

CASCO TOWNSHIP CEMETERY ORDINANCE

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 Casco, Allegan County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

The Township government has no desire to unnecessarily restrict the individual desires or taste of burial right assignees, but to place before them for observance, such rules and regulations as will protect the general landscape design and accommodate a cost effective maintenance program.

Section 1: Title

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

Section 2: Definitions of lots and burial spaces

Burial Space shall consist of a land area four (4) feet wide and eight (8) feet in length. Cemetery lot shall consist of four burial spaces.

Section 3: Sale of burial rights

- A. Assignment of burial rights may be purchased from the Township Sexton for the purpose of burial. The assignment of the burial space is for the exclusive use of the individual named as assignee.
- 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.
- C. All fees shall be established by resolution of the Township Board.
- D. Burial rights are non-transferable but may be surrendered to the Township Board and refunded for the original purchase price.

Section 4: Forfeiture of vacant burial spaces

Cemetery burial spaces sold after the effective date of this ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following:

- A. Notice shall be sent by the clerk by first class mail to the last known address of the assignee informing him or her of the expiration of the 40 year period and that all rights with respect to said space will be forfeited if he or she does not affirmatively indicate in writing to the township clerk, within 60 days from the date of mailing the notice, his desire to retain said burial rights.

- B. No written response to said notice indicating a desire to retain the burial rights in Question is received by the township clerk from the assignee, or heirs or legal representative, within 60 days from the date of mailing said notice.

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 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: Funeral and 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. In the case of cremation, the ashes of no more than two people shall be allowed on a burial space.
- 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. Any Sunday funeral must assume all extra costs. All fees must be paid in advance of any grave opening.
- C. The appropriate certificate for burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the cemetery sexton prior to interment. Where such certificate has been lost or destroyed, the township clerk or sexton shall be satisfied, from records, that the person to be buried in the burial space is authorized and the appropriate one before any interment is commenced. Under no condition will the Township assume responsibility for errors in opening graves when orders are given by telephone and the party will be expected to compensate the township for additional cost.
- D. Burial boxes over four feet in length will be classed as an adult.
- E. Graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved and under the direction of the Sexton.
- F. As soon as flowers or emblems used at funerals become unsightly, they will be removed, and no responsibility for their return to owners will be assumed.
- G. The possession of fire arms within the cemetery grounds is forbidden, except that Military or other organization may carry arms for the purpose of firing a salute over the grave at the burial of a member.

Section 7: Markers or memorials

- A. All markers or memorials must be of stone or equally durable composition. Slate, sandstone, cement, artificial stone, wood or iron in any form are not permitted to be used as memorials.
- B. No monument will be permitted to be taken from a lot except by written permission from the Sexton.
- C. All foundations for monumental structures must be built of solid masonry and the depth and size approved by the Sexton. The Sexton shall govern the location of all monumental work. The foundation shall be constructed by the township at a cost to the assignee. Fees shall be established by resolution of the Township Board.
- D. Foundations remaining unoccupied for a period of nine months shall be declared vacated and removed. The assignee shall be responsible for an additional cost.
- E. Approval of the Sexton shall be required for any variation to the aforementioned rules.

Section 8: Vault

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

Section 9: Ground maintenance and plantings

No grading, leveling, or excavating upon the burial space shall be allowed.

- A. Landscape beauty and unity cannot be maintained except through a single control. In addition, everyone benefits from the economical maintenance of the cemetery and ease of maintenance must be a high priority.
- B. Approval for the planting and location of shrubs or trees, shall be obtained from the Sexton or the township office. An approved list of non-intrusive varieties is available and permission should be sought prior to purchase to avoid any disappointments.
- C. Persons desiring to plant flowering or other plants are required to consult the planting guide available from Sexton or the township hall. Hanging baskets are never satisfactory because of being exposed to the weather, and unless watered several times a day, they become unsightly. The enclosing of a burial space or any side thereof with plants is not permitted.
- D. No person shall trim, prune, or remove any trees or shrubs without permission from Sexton.

- E. All movable containers and memorials must be removed from the cemetery by October 1st of each year. Any item, other than concrete urns, will be removed by the township and destroyed. November 15th to March 1st of each year is approved for winter decorations in the cemetery, those not removed by March 1st will be removed by the township and destroyed. Holiday decorations must be removed in a timely fashion.
- F. The township reserves the right to plant all trees or shrubs or to remove without notice trees or shrubs planted in violation of these rules.

Section 10: Rules of conduct

- A. All cemetery property is considered sacred ground and visitors need to be considerate and act respectful at all times. The Sexton shall monitor the behavior of patrons and have authority to establish temporary rules not covered in this ordinance.
- B. The removal of any object whatsoever without permission is prohibited. This includes, but not limited to, the picking of wild or cultivated flowers or any way disturbing birds, trees, plants, shrubs, sod, monuments, vaults, ornaments, or other structure or property within the jurisdiction of the cemetery.
- C. Cemeteries are not intended for recreation. Persons having children in their charge will be held responsible for the conduct, and under no circumstances will anyone be permitted to run over graves. Camping, picnics, parties, fires, the operation of recreation vehicles, animals, and other inappropriate activities are prohibited.
- D. Vehicles must travel on the roadways and never drive on lots or alleys. Speed shall never exceed 10MPH. Persons in charge of heavy loads entering the cemetery grounds will be required to protect the roads whenever in the opinion of the Sexton it is advisable to do so, and to pay all damages sustained by the cemetery street, resulting from such loads.
- E. All funeral processions while in the cemetery shall be under the direction and control of the Sexton.
- F. No promotional material will be allowed in the cemetery. This includes business cards, advertisements, signs, insignias or any other similar items
- G. No person shall deface, injure or write upon any monument, articles, or structure in the cemetery.
- H. The township will use reasonable precaution to protect the property of assignees and diligently seek enforcement of all applicable laws related to the protection of said property. The township will not hold itself financially responsible for the acts of thieves or vandals. Assignees are urged to contact their insurance company regarding coverage for monuments.

Section 11: Mausoleums

Mausoleums are allowed only in a designated portion of McDowell Cemetery.

- A. A minimum of four grave spaces are required for an above ground burial
- B. The structure must fit in the center two spaces of a four grave lot and be no taller than four feet in height.
- C. A substantial foundation will be needed and constructed by a licensed contractor. The design and contractor must be pre-approved by the Sexton. The construction of said foundation and interment must be under the direction and approval of the Sexton. A service fee for additional cost associated with this type of burial will be established by resolution of the Township Board and paid to the township prior to construction.

Section 12: Cremation memorial

An area shall be set aside for individuals not buried in the cemetery to be memorialized. A monumental structure will be made available to accommodate an individual's name. A fee shall be established by resolution of the Township Board.

Section 13: Cemetery Advisory Committee

The township board may appoint a committee of not less than three registered electors of the township to meet and work with the Sexton on cemetery issues, organize volunteers, approve a list of plantings, rules and amendments, and act in an advisory capacity to the Township Board.

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 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 15: 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 16: Effective Date

This ordinance shall take effect on 4-30, 2001. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Allan W. Overhiser, Clerk

**RESOLUTION
TO ESTABLISH AND AMMEND
CEMETERY FEES**

WHEREAS; The existing fees have not been amended for many years and new trends are not addressed in the current fee structure,

WHEREAS; Maintenance cost is ever increasing,

WHEREAS; A group of citizens reviewed the entire ordinance and researched neighboring cemeteries,

RESOLVED; The Casco Township Board at a Regular Meeting held March 12, 2001, adopt A fee schedule to be known as Cemetery Fees #031201

Overhiser moved to approve said resolution adopting the attached fee schedule #031201, seconded by Ridley, motion was declared approved.

ALLAN W. OVERHISER