Township.

Section 5: GRAVE OPENING CHARGES

A: The opening and closing of any burial spaces, 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 disinterments shall be made except by cemetery employees, and then only upon written request of the burial space owner or representative.

C: All work will be done under the direction of the caretaker by cemetery employees.

Section 6: MARKERS OR MEMORIALS

A: Only one headstone or marker will hereafter be allowed for each grave, and the said marker shall be placed at the head of the grave, and shall be so placed that the top of the foundation shall be even with and follow the contour of the ground.

B: The foundation of all monuments and headstones shall be made according to specifications provided by the Clyde Township Board and will be built by cemetery employees at the expense of the lot owner. Payment for this work shall be paid in advance.

C: All foundations must be 2" inches larger than the base of the headstone or monument.

Section 7: INTERMENT REGULATIONS

A: The lots shall be used for no other purpose than for the burial of the human dead.

B: The burial of two or more persons in one cemetery lot is not permitted, except mother and infant if buried at the same time, or in the case of twin children buried on the same day. The burial of two cremations in the same lot is permitted.

C: 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: In order that a landscaping scheme may be maintained the following rules will apply to the cemetery:

1. No enclosures of any nature such as fences, hedges, or ditches shall be constructed around any cemetery lots.
2. No boxes, toys, or objects of similar description shall be used or placed on any cemetery lot.
- 3: No trees, shrubs or plants shall be planted, pruned or removed without the consent of the Cemetery Board, but the Township Board, if it deems it advisable may direct the pruning or removal of any tree, plant or shrub, or the planting of such vegetation.
- 4: No graves or lots shall be raised or lowered from the established grade.
- 5: No crushed stone bark or gravel is to be placed on any lot.
- 6: Cement, wood or iron in any form is not permitted to be used as a marker. In addition, uncarved rocks shall not be permitted to be used as a marker. The Township Board shall have the right to refuse placement in a Township cemetery of any marker that is deemed by the Township Board to be visually inconsistent with the appearance of the existing markers in the cemetery.
- 7: All flowers are to be in approved containers (no glass containers) and must be placed in the headstone row.
- 8: All decorations (artificial flowers, plastic baskets, etc.) placed upon lots that become unsightly, as determined by the Township Board or its designee may be removed by the Township without notice. All artificial decorations may be removed by the Township during fall and spring cleanup of a Township cemetery.
- 9: Decorations, plastic flowers, etc. shall be removed by November 1st of each year. Any such items not removed by November 1st each year, may be removed by the Township.
- 10: Winter Holiday Wreaths may be displayed from November 15th each year until March 15th of each year. Those not removed by March 15th of each year may be removed by the Township.
- 11: Any object placed in the said cemetery or any thing done in violation of these rules may be removed, destroyed or changed by order of the Township Board or its designee.

Section 9: RECORDS

A: The township clerk shall maintain records concerning all burials and issuance of burial permits and the same shall be open to public inspection.

Section 10: VAULT:

A: All burials must be in an approved receiving vault

Section 11: CEMETERY HOURS

A: The cemetery shall be open to the general public during daylight hours each day. No person shall be permitted in Township cemeteries at any time other than the foregoing hours, except upon permission of the Township board or the sexton of the cemetery.

B: Only authorized vehicles will be allowed on the Cemetery grounds. All other vehicles must stay on driveways within the cemetery.

Section 12: RESPONSIBILITY OF TOWNSHIP

A: The Township will use reasonable precaution to protect the property of lot and grave owners, but will not hold itself financially responsible for the act of thieves or vandals.

B: Subject to the orders and direction of the Township board, the Cemetery Board shall have absolute charge of the cemetery and is authorized and required to enforce these rules, to maintain order, to supervise all workman, visitors and drivers, to expel from the grounds any improper person or those who violate the rules, and to refuse admission to any person or materials when they may deem such action necessary.

Section 13: SANCTIONS

A: Any person, firm, or corporation who violates any provision of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which Clyde 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. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. The sanctions herein provided for shall be in addition to any injunctive or other relief which might be available or appropriate under the circumstances.

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 AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect thirty (30) days following publication after adoption. All ordinances or parts of ordinances in conflict herein, including Clyde Township Ordinance No. 35, are hereby repealed.

Christine McKellips
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