

PRAIRIEVILLE TOWNSHIP ORDINANCE NO. 52

CEMETERY ORDINANCE

Adopted: November 12, 1987

Effective: December 26, 1987

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 Prairieville, Barry 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 PRAIRIEVILLE

COUNTY OF BARRY, MICHIGAN

ORDAINS:

SECTION ITITLE

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

SECTION IIDEFINITIONS

- A. A cemetery lot shall consist of burial space sufficient to accommodate from one to five burial spaces in the Prairieville Cemetery and from one to eight spaces in the Cressey Cemetery.
- B. Regular burial spaces are limited to one (1) person per space.
- C. Combination spaces are limited to one regular burial and one cremation per space or two cremations per space.
- D. Cremation spaces shall be one space and are limited to cremations. Each space is limited to no more than eight cremations per space, with the headstone limited to a width of four feet and to be placed on the west end of the space in line with all other headstones. Cremation spaces are designated as such by the Township Clerk and are only available in the north cemetery. (Prairieville Cemetery).
- E. Resident shall be a person residing within Prairieville Township.
- F. Non Resident shall be a person residing elsewhere outside of Prairieville Township.

SECTION IIISALE OF LOTS OR BURIAL SPACES

- A. Burial rights may be sold to residents or taxpayers of the Township as well as non-residents by the Township Clerk. No

sale shall be made to funeral directors or others than as heretofore set forth. The Sexton may show lots and may be authorized by the Township Board to sell lots.

- 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. Burial rights shall not be transferred or sold to another individual.
- D. The Prairieville Township Clerk shall have authority to enter into an agreement on behalf of Prairieville Township for the sale of cemetery grave spaces or lots on a monthly installment basis, the maximum term of such installment agreement being ten months. These agreements shall be entered into on a form approved by resolution of the Township Board and may provide for termination of the sales agreement upon failure of the purchaser to pay any installment when due, with the Township having the right to retain not more than 10% of the amount prior to termination of the sales agreement.
- E. No burial shall occur until the space has been paid for in advance.

SECTION IV

PURCHASE PRICE

- A. The Township Board is hereby given the authority to establish by resolution at any regular public meeting a schedule of rates for the sale of burial rights in grave spaces within the Township cemeteries. In establishing this price schedule, the Township Board shall have authority to differentiate on the basis of resident versus non-resident purchaser, immediate use versus future use, and the type of grave space in which burial rights are being sold. The Township Board shall further have the right to amend the aforementioned resolution from time to time as the Township Board deems appropriate.
- B. The foregoing charges authorized hereunder shall be paid to the Township Treasurer and shall be deposited in the general fund.
- C. No burial shall occur until the space has been paid for in advance.

SECTION V

GRAVE OPENING CHARGES

- A. The Township Board is hereby given the authority to establish by resolution at any regular public meeting the fee that may be charged by the Sexton per grave opening and closing of any burial space, prior and following a burial therein, and including the interment of ashes. This charge may be paid by the estate of the deceased and made payable to the Sexton. The Township Board shall further have the right to amend the aforementioned resolution from time to time as the Township Board deems appropriate.

- B. No burial space 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 VI

MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments must be located upon a suitable solid foundation to maintain the same in an erect position.
- C. Only one family monument, marker or memorial is permitted for each burial lot. Only one monument, marker or memorial shall be permitted per burial space. Veterans markers are permitted in addition to the foregoing.
- D. No one other than the Sexton shall install foundations, unless supervised by the Sexton.
- E. The footing of the foundation shall be at least eight inches wider and longer than the monument, marker or memorial set upon it.

SECTION VII

INTERMENT REGULATIONS

- A. There shall be no burial of other than humans.
- B. To assure sufficient time for the opening of the burial space, not less than 36 hours advance notice shall be given to the Sexton of the time of any funeral.
- 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 space involved.

SECTION VIII

GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Cemetery Sexton. Plants, decorations, etc. shall be as close as possible to the back of the stone. No flowers shall be left in glass containers. Any of the foregoing items planted without such approval may be removed by the Cemetery Sexton or Township.

- C. 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.
- 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, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source for litter, or a maintenance problem.
- F. Urns not used for two consecutive years may be removed from the cemetery by the Sexton, marked for identification and stored for a period of one year. If such an urn is not claimed by its owner within that one-year period, then the urn may be disposed of by the Sexton.
- G. Surfaces other than earth or sod are prohibited.

SECTION IX

FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Burial rights 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 events:

- A. Notice shall be sent by the Township Clerk by First Class Mail to the last known address of the owner of record informing him/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/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his/her 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 owner of record of said burial rights or his/her heirs or legal representative within 60 days from the date of mailing of said notice.

SECTION X

REPURCHASES OF LOTS OR BURIAL SPACES

The Township will repurchase any burial rights from the owner for the original price paid the Township upon the written request of said owner or his legal heirs or representatives.

SECTION XI

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 to public inspection at all reasonable business hours.

SECTION XIIVAULT

All burials shall be within a standard concrete or metal vault installed or constructed in each burial space before interment except for cremations.

SECTION XIIICEMETERY HOURS

- A. The cemetery shall be open to the general public from 1/2 hour after sunrise to 1/2 hour after sunset.
- B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon written permission of the Township Board or the sexton of the cemetery. Said written permission is to be carried on the person and presented upon request.

SECTION XIVPENALTIES

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 of 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 XVSEVERABILITY

The provisions of the within Ordinance are hereby declared to be severable 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 XVIEFFECTIVE DATE

This Ordinance shall take effect on December 26, 1987. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

JANETTE EMIG, Clerk
Prairieville Township

CLERK'S CERTIFICATE

I, JANETTE EMIG, the Township Clerk of Prairieville Township, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Prairieville Township Board held on the 12th day of November, 1987, at 730 o'clock p.m., at the Prairieville Township Hall, located within the Township of Prairieville, at which the following members were present, the Board enacted and passed Ordinance No. 52, hereinbefore recorded, to become effective December 26, 1987, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Roy Reck	Aye
Janette Emig	Aye
Darlene Vickery	Aye
Willis Aukerman	Aye
Craydon Doster	Aye

I do further certify that a summary of the regulatory effect of Ordinance No. 52 was published in the Hastings Banner, a newspaper printed in Hastings, Michigan, and circulated in Prairieville Township, on November 26, 1987; a copy of Ordinance No. 52 was posted at the Township Hall on the 24th day of November, 1987, and that said Ordinance No. 52 was recorded in the official Ordinance Book on the 18th day of November, 1987.

Dated: December 4, 1987

Janette Emig
JANETTE EMIG, Clerk
Prairieville Township