

# **CHESTER TOWNSHIP**

## **OTTAWA COUNTY, MICHIGAN**

**(Ordinance No. 00-9-1)**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of cemeteries owned, controlled or operated by the Township of Chester, in Ottawa 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 OF CHESTER (“Township”), COUNTY OF OTTAWA, MICHIGAN  
ORDAINS:

### **Section 1. Title**

This Ordinance shall be known and cited as the “Chester Township Cemetery Ordinance”.

### **Section 2. Definitions**

1. A “cemetery lot” shall consist of an area sufficient to accommodate one burial space for one deceased person.
2. A “burial space” shall consist of a land area at least thirty-eight (38) inches wide and ninety-six (96) inches in length. Exceptions may be made with Township permission to accommodate infant burial or burial of cremains.

### **Section 3. Sale of Cemetery Lots; Nontransferable**

1. After the effective date of this Ordinance, cemetery lots shall be sold for the purpose of burial for the purchaser of a cemetery lot, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
2. 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. Such forms shall be executed by the Township Clerk or Deputy Township Clerk, and shall constitute a permit when approved.
3. Cemetery lots may be sold by the Township to any resident or taxpayer of Chester Township. The Township Clerk 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 in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such variance) may be overturned by a vote of a majority of the members serving on the Township Board.
4. At the time of purchase from the Township, each burial space shall be assigned the name of the person who shall be interred in that burial space upon death. Each such person must either be a resident or tax payer of the Township, or be a member of the immediate family

of the purchaser. If the owner of a burial site desires to effectuate a name change regarding the assigned burial space, that person must sell the burial space back to the Township and repurchase that space, since burial spaces are otherwise nontransferable.

5. Cemetery lots are non-transferable, but may be sold back for the original purchase price to the Township (for resale by the Township).

**Section 4. Purchase price**

1. Each Cemetery lot shall cost the sum of \$100.00 (One Hundred dollars). Burial spaces for infants or cremains shall cost the sum of \$50.00 (Fifty dollars). Such sums shall be paid to the Township.
2. The lawful owner of any cemetery lot within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.
3. All charges shall be paid to the Township Treasurer.
4. The Township Board may by resolution periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

**Section 5. Grave opening charges**

1. The Township may charge reasonable fees for the opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board, payable to the Township.
2. No burial space shall be opened or closed except under the direction and control of the cemetery sexton or such other individual as is designated by the Township Board. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, where such matters are under the supervision of the local health department or a court of competent jurisdiction.

**Section 6. Markers or memorials; No Monuments**

1. All markers or memorials must be of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
2. Except for monuments which existed in a Township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery. For purposes of this Ordinance, "monument" shall be defined as any marker, memorial, statue or similar item which exceeds (30") thirty inches in height above normal ground level or which has a ground surface area exceeding (2') two square feet.
3. Only one marker or memorial shall be permitted per burial space, or one marker or memorial in total where two adjoining lots share that one marker or memorial. Markers shall be no more than (30") thirty inches in width (or (48") forty-eight inches in width for a double marker), with an overall height of no more than (30') thirty inches above ground

level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than (12") twelve inches by (24") twenty four inches in size.

4. The footing or foundation upon which any marker or memorial must be placed shall be constructed by the company placing the marker or memorial and shall be paid for by the family involved at their expense.
5. Should any monument or memorial (or monument which was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner prior to any such work beginning.

**Section 7. Interment regulations**

1. The Township shall be given not less than 36 hours prior notice in advance of any funeral to allow for the opening of the burial space. The opening and closing of burial spaces shall be done only by the Township or such person or persons as are designated by the Township.
2. The appropriate permit from the Township for the burial space involved, together with appropriate identification of the person to be buried therein, 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 deceased person to be buried in the burial space is an authorized and appropriate person for that space before any interment is commenced or completed.
3. The surface of all graves shall be kept located in an orderly and neat appearing manner within the confines of the burial space involved.

**Section 8. Ground maintenance**

1. Urns may be placed and maintained at the head stones of graves no earlier than May 1st and must be removed no later than September 1st of each year. Decorations will be permitted for holidays falling outside of these dates, but only for 1 week prior and 1 week following the holiday. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
2. No grading, leveling, or excavating within a cemetery shall be allowed without permission of the cemetery maintenance personnel or the Township Clerk.
3. No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn. Any of the foregoing items planted without Township approval will be removed by the Township or the cemetery maintenance personnel.
4. The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.

5. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
6. The cemetery maintenance personnel shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers which through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
7. Surfaces other than earth or sod are prohibited.
8. All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, and flower containers must be removed from the cemetery within 10 days after a burial.

**Section 9. Forfeiture of vacant cemetery lots or burial spaces**

Burial rights permits are valid for 50 years after being issued. At the time of expiration, notice shall be sent by the Township Clerk by first class mail to the last known address of the owner of record notifying them of the expiration. All rights with respect to said burial rights and related permits will be forfeited if the owner does not notify the Township in writing within 60 days from the date of the mailing that they desire to retain said rights.

**Section 10. Repurchases of lots or burial spaces**

The Township may repurchase any cemetery lot from the owner for the original price paid to the Township upon the written request of said owner or his or her legal heirs or representatives.

**Section 11. Records**

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any other records of the Township related to cemeteries and the same shall be open to public inspection at all reasonable business hours.

**Section 12. Vaults**

1. All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the Township sexton if allowed by law.
2. Cremains shall be in a container approved by the Township.

**Section 13. Prohibited Acts**

1. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a Township cemetery.
2. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully located on the grounds of any Township cemetery.
3. No vehicles shall be permitted to drive on lawns or lots in a cemetery.

**Section 14. Applicability of this Ordinance**

1. This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.
2. The provisions of this Ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.

**Section 15. Penalties**

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

**Section 16. Severability**

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be 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 this Ordinance, which shall continue in full force and effect.

**Section 17. Effective Date; Conflicts**

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Berenbrock and was seconded by Township Board Member Joiner, the vote being as follows:

YEAS: Denhof, Meerman, Berenbrock, Joiner, Redding

NAYS: none

ABSTAIN/ABSENT: none

ORDINANCE DECLARED ADOPTED.

Janice Redding

Chester Township Clerk

**CERTIFICATION**

I hereby declare that the above is a true copy of an ordinance adopted by the Chester Township Board at a board meeting held on September 19, 2000, at the Chester Township Hall, pursuant to the required statutory procedures.

DATED: September 19, 2000

Respectfully submitted,

By: \_\_\_\_\_

Janice Redding

Chester Township Clerk