

DENVER TOWNSHIP, NEWAYGO COUNTY, MICHIGAN

Ordinance No. 11

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED OR CONTROLLED BY THE TOWNSHIP OF DENVER, NEWAYGO COUNTY, MICHIGAN: TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF DENVER ORDAINS:

Section 1: TITLE

This Ordinance shall be called the “Denver Township Cemetery Ordinance”.

Section 2: APPLICABILITY

This Ordinance shall apply to all cemeteries owned or controlled by Denver Township (“Township”).

Section 3: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot (“lot”) shall consist of burial sites within a cemetery owned or controlled by the Township sufficient to accommodate from one to six burial sites.
- B. An adult burial site shall consist of a land area four (4) feet wide and nine (9) feet in length.
- C. One adult, a mother and stillborn, or up to three children may be buried in each site. Cremains must be in a proper container and may be buried more than one to a site.

Section 4: PURCHASE OF LOTS

- A. Persons desiring to purchase lots are invited to contact the Township Supervisor or Clerk who can aid in making a selection and completion of the transaction.

- B. The Township Clerk will issue a certificate for the right of burial for the sole and only purpose of interment of human remains.
- C. No animals shall be interred in any cemetery owned or controlled by the Township.
- D. Burial sites shall be sold only to residents or taxpayers of the Township for the purpose of the burial of such purchaser, or his or her heirs at law or next of kin.
- E. No sale shall be made to funeral directors, except for the act of the director purchasing a burial site for a deceased person eligible to purchase a burial site. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.
- F. Each adult burial site shall cost the sum set by the Township board from time-to-time by resolution.
- G. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- H. The Township may, at the discretion of the Township Board, repurchase burial sites at the original purchase price from the owner, their heirs, or their representative if not used.

#### Section 5: GRAVE OPENINGS

- A. No burial sites shall be opened or closed except under the direction and control of the Township Cemetery Sexton or such person as is designated by the Township Board. This provision shall not apply to proceedings for the removal and interment of bodies and remains when such matters are under the supervision of the local health department or a court of competent jurisdiction.

#### Section 6: MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any monument must be located upon a concrete foundation to maintain the same in an erect position.

- C. Only one (1) Family Monument per Family lot with 6 grave sites and one (1) marker on each of the remaining single grave sites in the lot.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at the cost of the owner of the burial right.
- E. No homemade monuments are permitted within a Township Cemetery or along a grave site without the prior written permission of the Township Board or it's duly authorized representative.
- F. Should any structure whatever, or any inscription be placed in or upon any burial site, which shall be determined by the Township Board to be offensive or improper or injurious to the appearance of the surrounding lots or grounds, said Board shall have the right to enter upon such lot and remove the said object.
- G. Other rules and regulations as prescribed by the State of Michigan shall be strictly adhered to.

#### Section 7: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial site or within a cemetery shall be allowed without the permission of the Township Board or an authorized representative. Containers or urns shall not be emptied onto the ground.
- B. No shrubs, trees or vegetation (except flowers) of any type shall be planted without the approval of the Township Board or an authorized representative. Any of the foregoing items planted without such approval may be removed by the Township.
- C. The Township Board reserves the right to remove or trim 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. Summer memorials must be removed by October 1<sup>st</sup> Christmas or Winter memorials must be removed by April 1<sup>st</sup> to allow the month of April for clean-up before placing Summer memorials.

- F. The Cemetery Sexton or designated Township official shall have the right and authority to remove and dispose of any and all growth, emblems, displays, items or contains therefore that through decay, deterioration, damage, location or otherwise become unsightly, a source of litter, or a maintenance or access problem.
- G. Surfaces around graves other than earth or sod are prohibited.
- H. While real ground flowers may be planted along a grave site, plastic or silk flowers are permitted only within approved containers.
- I. No glass, tin or wire wreaths may be placed, left or kept within any cemetery for the safety of the workers during lawn maintenance.
- J. No fences, walls, white stones, wood chips, gravel or other items shall be placed, kept or maintained around grave sites.
- K. Apart from approved headstones, no signs, paper, flower tags or similar items shall be kept, maintained or placed along any grave site or within the cemetery. One small United States of America flag per grave site is permitted but flags shall be kept in good condition.
- L. Approved containers may only be filled with dirt, soil, greens and flowers. Approved containers shall not be filled with stones, plastics, newspapers or other similar items.
- M. No personal shall litter, dump debris or dispose of garbage or similar items along a grave site or within a cemetery.
- N. Urns are to be placed in line with the Headstones or markers.

#### Section 8: RECORDS

- A. The Township Clerk shall maintain records concerning all burials, issuance of burial permits, any perpetual care fund, separate and apart from any other records of the Township.

#### Section 9: VAULTS

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

## Section 10: PROHIBITED ACTS

- A. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a Township Cemetery.
- B. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully located on the grounds of any Township Cemetery.
- C. No commercial solicitations of any kind shall occur within any Township Cemetery.
- D. Persons with vehicles shall not be permitted to drive on lawns or lots.
- E. No firearms shall be permitted on cemetery grounds with the exception of those used in military services.

## Section 11: EXCEPTIONS

- A. The prohibitions contained in this Ordinance shall not apply to the Cemetery Sexton or Township officials when they are engaged in the lawful maintenance or improvements of Township Cemeteries.

## Section 12: RULES

- A. The Township Board may adopt rules to carry out the provisions of this Ordinance from time to time by resolution. A violation of any such rule shall also be deemed a violation of this Ordinance.

## Section 13: PENALTIES

- A. Any person, firm, organization, entity or corporation who violates any of the provisions of this Ordinance (or any rule promulgated hereunder) shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail per offense 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 prosecution shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section 14: 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 this Ordinance which shall continue in full force and effect.

Section 15: EFFECTIVE DATE

This Ordinance shall take effect on December 28, 1995. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Michael LeFevre and was seconded by Township Board Member Ronald Ward, the vote being as follows:

YEAS: Michael LeFevre, Ronald Ward, Kathleen Stratton, David Roberson, Lucille Balcom

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED.

Respectfully submitted by,

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David C. Roberson  
Denver Township Supervisor

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Kathleen Stratton  
Denver Township Clerk