

## ORDINANCE #2020

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS REGULATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF LEE, ALLEGAN 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 LEE, COUNTY OF ALLEGAN, MICHIGAN ORDAINS:

### Section 1: TITLE

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

### Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial space sufficient to accommodate one burial space.
- B. An adult burial space shall consist of a land area 4 feet wide and 10 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 immediate family. Immediate family shall include mother, mother-in-law, father, father-in-law, sister, brother, children and grandparents. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser disclosed 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. The buyer of the lot, by acceptance of the deed issued for the same, agrees to obey the rules as herein stated and further agrees to be bound by any regulations hereafter made for the government of the Cemetery by the Township Board, and accept title to the said lot subject to the burden of the said rules.

- D. Transfer or sale of the lot purchased may be made with the consent of the Lee Township Clerk.
- E. The Township of Lee may buy lots back upon proof of purchase.

#### Section 4: PURCHASE PRICE AND TRANSFER FEES

- A. Each adult burial space shall cost the sum of \$50.00 for resident or taxpayer of Lee Township. All non-residents will pay \$150.00 for each burial space.
- B. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserved funds for cemetery maintenance and acquisition.

#### Section 5: GRAVE OPENING CHARGES

- A. No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. The Township may refuse to open a grave or disinter a body except upon a Court order, or a written order of the husband, wife, father, mother, son or daughter, and then only for a good cause, and the Township reserves the right to refuse any such request except when ordered by a duly authorized public official. Disinterments will be made by Cemetery employees only.
- B. The cost for grave openings for adults will be \$200.00 with cremains being \$100.00 during the weekdays. The cost for grave openings will be \$275.00 with cremains being \$125.00 for weekends and holidays. The cost for grave openings for infants with a vault up to 36" will be \$75.00. The cost for grave openings for a child with a vault 36" to 60" will be \$125.00. There will be an additional fee of \$50.00 for weekend grave openings for infants and children.
- C. The cost of welfare burials of township residents will be determined by the Township Board and the Department of Social Services

#### Section 6: MARKERS OR MEMORIALS

- A. Only the family monument, not exceed 42" in height, will be permitted on each lot and only stone or marker will hereafter be allowed for each grave on any lot, aside from the monument.
- B. The footing or foundation upon which any monument, marker, or memorial must be placed shall be constructed by the Cemetery Sexton at a cost of 25 cents per square inch to the owner of the burial right and shall include a 2" border beyond the size of monument, marker, or memorial. Payment for this work shall be paid in advance.

## Section 7: INTERMENT REGULATIONS

- A. The lots shall be used for no other purpose than for the burial of the human dead.
- B. The burial of two or more persons in one grave is not permitted, except: parent and infant, multiple infant children, or simultaneous interment of ashes buried on the same day, and no more than two immediate family members buried on separate dates. Immediate family will be defined as in Section 3(a).
- 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. All burials shall be with the head west, feet east with the monument facing west at the head of the grave.

## Section 8: GROUND MAINTENANCE:

- A. In order that a landscaping scheme may be maintained the following rules will apply to the cemetery.
  - 1. No enclosures of any nature such as fences, hedges, or ditches shall be constructed around any lots.
  - 2. No toys or objects of similar description shall be placed on any gravesite.
  - 3. No trees, shrubs or plants shall be planted, pruned or removed without the consent of the Cemetery Board, but the Township Board, if it deem it advisable may prune or remove any tree, plant or shrub, or may plant any such.
  - 4. No graves or lots shall be raised or lowered above or below the established grade.
  - 5. No crushed stone, bark or gravel is to be placed on any lot.
  - 6. Rock, cement, wood or iron in any form are not permitted to be used as a stone marker (No homemade headstone)
  - 7. All flowers will be in approved containers (no glass containers) and must be placed by the headstone row.
  - 8. All decorations (artificial flower, plastic baskets, etc) placed upon lots, that become unsightly, will be removed without notice. All artificial decorations will be removed during fall and spring cleanup.

9. Any object placed in the said Cemetery or anything done therein in violation of these rules may be removed, destroyed or changed by the Township Board.

#### Section 9: RECORDS

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

#### Section 10: VAULT

- A. All burials must be in a receiving vault constructed of either steel or concrete.

#### Section 11: RESPONSIBILITY OF TOWNSHIP

- A. The Township will use reasonable precaution to protect the property of lot and grave owners, but will not hold itself financially responsible for the act of thieves or vandals.
- B. Subject to the orders and direction of the Township Board, the Cemetery Board shall have absolute charge of the Cemetery and is authorized and required to enforce these rules, to maintain order, to supervise all workmen, visitors and drivers, to expel from the grounds any improper person or those who violate the rules, and to refuse admission to any person or materials when they may deem such action necessary.
- C. These rules may be exchanged or amended by vote of the Township Board at any time.

#### Section 11: BURIALS DURING SEVERE WEATHER

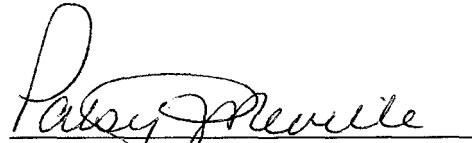
When adverse weather is present or imminent, the funeral director shall contact the Lee Township Sexton as to when the burial can take place.

#### Section 12: SEVERABILITY

The provision 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 13: EFFECTIVE DATE:

This Ordinance shall take effect on October 1, 2001. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

  
Patsy J. Neville  
Lee Township Clerk

Adopted September 10, 2001

Published September 17, 2001