

PARK TOWNSHIP CEMETERY ORDINANCE

An Ordinance to adopt provisions to protect the public health, safety, and general welfare by establishing regulations relating to the ownership, operation, repair, maintenance, control and management of cemeteries for human remains owned by the Township of Park, Ottawa County, State of Michigan; to provide penalties for the violations of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF PARK, OTTAWA COUNTY, MICHIGAN, ORDAINS:

SEC. 1 TITLE

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

SEC. 2 DEFINITIONS

- (a) Burial Site - A burial site shall consist of a land area four (4) feet wide and nine (9) feet in length.
- (b) Cemetery - Any cemetery owned and operated by the Township.
- (c) Interment - The permanent disposition of the remains of a deceased person by burial.
- (d) Monument - A tombstone or memorial of granite, or other stone of equivalent durability approved by the Sexton, which extends above the surface of the ground.
- (e) Sexton - The individual appointed by the Township Board to manage the Cemetery.
- (f) Township - Park Township, Ottawa County, Michigan.

SEC. 3 SALE OR TRANSFER OF RIGHTS OF BURIAL

- (a) Sale - Rights of Burial shall be sold by the Sexton. All such sales shall be on a form approved by the Township Supervisor. The sale shall grant a right of burial only and shall not convey any other title to the Burial Site. The sale form shall be executed by the Sexton.

- (b) Price - The price for a right of burial for Township residents and nonresidents shall be established and amended from time to time by resolution of the Township Board. The Sexton shall collect the charge for the sale of each right of burial, and shall record the transaction in the Cemetery file computer and in the Township computer. Once the sales form has been recorded, the sales form itself and the monies collected shall be deposited with the Township Treasurer.
- (c) Transfer - A right of burial may be transferred by the owner of record, but only if first approved in writing by the Sexton. The owner of record shall inform the Sexton of the proposed transfer by letter or other written document and, if approved, the Sexton shall record the transfer in the Cemetery file computer and the Township computer. Once recorded, the transfer document and the Sexton's written approval of the transfer shall be deposited with the Township Treasurer.
- (d) Record - The Sexton shall keep a permanent written record on all sales and transfers of burial rights.

SEC. 4 **FLOWERS AND CONTAINERS**

- (a) Floral Regulations - All flower containers abandoned or with dead flowers shall be removed. The Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, display or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- (b) Flower Containers - Flower containers shall be the traditional moveable metal-handled flower container. Any other containers are prohibited including, but not

limited to, shepherd's rods which prohibit mowing along the side of the Monument. Each burial site is permitted one flower container. In-ground plantings are not permitted.

- (c) Concrete Flower Pots - As of the effective date of this Ordinance, concrete flower containers shall no longer be permitted. Existing concrete flower containers maintained with live flowers will be allowed to remain until the Sexton, in his/her discretion, determines that they are not being appropriately maintained.
- (d) Artificial flowers - Artificial flowers are prohibited.
- (e) Fencing - The fencing of a Burial Site is prohibited.
- (f) Surface - Any ground surface other than sod is prohibited.
- (g) Cleanup - The Cemetery fall cleanup shall begin no later than October 20; all metal flower containers shall be removed before that date. Flower containers not removed by the beginning of the fall cleanup will be stored along the side of the accessory building. Flower containers shall not be returned to the Burial Site until the completion of the spring Cemetery cleanup.
- (h) General Maintenance - The Township reserves the right to remove or trim any tree, plant or shrub located within the Cemetery in the interest of proper maintenance, appearance and use of the Cemetery.

SEC. 5 BURIAL SITE

- (a) Responsibility - The opening and closing of any Burial Site, prior to and following interment, shall be the responsibility of the funeral director. This shall include the

payment of any costs associated with the opening or closing of the Burial Site. The Burial Site and surrounding grounds shall be returned to their original condition.

- (b) Authorization - No Burial Site shall be opened or closed except under the direction, control and supervision of the Sexton.
- (c) Burial Regulations. The burial site shall be occupied by no more than one (1) conventional concrete burial vault subject to the following exceptions:
 - (i) The burial site may be occupied instead by up to two (2) infant or stillborn vaults;
 - (ii) The burial site may be occupied instead by up to two (2) cremation urns; and
 - (iii) If vault placement allows sufficient space, the burial site may be occupied by one (1) conventional concrete burial vault plus one (1) cremation urn.

SEC. 6 MONUMENTS

- (a) Placement - The Sexton will determine the placement of any Monument.
- (b) Number - Burial Sites may have a maximum of one above-ground Monument. A second military stone may be placed at ground level as determined by the Sexton. Additional in-ground markers shall not be permitted, including but not limited to, wood or concrete curbing or concrete slabs.
- (c) Monument Foundations - The footing or foundation upon which any Monument is to be placed shall be four (4) inches longer and four (4) inches wider than the above-ground or Monument. Military stones at ground level may be placed without a footing.

SEC. 7 INTERMENT REGULATIONS

- (a) Subject to laws - In addition to the provisions of this Ordinance, all Interments and removals shall be subject to all laws, rules, regulations, ordinances and orders of the Township and any other governmental agency having jurisdiction.
- (b) Burials - Burial Sites are limited to the burial of one person except as set forth in Section 5(c), above.
- (c) Notice - The Sexton shall have the right to require at least thirty six (36) hours notice prior to any Interment to allow for the identification of the Burial Site and to permit the contact of the organization responsible for opening and closing the Burial Site. The Sexton shall receive at least one (1) week notice prior to any removal.
- (d) Burial Site permit - The appropriate permit for the Burial Site involved shall be presented to the Sexton by the funeral home. The funeral home or family of the deceased shall provide this information for a cremation.
- (e) Concrete Vaults - All burials, except for the remains of a cremation, shall be in a reinforced concrete vault.

SEC. 8 RECORDS

The Sexton shall maintain records concerning all burials, burial permits, sales of rights of burial, and all other communication. This information shall be available to the Township Supervisor at any time and for public inspection upon the filing of an appropriate written request.

SEC. 9. SEXTON'S DEPUTY

The Township Supervisor and the Sexton may jointly designate in writing a deputy for the Sexton. Any approval, transaction, or other action pertaining to the Cemetery may, in the absence, illness, or other circumstance where the Sexton is unavailable, be performed by the Sexton's deputy.

SEC. 10. CEMETERY HOURS

The Cemetery shall be open each day at dawn and closed at dusk.

SEC. 11. LIABILITY

- (a) Damage - With respect to the Cemetery, the Township shall not be held responsible for damages by the elements, acts of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or the order of any military or civil authority, whether the damages be direct or collateral.
- (b) Non-Township employees - All non-Township employees working in the Cemetery shall be fully responsible for any damage done by them or their agents. Upon completing their work, such non-Township employees must immediately remove all tools, equipment and debris from the Cemetery, and they must repair any damage they do to the Cemetery grounds.

SEC. 12. EXCEPTIONS

Special cases may arise in which the literal enforcement of a provision of this Ordinance may impose an undue and unnecessary hardship. Notwithstanding any such provision to the contrary, the Sexton, after due consideration, may make such exceptions,

suspensions or modifications of any applicable provision as the Sexton deems appropriate. Any such exception, suspension or modification shall not be construed as affecting the general application or the intent of the provisions of this Ordinance.

SEC. 13 PENALTIES

In addition to any other charges, fines or penalties for which a person may be liable under other applicable laws or local ordinances, any person who shall violate a provision of this Ordinance, or who shall fail to comply with any of the requirements hereof, shall be responsible for a municipal civil infraction and be subject to the enforcement procedures set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and a fine of fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased fine for a repeat violation shall be as follows:

- (a) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions; and
- (b) The fine for any offense which is a second repeat offense or any subsequent offense shall be \$500.00, plus costs and other sanctions.

The Sexton, members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by

the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are hereby designated as authorized Township officials to issue municipal civil infraction notices and municipal civil infraction citations as set forth in the Municipal Civil Infraction Ordinance adopted by the Township.

SEC. 14 SEVERABILITY AND CAPTIONS

This Ordinance and the various parts, sections, subsection, sentences, phrases and clauses thereof, are hereby declared to be severable. If any part section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each section and subsection are for convenience only and shall not be considered a part of this Ordinance.

SEC. 15 ADMINISTRATIVE LIABILITY

No officer, agent or employee of the Township, or member of the Township Board, shall be rendered liable for any damage that may occur to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

SEC. 16 REPEAL

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any provision of this Ordinance including, but without limitation, the Park Township Cemetery Ordinance adopted on September 14, 2000, are, to the extent of such conflict, hereby repealed.

SEC. 17 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board of Park Township, Ottawa County, Michigan on November 24, 2000, said date being 30 or more days after publication in the Holland Sentinel, a newspaper having general circulation in the Township, pursuant to the provisions of Act No. 246 of the Public Acts of 1945, as amended.



Township Supervisor



Township Clerk

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CERTIFICATE

I, Stuart Visser, the Clerk for the Township of Park, Ottawa County, Michigan, do hereby certify that the foregoing Park Township Ordinance was adopted at a regular meeting of the Park Township Board held on October 12, 2000. The following members of the Township Board were present at that meeting: Visser, VanRaalte, Steggerda, DeGraaf, Seymour, Price, VanDyke. The following members of the Township Board were absent: None.

The Ordinance was adopted by the Township Board with members of the Board all voting in favor and with members of the Board none voting in opposition. The Ordinance was published in the Holland Sentinel on October 24, 2000.



Howard VanRaalte
Park Township Clerk