

**TOWNSHIP OF ALGOMA
COUNTY OF KENT**

At a special meeting of the Township Board of the Township of Algoma, Kent County, Michigan,
held at the Algoma Township Hall, 10531 Algoma Ave., NE, Rockford, MI.,
on the 30th day of March 1998, at 7:00 P.M. with all Members present,
the following Ordinance was offered by Member Ellenwood and supported by Member Walkons.

ORDINANCE #157

Algoma Township Cemetery Ordinance

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

SECTION 1: Title

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

SECTION 2: Purpose

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 Algoma, Kent County, Michigan;
to provide penalties for the violation of said ordinance,
and to repeal all ordinances or parts of ordinances in conflict therewith.

SECTION 3: Definitions

- A. A cemetery is hereby defined to include a burial park for earth interments.
- B. Cemetery lot shall consist of burial spaces sufficient to accommodate from six to sixteen burial spaces.
- C. A burial space shall consist of a land area four feet wide and ten feet in length, except that a burial space in Sections 1, 2 and 3 in the Algoma Township cemetery shall be four feet by eight feet in length.
- D. Interment means the permanent disposition of human remains by cremation and inurnment, entombment or burial.
- E. Burial right means a right of earth interment.
- F. Resident is a person who is currently residing in Algoma Township.
- G. Non-Resident is a person who does not currently live within Algoma Township.
- H. Township sexton is the person so designated by the Township Board to open and close burial spaces.
- I. A Memorial shall include a monument, marker, tablet, or headstone for a family or individual use.
- J. A Monument shall include a tombstone or memorial of granite or marble, which shall extend above the surface of the ground.
- K. A Marker is a monument that is flush with the ground.
- L. Cremation is the incineration of the body of a deceased person.

SECTION 4: Administration and Enforcement

The Algoma Township Board is hereby empowered to enforce all Rules and to exclude from the cemetery any person violating the same. The Township Board shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, burial space owners and visitor and at all times shall have supervision and control of all persons in the cemetery.

SECTION 5: Sale burial rights in cemetery lots or burial spaces

- A. Burial rights in cemetery lots and burial spaces shall be sold and conveyed to Algoma Township residents and non-residents, but the Township Board may establish a higher charge for non-residents, as compared to residents. The sale and conveyance of such burial rights shall be only for the purpose of burial for the purchaser and/or his or her heirs at law or next of kin. No such sales shall be made to funeral directors or others, unless they otherwise qualify as purchasers under the terms of this subsection. Notwithstanding other provisions of this subsection, however, such burial rights may be sold, and such sale may be approved by the Township Clerk, in those situations where the purchaser, or the person for whom burial rights are sought, has been a previous resident of the Township, or is a descendant or other relative of residents or previous residents of the Township, so that the sale of burial rights would make possible the burial of persons who have another family member already buried in a Township cemetery, or there are other sufficient personal reasons for burial in the Township cemetery by reason of previous residents or family or other relationships to persons interred therein.
- B. All such sales of burial rights shall be made only on a form of Burial Rights Certificate approved by the Township Board. Such certificate grants a right of burial only, and shall not convey any other title or interest to the cemetery lot or burial space sold. Such Burial Rights Certificate 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 rights upon the original burial rights certification 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 Rights Certificate to the assignee and shall cancel and terminate upon such records the original permit thus assigned.

SECTION 6: Purchase price and transfer fees

- A. The cost of each cemetery lot and burial space shall be determined by the Township Board.
- B. A fee shall be charged for any transfer of one or more burial spaces.
- C. The forgoing charges shall be paid to the Township Treasurer and shall be deposited in the Township General Fund under the cemetery activity account.
- D. The Township Board, by resolution, may periodically alter fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

SECTION 7: 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 reinterment of bodies and remains, which matters are under the supervision of the local health department.
- C. An extra cost may be charged by the township sexton for opening a burial space in the winter months.

SECTION 8: Markers

- A. All markers must be of stone or other equally durable composition.
- B. Any large upright marker must be located upon a suitable foundation two (2) inches larger than the marker on all sides to maintain the same in an erect position with the exception of bronze markers, which will be installed in cement at ground level.
- C. Only one marker shall be permitted per burial space with the exception of veteran markers.
- D. The footing or foundation upon which any marker must be placed shall be constructed by the Township, or person so designated by the township.

SECTION 9: Interment regulations

- A. Only one person may be buried in a burial space except for a parent and an infant or two children buried at the same time, or two cremations.
- B. A minimum of not less than 36 hours notice shall be given in advance of any funeral to allow for the opening of the burial space.
- C. The appropriate cemetery lot certificate for the burial space involved, will appropriate identification of the person to be buried therein and, where necessary, shall be verified by the Cemetery Sexton or the Township Clerk prior to interment. Where such certificate 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.
- E. The Township Board has by resolution established certain cemetery lots and burial spaces to be reserved for burials of eligible persons in those situations in which, by reason of indigents, there are no funds or not sufficient funds for the purchase of a burial space. Such burial spaces may be allocated and used in the discretion of the Township Clerk, consistent with the terms of this ordinance. Upon a determination that a burial space shall be made available and used in such circumstances, the Clerk shall prepare and execute an appropriate Burial Rights Certificate, and mark the Township cemetery records accordingly.
- F. Disinterments and reinterments shall be under the supervision of the Township Sexton, a licensed funeral director, and the local health officer.
- G. Disinterment of remains shall take place only upon issuance of a permit by the local health officer, provided, however, a permit shall not be required to disinter cremated remains. A duplicate copy of any disinterment or reinterment permit shall be maintained by the Township Clerk as part of the permanent records of the cemetery. For the disinterment of cremated remains, a request for such purpose may be made to the cemetery sexton, by the surviving next of kin, on an affidavit or other form, which shall be maintained by the Township Clerk as part of the permanent records of the cemetery.
- H. A permit shall not be required to open a casket in order to remove an article there from or to place an article therein. The opening of a casket for such purpose shall be under the supervision of the Township Sexton.

SECTION 10: Ground maintenance and care

The general care of the cemetery is assumed by Algoma Township and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed at the discretion of the Algoma Township Board and/or the Township Sexton.

- A. No grading, leveling, or excavation 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 the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.
- C. The Township Board reserves the right to authorize the removal or the trimming of 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 therefore that through decay, deterioration, or damage are determined to be unsightly, a source of litter or a maintenance problem.
- F. Landscape materials (i.e. bark mulch, stone etc.) other than earth or sod are prohibited unless approved by the Sexton and/or the Township.
- G. Urn/containers may be placed on burial spaces from May 1st through November 1st. The Township Sexton or person so designated by the Township Board may remove any or all refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower urns/containers which have not been removed or deposited in containers located within the cemetery by November 1st.
- H. No advertisement or posting of any sign is to be permitted with the exception of Township notices.
- I. No hunting or trapping on the cemetery ground is to be permitted.
- J. Vehicles may be operated within the cemetery only upon the roads, and only as directed by traffic signs or other signs. The use of off-road vehicles or all-terrain vehicles anywhere in the cemetery is prohibited.

SECTION 11: Forfeiture of vacant cemetery lot or burial spaces

Cemetery lots or burial spaces sold after the effective date of this ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of both of the following events:

- A. 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 within 60 days from the date of mailing of the written notice his desire to retain said burial rights; and
- 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, with 60 days from the date of mailing of said notice.
- C. Upon the occurrence of the events stated in subparagraphs A and B, the Township shall become the owner of such cemetery lots and burial spaces, without any other conveyance or proceedings. The Township may thereupon sell and convey such cemetery lots and burial spaces to others, or may otherwise deal with such lots and spaces as permitted by this ordinance.

SECTION 12: Repurchase of lots or burial spaces

Upon approval of the Township Board, the Township may repurchase any cemetery lots or burial space from the owner for the current price paid the township upon written request of said owner or his legal heirs or representatives.

SECTION 13: 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 during reasonable office hours.

SECTION 14: Vault

All casket burials shall be within a standard concrete vault installed or constructed in each burial space before interment. All cremated remains shall be placed in a durable container.

SECTION 15: Cemetery hours

- A. The cemetery shall be open to the general public during the daylight hours.
- 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 16: Penalties

Violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 in the discretion of the Court, and in addition to all of the costs, damages, and expenses provided by law. For purposes of this ordinance, "subsequent offense" means a violation of this ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 17: Severability

The provisions of this 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 18: Effective Date

All other ordinances or parts thereof that are in conflict with this ordinance are hereby repealed. This ordinance shall become effective 30 days after the publication thereof or 30 days after the publication of a summary of the provisions thereof in a local newspaper of general circulation.

AYES: Uplinger, Walkons, Ellenwood, Bigney, Spitsbergen
NAYS: None
ABSENT: None
ABSTAINED: None

ORDINANCE #157 WAS DECLARED ADOPTED ON THIS THE 30th DAY OF MARCH 1998.

Laural E. Walkons
Algoma Township Clerk