

BLOOMINGDALE TOWNSHIP CEMETERY ORDINANCE

ORDINANCE # 2-96

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 BLOOMINGDALE, VAN BUREN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

TOWNSHIP OF BLOOMINGDALE, COUNTY OF VAN BUREN, MICHIGAN ORDAINS:

Section 1: TITLE

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

Section 2: DEFINITIONS

A. Burial Space--Burial Spaces vary in size according to the cemetery.

B. Resident--

1. A person who resided in the Township immediately before the time of his or her death; or
2. A person who purchases a cemetery lot or burial space while residing in the Township which is to be used solely by members of the residents family; or
3. A family member of a resident who has purchased a cemetery lot or burial space or who is buried in the cemetery at the time of purchase; or
4. A person who is no longer a resident of the Township but who resided in the Township for not less than (10) years.

C. Cemetery Lots and Burial Spaces--

1. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
2. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
3. An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3½) feet in length.

Section 3: SALE OF LOTS OR BURIAL SPACES

A. Hereafter, cemetery lots or burial spaces 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 or next of kin. No sale shall be made to anyone for purpose of resale to unqualified purchasers. The township clerk, however, is hereby granted the authority to vary the aforesaid restrictions on sales where the purchaser disclosed sufficient personal reason for burial within the Township through previous residence in the Township, relationship to a person interred therein or other legitimate circumstance.

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 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 right of burial 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 permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

Section 4: PURCHASE PRICE AND TRANSFER FEES

Each adult burial space shall cost the sum of \$ 50.00.

B. Notwithstanding anything to the contrary herein, residents and/or taxpayers of the City of Gobles shall have the right under this Ordinance to purchase burial rights in Robinson Cemetery at the rate of \$150.00 per grave site as long as the City of Gobles continues to pay to Bloomingdale Township, the annual agreed upon fee between the City of Gobles and Bloomingdale Township.

Until further agreement, the City of Gobles shall pay the sum of \$1,000 per calendar year.

Residents and/or taxpayers of the City of Gobles shall pay the same grave opening fees as non residents.

C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$ _____.

D. The foregoing charges shall be paid to the Township Treasurer.

E. The Township Board, by resolution, may periodically alter the foregoing fees to accomodate increased costs and needed funds for cemetery maintenance and acquisitions.

Section 5: GRAVE OPENING CHARGES

A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of cremains, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.

B. 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 6: MARKERS OR MEMORIALS

A. All markers or memorials must be of stone or other equally durable composition.

B. All markers, memorials and monuments must be located upon a suitable foundation to maintain the same in an erect position.

C. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.

Section 7: INTERMENT REGULATIONS

A. Only one person may be buried in a burial space except for a mother and infant, two children buried at the same time or infant, stillborn or cremains. Only two cremains may be buried in a burial space.

B. No 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.

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.

E. The cemetery sexton shall control and direct the placement of all burial spaces, vaults, monuments, markers and memorials.

Section 8: GROUNDS 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 flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the Township Clerk. Flowers must be confined to the headstone area. Any of the foregoing items planted without such approval may be removed by the Township or the cemetery sexton.

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. 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.

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.

Section 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES.

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant fifty (50) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

A. 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 of the expiration of the 50 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 the written notice his desire to retain said burial rights.

B. 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 60 days from the date of mailing of said notice.

Section 10: REPURCHASE OF LOTS OR BURIAL SPACES

The Township will not purchase back or trade any cemetery lot or burial space from the owner.

Section 11: RECORDS

The Township Clerk shall maintain records concerning all burials, issuance of burial permits and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection as permitted by law.

Section 12: VAULT

All burials shall be within an outside container constructed in such a manner to keep the ground intact, no less than a standard grave liner.

Section 13: CEMETERY HOURS

A. The cemeteries shall be open to the general public from dawn to dusk each day.

B. No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the sexton of the cemetery.

Section 14: PENALTIES

Any person, firm or corporation who violates any of the provisions of the within 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 prosecution hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

Section 15: SEVERABILITY

The provisions of the within Ordinance are hereby declared to 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 16: EFFECTIVE DATE

This Ordinance shall take effect on February 17, 1996
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED: January 17, 1996

EFFECTIVE: February 17, 1996

Motion by Hassing, Seconded by Stange that Cemetery Ordinance # 2-96, be adopted.

Ayes: Miller, Bly, Stange, Scamehorn, Hassing

Nays: None

Absent: None

ORDINANCE #2-96 DECLARED ADOPTED.

Not Published on time Re-adopted on March 20, 1996

Motion by Stange, Seconded by Scamehorn that Cemetery Ordinance # 2-96, be adopted.

Effective: April 20, 1996

Ayes: Stange, Scamehorn, Bly, Hassing

Nays: None

Absent: Miller

ADOPTED: JANUARY 17, 1996

EFFECTIVE: IMMEDIATELY

Motion by Stange, Seconded by Scamehorn that the Resolution Setting Cemetery Charges be adopted.

Ayes: Bly, Stange, Scamehorn, Hassing, Miller

Nays: None

Absent: None

Not published on time Re-adopted on March 20, 1996

Motion by Hassing, Seconded by Scamehorn that the Resolution Setting Cemetery Charges be adopted.

Ayes: Hassing, Scamehorn, Stange, Bly

Nays: None

Absent: Miller