

Sherman Township Cemetery Ordinance #40

THE TOWNSHIP OF Sherman, Newaygo COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Sherman Township Cemetery Ordinance #40

Section 2: Definitions of Cemetery Lots and Burial Spaces

- a. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- b. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- c. An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials.

Section 3: Sale of Lots or Burial Spaces

All 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.

Section 4: Purchase Price, Transfers, and Fees

- a. Lot prices and transfer fees shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township. A list of these charges is available from the Sexton or clerk.
- b. Lots are to be sold only back to the Sherman Township Cemetery and only for the original price paid for the lot. A lot owner may give two (2) lots to any other party (for no cost) one time only. The party receiving the lots may not transfer them to a third party. A new Right to Burial will be issued for the lots transferred and those remaining. A fee of \$25.00 will be charged for all lot transfers to cover the issuing of new Right to Burial.

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 ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township. A list of these charges is available from the Sexton or clerk.
- 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.
- c. A former resident of the township who is confined to a nursing home will be considered a resident for the purposes of burial cost provided a property is owned in the township by the person.

Section 6: Markers or Memorials

- a. No monument or marker shall be erected on any lot until the lot shall have been paid for in full and Right to Burial issued. Persons desiring to set monuments, headstones, or other structures will first get permission from the Sexton. All foundations and footings shall be installed by the Sexton or under his supervision.
- b. No monument or other like structure shall be more than forty (40) inches above the ground level nor wider than 50 inches. All monuments must be located upon a suitable foundation to maintain the same in an erect position. Only one monument, marker or memorial shall be permitted per burial space.
- c. Foundations for all monuments, headstones, or other structures must be at least one foot below the surface of the lot and be built of cement concrete material.
- d. A concrete vault or concrete box shall be required for all burials. All material coming under the rules governing monuments must be inspected and must comply with all cemetery rules before entering the grounds.
- e. Mason, stone cutters, and all other workmen shall at all times be under the supervision of the Sexton and must carry off all rubbish and restore avenues and paths injured by their operations as he shall direct. Any workman failing to conform to these regulations may be excluded from the grounds and the person employing him shall be responsible for the damage sustained thru his neglect.
- f. All markers or memorials must be of stone. No wooden, plastic, metal, or cement benches or chairs are allowed in the cemetery as markers or memorials.

- g. All monuments must be located upon a suitable foundation to maintain the same in an erect position. Only one monument, marker or memorial shall be permitted per burial space.
- h. 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. Footings are poured 2 times a year, in May and September.

Section 7: Interment Regulations

- a. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.
- b. Not less than 48 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 the Sexton 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.

Section 8: Ground Maintenance

- a. No stones, mulch, bark, or similar material shall be placed around headstones or grave sites.
- b. No spreading flowers (such as iris, hen & chicks, lily of the valley, etc), rose bushes, or shrubs with thorns of any type shall be planted. Any of the foregoing items planted may be removed by the Township or the Cemetery Sexton.
- c. No arbors or trellis may be put in the cemetery. Headstones must be in a straight line at the head of the grave, no foot stones or stones in the middle of the grave.
- d. No fences or curbing of any kind will be permitted around graves, nor any cement covered graves above ground.
- e. 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.
- f. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- g. The right to remove or modify any improvement on any lot which the Township Board considers injurious to the general good of the cemetery or the adjacent lot shall be maintained and enforced, both before and after internments are made.
- h. 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

- a. Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:
- b. 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 40-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 within notice his desire to retain said burial rights.
- c. 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

Lots are to be sold only back to the Sherman Township Cemetery and only for the original price paid for the lot. A lot owner may give two (2) lots to any other party (for no cost) one time only. The party receiving the lots may not transfer them to a third party. A new *Right to Burial* will be issued for the lots transferred and those remaining. A fee of \$25.00 will be charged for all lot transfers to cover the issuing of new *Right to Burial*.

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 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: 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 \$100.00 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.

Section 14: 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 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 15: Conduct in cemetery and funeral vehicles

- a. All persons are strictly prohibited from plucking any flowers, either wild or cultivated, breaking any trees, shrubs, or plants, writing on or injuring any monument, fence, or structure within the cemetery.
- b. All persons with interest in the cemetery should confine themselves to the walks and drives as much as possible. Persons shall conduct themselves with dignity at all times in the cemetery.
- c. The speed of cars and other vehicles in the cemetery shall not be in excess of fifteen (15) miles per hour. All trucks with monumental material must be confined to the roads as much as possible.
- d. Persons driving in the cemetery will be held responsible for all damage done by their negligence.
- e. All funeral processions while in the cemetery shall be under the entire control of the Sexton.

Section 16: Effective Date

This ordinance shall take effect on March 1st, 2011. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Motion by Stroven, 2nd by Derks to adopt ordinance #40 , Sherman Township Cemetery Ordinance.

YEAS: Derks, Smalligan, Stocking, Stroven, Sullivan

NAYS: None

Adopted January 3rd, 2011.

Signed, Murry D Stocking, clerk