

HASTINGS CHARTER TOWNSHIP

ORDINANCE NO. 93-1

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 HASTINGS CHARTER TOWNSHIP, BARRY COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

CHARTER TOWNSHIP OF HASTINGS, COUNTY OF BARRY, MICHIGAN ORDAINS:

Section 1: TITLE

This Ordinance shall be known and cited as the HASTINGS CHARTER TOWNSHIP CEMETERY ORDINANCE.

Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate one vault or two cremains.
- B. A burial space shall consist of a land area four (4) feet wide and nine (9) feet in length.

Section 3: SALE OF LOTS OR BURIAL SPACES

- A. Hereafter, cemetery lots or burial spaces shall be sold by the Township Clerk to residents and non-residents of the Township for the purpose of burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made by funeral directors or others than as heretofore set forth.
- 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 be transferred only by the endorsement of an assignment of such burial rights upon the original burial rights permit form issued by the Township Clerk. Such assignment must be 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 permit to the assignee and shall cancel and terminate upon such records,

the original permit thus assigned.

Section 4: PURCHASE PRICE AND TRANSFER FEES

- A. Each burial space shall cost the sum of _____ for a Township resident, _____ for a non-resident. Payment shall be made in entirety before interment.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$10.00 total.
- C. The Township Board, by resolution, may periodically alter the forgoing fees to accommodate increased costs for cemetery maintenance.

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 by resolution of the Township Board.
- B. No burial space 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 control of the local health department.

SECTION 6: MARKERS AND MONUMENTS

- A. All markers and monuments shall be made of stone or other equally durable composition.
- B. Only one marker or monument 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 sexton at a cost to be determined by the Township Board, payable by the owner of the burial right. Dimensions of the foundation shall be 18" deep and 4" larger on all sides than the monument.

SECTION 7: INTERMENT REGULATIONS

- A. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.
- B. Two cremains may be buried in the same burial space.

- C. 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 space.
- D. The appropriate ownership permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the cemetery sexton prior to interment. Where such permit has been lost or destroyed, the sexton shall be satisfied, from his records or the clerk's records, that the person to be buried is an authorized and appropriate one before any interment is commenced or completed.
- E. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION 8: VAULT

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

SECTION 9: GROUND MAINTENENCE

- 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. All flowers, ornamentals, etc. shall be placed in a urn which shall be set in line with the headstone.
- C. Urns which are not used for two years may be removed by the sexton.
- D. No shrubs, trees, or vines shall be planted. No fences or curbs shall be erected.
- E. The Township Board reserves the right to remove or trim any tree, plant, or shrub already located within the cemetery in the interest of maintaining the proper appearance and use of the cemetery.
- F. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. The sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers therefor that through decay, deterioration, damage, or otherwise become unsightly, a source of litter, or a maintenance problem.

- H. Surfaces other than earth or sod shall be prohibited.
- I. All refuse of any kind including, but not limited to, dried flowers, wreaths, papers, and flower containers shall be removed or deposited in containers located within the cemetery.

SECTION 10: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of the Ordinance and remaining vacant 40 years from the date of their sale 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 him/her of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his/her desire to retain said burial rights.
- B. If 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/her heirs or legal representatives within 60 days from the date of mailing of said notice, said spaces shall revert to the Township and will be resold.

SECTION 11: RECORDS

The Township Clerk shall maintain all records concerning all burials and issuance of burial rights 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: CEMETERY HOURS AND REGULATIONS

The cemetery exists as a memorial to the deceased. It shall be open to the general public daily from dawn to dusk for the purpose of memorializing the dead. It shall be closed to the general public from dusk until dawn

each day. No alcoholic beverages, disruptive behavior, or any conduct deterring from the purpose of the cemetery shall be condoned.

SECTION 13: 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 \$100 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 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: CORRECTION OF ERRORS

The Board of Hastings Charter Township reserves the right to correct any errors made in the description, transference, or conveyance of burial rights, either by substituting a site in another location or by refunding the purchase price of said burial rights. In the event that such error on the part of the Township shall involve the relocation of interred remains or the relocation of a monument or marker, the Township will bear the expense.

SECTION 17: EFFECTIVE DATE

This ordinance shall take effect upon publication of a summary of its contents on June 17, 1993. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

Bonnie L. Cruttenden, Clerk
Hastings Charter Township
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