

**TOWNSHIP OF WATSON
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 04-04-2013-1

WATSON TOWNSHIP CEMETERY ORDINANCE

ADOPTED: April 4, 2013

EFFECTIVE: May 13, 2013

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

**WATSON TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Watson 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 eight feet (8) feet in length.

SECTION III

SALE OF LOTS OR BURIAL SPACES

A. Cemetery lots or burial spaces shall be sold to non-residents or Township residents and their immediate family members, as set forth in Section IV. 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 \$100.00 for residents or \$400.00 for non-residents. 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, who shall include a spouse, son, daughter, (stepson and stepdaughter) brother or sister, may qualify for the resident rate providing said member purchases a gravesite in person.

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 and other 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 48 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 shrubs or trees 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. However, the Township will attempt to contact the family first before removal of any tree/bush/plant or shrub which had been placed in memory of the person in case they would want to replant elsewhere.

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 15 as time and weather dictate.

F. Surfaces other than earth or sod are prohibited.

G. 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 tripods stands, but not before December and shall be removed by April 15.

SECTION IX

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:

Notice shall be sent by the Township clerk by first class mail to the last known address of the 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 said notice.

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 or record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

SECTION X

RECORDS

The Township clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, including the name and address of the person or persons to whom each cemetery lot is issued. Such records shall be kept separate and apart from any other records of this Township and the same shall be open to public inspections at all reasonable business hours.

SECTION XI

VAULT

Burial vaults shall be required for all interments except cremations, and shall be constructed of reinforced concrete, steel, or other approved product which meets performance requirements established by recognized associations within the vault industry, and is found acceptable by the Township. All concrete vaults shall meet the Performance Standards established by the National Concrete Burial Vault Association (NCBVA).

SECTION XII

CEMETERY HOURS

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

SECTION XIII

PENALTIES

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum <u>Fine</u>	Maximum <u>Fine</u>
-1 st Offense	\$ 75.00	\$500.00
-2 nd Offense	\$150.00	\$500.00
-3 rd Offense	\$325.00	\$500.00
-4 th or More Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Watson Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

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 30 days following its publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

WATSON TOWNSHIP
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