

**110.000**

**CEMETERY ORDINANCE**

**Ord. No. 45**

**Adopted: April 10, 1984**

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 Tyrone, Kent County, Michigan; to provide penalties for the violation of said Ordinance.

THE TOWNSHIP OF TYRONE, COUNTY OF KENT, MICHIGAN ORDAINS:

**110.001 Title.**

Sec. I. This Ordinance shall be known and cited as the Tyrone Township Cemetery Ordinance.

**110.002 Sale of lots or burial spaces.**

Sec. II.

- A. Hereafter, cemetery lots or burial spaces shall be sold to only residents or former residents of the Township for the purpose of the 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 Board and Sexton, 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.
- 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. However, this does not permit ownership of land, only right of burial.

**110.003 Purchase price and transfer fees.**

Sec. III.

- A. The charges for burial space shall be paid to the Cemetery Sexton or Township Clerk and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- B. The Township Board by Resolution may periodically alter the burial space fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

**110.004 Grave opening charges.**

Sec. IV.

- 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.

### **110.005 Markers or memorials**

#### Sec V.

- 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 solid foundation to maintain the same in an erect position.
- C. Only one monument, marker or memorial shall be permitted per burial space located at the head of gravesite.
- D. Footings for all headstones or monuments shall be installed by the sexton of the cemetery and are to be constructed of concrete of sufficient size and depth so as to support said headstone or monument. Fees for said footings shall be as per rate schedules as prescribed and approved by the Township Board, or sexton, at a cost to the owner of the burial right.

### **110.006 Interment regulations.**

#### Sec. VI.

- A. Only one person may be buried in a burial space except for an adult and infant, or two children buried in the same grave, or cremations.
- B. Not less than 36 hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.
- 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 spaces involved.
- E. Winter burials will not be made after the first measurable snowfall. The cemetery sexton will use his own discretion.

### **110.007 Ground maintenance.**

#### Sec. VII.

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Township Board.
- B. Ornamental shrubs, dwarf trees or vegetation of any type shall not be planted without the approval of the cemetery sexton or the Township Board. Any of the foregoing items planted without such approval shall be removed by the Township or cemetery sexton. Ornamental shrubs, dwarf trees, dwarf shrubs, plants, urns or other ornamental accessories must be placed in-line with headstones.

- C. Maintenance of these items will be the responsibility of the family interred and not be included in the perpetual care. Any vegetation that is not properly maintained shall be removed by the sexton. No decorative or loose stones shall be placed around marker or flowers beds.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- E. The cemetery 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.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.
- H. No glass containers will be allowed in the cemetery.
- I. No fences of any kind shall be placed on or near grave sites.

#### **110.008 Purchase of lots or burial spaces.**

Sec. VIII. 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 all his or her legal heirs or representatives.

#### **110.009 Records.**

Sec. IX. The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, along with the cemetery sexton. This is to be separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable hours.

#### **110.010 Vault.**

Sec. X.

- A. All burials shall be required to be placed in a concrete vault or concrete box installed or constructed in each burial space before interment.
- B. Fee for grave opening shall be as per rate schedule as prescribed and approved by the Tyrone Township Board and/or Cemetery Sexton.
- C. The Sexton of Cemeteries shall not be held responsible for errors in location of graves on lots arising from improper instruction of lot owners or funeral directors. Orders from funeral directors shall be construed as orders from owners. Under no circumstances shall the Township of Tyrone assume responsibility for error in opening graves when orders are given by telephone. No grave shall be opened, except by the sexton or by workmen employed by the cemetery sexton.

#### **110.011 Cremated.**

Sec. XI. The remains of any body that has been cremated and that is to be buried in the cemetery in Tyrone Township, shall be contained in a concrete, metal or other type container so approved and sold for such purpose. Burial of such remains when properly contained and to be buried, shall be buried by the sexton of the cemetery. Fee for such burial shall be as per rate schedule as prescribed and approved by the Tyrone Township Board or Sexton. The remains of any body that has been cremated shall not be scattered upon the ground of any cemetery in Tyrone Township.

#### **110.012 Disinterments.**

Sec. XII. General restrictions. No disinterment will be allowed except by authority of the person owning the lot in which the interment is made, except by order of court, when proper receipt for the remains must be given. Graves shall not be opened for inspection except for official investigations. Interment and disinterment may be made only by the regular employees of the cemetery. The Tyrone Township Board shall exercise the utmost care in making the removal, but shall assume no liability for any damage to any casket or burial case or urn incurred in making the removal. Any markers or monuments designating the location of an interment shall be removed at the time of disinterment.

#### **110.013 Penalties.**

Sec. XIII. Any person, firm or corporation who violates any of the provisions within the Ordinance 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 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.

#### **110.014 Severability.**

Sec. XIV. The provisions within the 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.

#### **110.015 Effective date.**

Sec. XV. This Ordinance shall take effect on May 10<sup>th</sup>, 1984, with Amendments 45-A effective 30 days from adoption. (Jan.10<sup>th</sup>, 2002)