

TOWNSHIP OF KINDERHOOK ORDINANCE NO. 29

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

Section 1: Title

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

Section 2: Definitions of cemetery lots and burial spaces

A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

B. An adult burial space shall consist of a land area at least three (3) feet four (4) inches wide and ten (10) feet in length.

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 such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The township board or their designee has the authority to vary restrictions on sales, including but not limited to the number of burial sites sold to one individual or family.

B. Cemetery lots will be sold in sets of two (2) graves each. Single lots may be purchased, but only in designated lots.

C. 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.

D. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk, approved by said clerk, and entered upon the official records of said clerk. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

Section 4: Purchase price and transfer fees

A. The township board, by resolution, may periodically set and adjust the fee for burial spaces to accommodate increased costs and needed reserves for cemetery maintenance and acquisition.

Section 5: Grave opening charges

A. The opening and closing of any burial space, 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 sexton.

B. No burial spaces shall be opened and closed except under the direction and control of the township sexton. This provision does not apply to 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.

B. A headstone or marker must be located upon a suitable foundation, within the recommendations of the memorial company, to maintain the same in an erect position and which extends at least 4 inches beyond the marker and is flush with the ground.

C. Only one monument, marker or memorial shall be permitted per burial space, except for veteran markers.

D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed only by the township sexton at cost to the owner of the burial right.

E. Should any monument or memorial become unsightly, dilapidated or a safety hazard, the Board shall have the right, at the expense of owner, to correct the condition or remove same.

Section 7: Interment regulations

A. No lot shall be used for any other purpose than the burial of the human dead.

B. Only one (1) person may be buried in a burial space except for a mother and infant or two (2) children buried at the same time, two (2) infants buried separately on separate occasions, or one (1) to four (4) cremations buried either at the same time or on separate occasions..

C. At least 48 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

E. The appropriate permit for the burial space involved, together with a burial transit certificate identifying the person to be buried, shall be presented to either the cemetery sexton or the township clerk prior to interment.

F. 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 upon burial space shall be allowed without the permission of the township sexton.

B. No shrubs or trees of any type shall be planted. The township sexton may remove any of the foregoing items planted.

C. The township board or sexton 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.

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

E. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, flags, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

F. Surfaces other than earth or sod are prohibited.

G. All flowers, containers and decorations must be kept neat and orderly and in line with the front of the stone and not encroaching on neighboring lots. All containers are to be set on concrete bases and no glass containers will be allowed.

H. The use of seasonal grave decorations is permitted. All decorations must be removed on or before April 1 each spring and November 1 each fall. Any seasonal grave decorations not removed by these deadlines may be removed and discarded by the sexton without notice to owner.

Section 9: Forfeiture of vacant cemetery lots or burial spaces

A. It is the responsibility of the lot owner to notify the board of any change of address.

B. The township will 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, only if there are no markers, headstones, etc. on the lot.

Section 10: Records

A. 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 11: Vault

A. All burials shall be within a standard concrete vault installed or constructed in each burial space before interment, except for cremations which must be buried in non-disposable containers.

Section 12: Cemetery hours

A. The cemetery shall be open to the general public between the hours of 6 a.m. and 10 p.m. each day.

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

Section 13: Penalties

A. Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a municipal civil infraction, subject to the payment of a civil fine of not less than \$50, plus costs and other sanctions, for each infraction. A second infraction within 6 months shall subject the violator to payment of a civil fine of not less than \$100. A third or more infraction within 6 months of the previous infraction shall be subject to a fine of not less than \$250.

Section 14: Severability

A. 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.

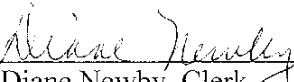
Section 15: Effective Date

A. This ordinance shall take effect on January 1, 2005. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AYES: Members: Meredith, Graef, James, Barnes, Newby

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED by the Kinderhook Township Board at its regular meeting on November 29, 2004.


Diane Newby, Clerk