

**CEMETERY ORDINANCE**

**Adopted December 9, 1997**

**Effective January 17, 1998**

**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 ORLEANS, IONIA 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 ORLEANS, COUNTY OF IONIA, MICHIGAN ORDAINS:**

Section 1. Title. This ordinance shall be known and cited as the Orleans Township Cemetery Ordinance.

Section 2. Definitions. The following words shall be defined as indicated. Words that are used in this Ordinance but not defined in this Section shall be interpreted according to their normal and customary usage.

A. "Burial space" shall mean an area of land four (4) feet wide and ten (10) feet in length with a four (4) foot cover in which a person's remains may be interred.

B. "Cemetery lot" shall mean a burial space sufficient to accommodate from five to six burial spaces.

C. "Qualified assignee" shall mean a person, who is otherwise eligible to be an original purchaser of cemetery lots or burial spaces, that

has obtained the right of burial from an original purchaser through a valid assignment pursuant to this Ordinance.

Section 3. Sale of lots or burial spaces.

A. Cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of the purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others, except as otherwise provided in this Ordinance. The township clerk is authorized to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through either: (1) previous residence in the township, or (2) relationship to persons interred therein.

B. All such sales shall be made on a form approved by the township board and executed by the township clerk. Such approval grants a right of burial only and does not convey any other title to the lot or burial space sold.

C. Burial rights may be transferred only to a qualified assignee. Transfers authorized by this section may be effected only by endorsement of the assignment of the burial permit on the original burial permit form issued by the township clerk. Upon approval and recordation of the assignment, the township clerk shall issue a new burial permit to the qualified assignee and shall cancel the permit issued to the original purchaser.

Section 4. Purchase price and transfer fees.

A. The Township Board shall establish the costs of burial spaces and/or lots. The township clerk or sexton shall provide the purchase price and transfer fees established by this Section, as modified by the Township Board, to those persons requesting such information.

B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$20.00.

C. The foregoing charges shall be paid to the township treasurer and shall be deposited in the Orleans Township Cemetery Lot Sales Fund.

D. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

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. Payment must be received by the township sexton on or before the day of burial. Reimbursement to the township sexton for opening and closing the burial space shall be made immediately by the township clerk or treasurer.

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 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. Any variance to this must be approved by the township sexton.

B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

C. Only one monument, marker or memorial shall be permitted per burial space.

D. The footing or foundation upon which any monument, marker or memorial is placed shall be constructed by the township at cost to the owner of the burial right. Payment for this work shall be made to the township. The township shall reimburse the sexton for this work immediately upon receipt of payment from 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 or two children buried at the same time or for cremations.

B. Not less than 36 hours notice shall be given in advance of any time for 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 authorized 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 grading, leveling, or excavating of burial spaces shall be allowed except with the permission of the cemetery sexton or the township clerk.

B. No trees or shrubs shall be planted without the permission of the Orleans Township Board or the township sexton. The Township Board or township sexton shall prescribe the type of tree or shrub and location on the cemetery lot. If any tree, shrub or plant situated within a lot becomes unsightly, dangerous or detrimental to the burial space, cemetery lot, or the cemetery, the township reserves the right to remove all or any portions thereof within 10 days after attempted notification of owner.

C. Fresh cut flowers, potted plants or artificial flowers or plants shall be contained in urns or movable containers. Glass containers such as fruit jars, etc., shall not be used for this purpose. All urns or containers for flowers or plants shall be placed in line with headstones or monuments or as near to such as possible.

D. 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.

E. Mounds which hinder the use of a lawn mower or other gardening apparatus are prohibited.

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. Surfaces other than earth or sod are prohibited.

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.

I. Wreaths and floral arrangements on wire stands shall be limited to being placed in the cemeteries only from October 1 each year to April 1 of the following year. Artificial flowers fastened securely in urns so as not to blow out will be allowed year-round. All winter wreaths, flowers and blankets, hangers or tripods must be removed by April 1. After April 1, the sexton may discard such materials.

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 40 years from the date of their sale shall automatically revert to the township. Prior to reversion of the cemetery lots or burial spaces to the township, the township clerk shall provide notice by first class mail to the last known address of the last owner of record. The notice shall inform him or her of the expiration of the 40 year period and that all rights with respect to said lots or spaces 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 of the notice of his or her desire to retain said burial rights. If no written response to the notice is received by the township clerk indicating a desire to retain the cemetery lots or burial spaces in question within time specified the lots or burial spaces shall revert to the township.

Section 10. Repurchase of lots or burial spaces. The township may repurchase any cemetery lots or burial space from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.

As Orleans Township in the past has given lots or spaces to township residents at no charge, a request must be made to the Township Board for transferal of lots or spaces.

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 for public inspection at all reasonable business hours.

Section 12. Vault. All burials shall be required to be placed in a concrete box or concrete vault. Any waiver of this requirement shall be approved by the funeral director with notice provided to the township clerk or sexton.

Section 13. Cemetery hours.

A. The cemetery shall be open to the general public from the hours of 9:00 a.m. to dusk each day from April 1 to November 1. The cemetery shall be closed in winter except for funerals.

B. No persons or vehicles shall be permitted in the township's cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton.

Section 14. Noncompliance; Penalties and Violations; Enforcement Actions. Unless otherwise specified in this Ordinance, violations of this Ordinance shall be a municipal civil infraction. A civil infraction is an act or omission that is prohibited, or made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this Ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:

A. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

B. Increased civil fines may be imposed for repeat violations of any requirement or provision of this Ordinance by a person. As used in this section, "repeat offenses" means a second ( or any subsequent) municipal civil infraction violation of the same requirement or provision (1) committed by a person within a two-year period of any prior admission or determination of responsibility (unless some other period is specifically provided by this Ordinance) and (2) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

C. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not

more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

D. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

E. A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

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. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 17. Effective date. This Ordinance takes effect 30 days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

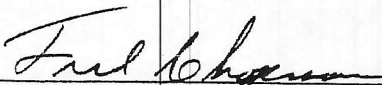
Moved by Jerry Gallagher, seconded by Joel Noe that the foregoing Ordinance be adopted.

Yeas: Frederick Chapman, Joyce E. Doty, Joel Noe, Herman Peterson and Jerry Gallagher.

Nays: None

Absent: None

ORDINANCE DECLARED ADOPTED.

  
\_\_\_\_\_  
Fred Chapman, Supervisor

Joyce E. Doty  
Joyce Doty, Clerk

**CERTIFICATION**

I hereby certify that this Ordinance was adopted by the Orleans Township Board in regular session held on December 9, 1997, and that it was published in the Ionia Sentinel Standard on December 18 1997.

Joyce E. Doty  
Joyce Doty

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# Resolution No. 267

## Resolution of the Township Board of Orleans Michigan to clarify the Cemetery Ordinance #40 in regards to resident/taxpayer fees

Whereas, in accordance with Orleans Township Ordinance #40 it is deemed necessary to clarify sections #3(a) and #4(a) in regards to resident/taxpayer fees.

Now, Therefore, be it resolved, the township board establishes that the fees for burial in the Greene, Higbee, and Orleans Township shall apply not only to residents but include taxpayers as well.

The resolution was offered by Joel Nee and seconded by  
Cindy Chipman.

Yeas All  
Nays \_\_\_\_\_

Supervisor declared resolution adopted.

\_\_\_\_\_, Clerk  
Ellie Groom

### CERTIFICATION

I certify the foregoing resolution was adopted by the Township Board of Orleans Township at a regular meeting held on May 15, 2007. I hereby further certify the said regular meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Public Act 267 of the Public Acts of Michigan 1976, and that minutes were kept and will be or have been made available as required by said act.

\_\_\_\_\_  
Ellie Groom, Clerk

# Resolution No. 268

## Resolution for Free Space at Higbee, Greene, and Orleans Cemetery for Veterans

At the regular meeting of the Township Board of the Township of Orleans, Ionia County, Michigan, held in said township on Tuesday the 15<sup>th</sup> day of May 2007.

Now therefore, be it resolved, the township board established that a veteran with an honorable discharge and a resident/taxpayer in Orleans Township may receive one free space for burial in the Higbee, Greene, or Orleans Township.

The resolution was offered by Cindy Chupman and seconded by Kinda Petrick

Yeas All  
Nays \_\_\_\_\_

Supervisor declared resolution adopted.

\_\_\_\_\_  
Ellie Groom, Clerk

### CERTIFICATION

I certify the foregoing resolution was adopted by the Township Board of Orleans Township at a regular meeting held on May 15, 2007. I hereby further certify the said regular meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Public Act 267 of the Public Acts of Michigan 1976, and that minutes were kept and will be or have been made available as required by said act.

\_\_\_\_\_  
Ellie Groom, Clerk

Township of Orleans  
Resolution No. 226

A resolution to adjust the fees for opening and closing burial spaces and constructing monument footings in the Orleans Township Cemeteries-Greene, Higbee and Orleans Township Cemetery.

WHEREAS, the supplier of the above services has indicated the cost for these services will be raised as of November 1, 2005.

NOW THEREFORE, BE IT RESOLV ED that the cost of opening and closing burial spaces and constructing footings be adjusted as follows:

Full adult opening and closing, (summer)	\$400.00 plus \$100.00 twp.	\$500.00
Full adult opening and closing, (winter)	\$500.00 plus \$100.00 twp.	\$600.00
Baby vault opening and closing (summer)	\$150.00 plus \$75.00 twp.	\$225.00
Baby vault opening and closing (winter)	\$250.00 plus \$75.00 twp.	\$325.00
Newborn opening and closing (summer)	\$125.00 plus \$75.00 twp.	\$200.00
Newborn opening and closing (winter)	\$200.00 plus \$75.00 twp.	\$275.00
Cremains box opening and closing (summer)	\$125.00 plus \$75.00 twp.	\$200.00
Cremains box opening and closing (winter)	\$175.00 plus \$75.00 twp.	\$250.00
Cremains vault opening and closing (summer)	\$150.00 plus \$75.00 twp.	\$225.00
Cremains vault opening and closing (winter)	\$250.00 plus \$75.00 twp.	\$325.00

Rate for cement foundation (spring, summer, fall) .17 per sq. inch plus .05 twp.  
Total of .22

Winter plowing of cemetery

\$100 per plowing, billed to the family by the funeral home

\*\*this fee may be waived by the discretion of the sexton

\*\*winter rate may be waived at the discretion of the sexton

Top dressing and seeding of graves with black dirt and grass seed will be provided by the sexton at no extra fee. This includes the extra trips and materials to do the job.

EXTENUATING CIRCUMSTANCES: Boulder, shrub or tree removal at the cost of township or lot owner when other equipment is needed to complete the job.

CHARGES FOR BURIAL SPACES IN ORLEANS, GREENE AND HIGBEE  
CEMETERIES- ORLEANS TOWNSHIP.

NON RESIDENT

6 SPACES-	1500.00
4 SPACES-	1100.00
2 SPACES-	600.00
1 SPACE	300.00

RESIDENT

6 SPACES -	300.00
4 SPACES	200.00
2 SPACES	100.00
1 SPACE	50.00

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Clerk to present  
resolution w/ land  
owner.

Also supposed to add  
free lots for veterans.??

April mtg.