

**NORWICH TOWNSHIP
NEWAYGO COUNTY
BIG RAPIDS, MICHIGAN 49307
CEMETERY ORDINANCE
No. 2005-01**

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 Norwich, Newaygo County, Michigan; to provide penalties for the violation of said ordinance; and to repeal all ordinances/resolutions or parts of ordinances/resolutions in conflict therewith. **THE TOWNSHIP OF NORWICH, COUNTY OF NEWAYGO, STATE OF MICHIGAN ORDAINS:**

SECTION 1

Title

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

SECTION 2

Definitions of Cemetery Lots and Burial Spaces

A cemetery lot shall be, determined by the plot map in existence at the effective date of above stated ordinance. They vary in size and allow for one to eight burial spaces. An adult burial space shall consist of an area five (5) feet wide and ten (10) feet in length.

SECTION 3

Sale of Lots or Burial spaces

Hereafter, cemetery lots or burial spaces shall be sold only to residents or property owners of the township for purpose of burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The township clerk or another member of the township board, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein.

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 sexton, clerk or another member of the township board.

It shall be the responsibility of the lot purchaser and/or their heirs to provide the township, at the time of purchase, with a current address and to thereafter notify the township of any future address changes.

In the event that a lot owner decides they no longer wish to retain ownership of said lot, owner must surrender to the township clerk the original Cemetery Lot Certificate and the township will refund to the owner the amount of money paid to the township for said lot. The township board must authorize all Transfers of ownership between family members.

SECTION 4

Purchase Price

Each single grave/burial space shall cost \$100.00 for a resident or property owner, \$400.00 for a non-resident/non-property owner. The township board by resolution may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

SECTION 5

Grave Opening and Closing

The opening and closing of any burial space, prior to and following a burial therein, and including 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, or the official designee charged with the opening and closing.

No burial spaces shall be opened and closed except under the direction and control of the township clerk or another member of the township board, or their official designee. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department. The township clerk or another member of the township board shall contact the cemetery sexton before opening a grave to make sure it is in the right place according to the cemetery map.

SECTION 6

Markers and Memorials

The cemetery sexton, or authorized official designee, shall construct the foundation or footing upon which any monument, marker or memorial must be placed.

All monuments, markers or memorials shall have a foundation that extends at least four (4) inches on all sides of the stone; and be at a depth of eight (8) inches or more, to be determined by the cemetery sexton and the township board. Should any monument, marker or memorial become unsightly, dilapidated or a safety hazard, the township board shall have the right, at the expense of the owner, to correct the condition or remove the same.

SECTION 7

Interment Regulations

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time. Exception: Two (2) cremains may be buried in one grave/burial space with one (1) monument, marker or memorial. 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 spaces.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

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/her records, that

the person to be buried in the burial space is an authorized and appropriate one before an interment is commenced or completed.

SECTION 8

Ground Maintenance

No grading, leveling or excavating upon a burial space shall be allowed without the permission of the township board.

No shrubs, trees, or vegetation of any type shall be planted without the approval of the township board. The township or cemetery sexton may remove any of the foregoing items planted without such approval.

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.

Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.

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, damage or otherwise become unsightly, a source of litter, or a maintenance problem. The use of jars, bottles, or glass containers of any sort is prohibited.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in the containers located within the cemetery.

Artificial flowers are allowed only in approved, standard, above ground, properly maintained urns.

Urn must be aligned with head stones and in rows.

Monuments, markers, or memorials of any kind must be placed on a concrete foundation or township provided base, at the expense of the owner.

Seasonal decorations and wreaths will be allowed from Thanksgiving until spring clean up.

SECTION 9

Forfeiture of Vacant Cemetery Lots or Burial Spaces

When it becomes apparent to the township board that one or more burial lots may have been abandoned by its owner(s): 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 that all rights with respect to said lots or spaces will be forfeited per Michigan Law if he/she does not affirmatively indicate in writing to the township clerk within sixty (60) days from the date of mailing of the within notice his/her desire to retain said burial rights. The notice shall state the date that the township board considered the said lot to have been abandoned by its owner, and that the township board shall seek forfeiture of said lot retroactive to said date if no response is received as indicated above.

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 heirs or legal representative, within sixty (60) days from the

date of mailing of said notice, the said owner's rights may be forfeited per Michigan Law, retroactive to the date the township board considered the same abandoned.

SECTION 10

Repurchase of Lots or Burial Spaces

The township will repurchase any cemetery lot or burial space from the owner for the original price paid the township upon the written request of said owner or his/her legal heirs or representative.

SECTION 11

Records

The township clerk shall maintain records concerning all burials, 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

Vault

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

SECTION 13

Cemetery Hours

The cemetery shall be open to the general public from the hours of daylight to dark of every day. No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township board.

SECTION 14

Regulation of Incompatible Activity

It being understood that the Norwich Township Cemetery was established to provide a place for its residents to inter their deceased loved ones in solemn ceremonies and to provide a place for the quiet or subdued remembrance of their deceased loved ones without undo disturbance:

It shall be unlawful for any person(s) or entity(s) to engage in any activity incompatible with the normal activity of the cemetery, which is defined as the solemn interment of deceased loved ones and/or the quiet or subdued remembrance of deceased loved ones during normal cemetery hours. Any person(s) or entity(s) not engaged in or immediately preparing to engage in either the solemn interment of deceased loved ones and/or engaged in or immediately preparing to engage in the quiet or subdued remembrance of deceased loved ones that is notified that their activity is, or is likely to be, interfering or disturbing to any person(s) or entity(s) that is or is likely to utilize the cemetery for normal activities shall immediately cease conducting the activity or be subject to the penalties outlined in Section 15. Activities that are for the reasonable upkeep and maintenance of the cemetery grounds by the township or sexton shall not be considered incompatible activities under this section.

It shall be unlawful for any person(s) or entity(s) to engage in solicitation of any person(s) within boundaries of the cemetery during normal cemetery hours. Solicitation is

defined as the earnest appeal by personal petition and importunity addressed to a particular individual to do a particular thing.

SECTION 15

Penalties

Any person(s) or entity(s) violating Section 14 of this Ordinance by engaging in incompatible activities and/or solicitation as outlined therein who fails to immediately cease conducting the activity is subject to the forceful removal from the premises and/or prosecution. Any person(s) or entity(s) found guilty of such a violation shall be deemed guilty of a misdemeanor and punishable by a fine not to exceed Five hundred and no/100 (\$500.00) dollars and/or by imprisonment in the county jail not to exceed 90 days. Each incident of interference, disturbance and/or solicitation complained of shall be deemed a separate and distinct offense.

SECTION 16

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 decisions 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 17

Effective Date

This Ordinance shall take effect 30 days after publication. All Ordinances, Resolutions or parts of ordinances/resolutions in conflict with are hereby repealed.

I hereby certify that this Ordinance was adopted on a motion by Traynor, seconded by Carlson and carried with 5 yea votes on this ninth day of February, 2005 at our regular board meeting and shall be fully effective 30 days after publication.

PATRICIA WENTLAND, NORWICH TOWNSHIP CLERK

Copies can be obtained at: 6481 N. Cypress; Big Rapids, MI 49307