

Goodwell Township
Newaygo County
White Cloud, Michigan 49349

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 Goodwell, Newaygo County, Michigan; to provide penalties for the violations of said ordinance; and to repeal all ordinances/ resolutions or parts of ordinances/resolutions in conflict thereof.

THE TOWNSHIP OF GOODWELL, COUNTY OF NEWAYGO, MICHIGAN
ORDAINS:

Section 1: Title

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

Section 2: Definitions of cemetery lots and burial spaces:

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

An adult burial space shall consist of a land area with a minimum (4) four feet wide and (8) eight feet in length.

Section 3. Nature of Burial Rights: Transfer & Forfeiture

A. Statement of Policy: Burial rights in the Goodwell Township Cemetery are contractual rights for the burial of a specifically named or identified person in the Township cemetery, subject to the Township Cemetery Ordinance and regulations. The owner of a burial right does not own an interest in real estate in the Township Cemetery. It has been the Townships experience that some burial rights go unused, which could eventually have a negative impact on the ability of the Township to provide burial spaces for qualified persons. In addition, it is necessary for efficient functioning of the cemetery to set forth rules for the recognition of transfer of burial rights in the cemetery.

B. Definition. In this section, the term “burial rights owner” means the person whom, in the Township records, is the owner of the burial right, and who has the right to transfer or surrender the burial right. The term “designated person” means a person designated by the owner of the burial right to be entitled to be buried in a space in the Township cemetery.

C. Issuance of Burial Rights. Burial rights shall be sold only to residents or taxpayers of the Township for the purpose of the burial of the burial right owner, or his or her heirs at law or next of kin, or spouses of the same. The person to whom the certificate is issued is the owner of the burial right; the burial right may be owned by an

individual or by an individual and that individuals spouse. The owner of the burial right shall designate by name, the designated person(s) who must be living individuals, or, in the case of individuals not yet born, by specific reference such as “my children and their spouses”. The burial certificate application shall include an address of the burial right owner, and it shall be the responsibility of the burial right owner to keep the Township informed of any change in address.

D. Transfer of Burial Rights; Change of Designated Person. Only the following persons are entitled to direct transfer of a burial right or change a designated person (1) the burial right owner; (2) the person who was the surviving spouse of the burial right owner; or (3) the duly appointed and serving personal representative of the burial right owner. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces, and only individuals who would qualify for burial may be designated persons. Request for transfer of burial rights shall be by a written request to the Township Clerk, who may require a notarized statement, and shall be effective upon approval of the Township Board and issuance of a new burial certificate to the new owner.

E. Forfeiture of Vacant Cemetery Lots or Burial Spaces: Cemetery lots or burial spaces for which burial rights have been sold after the effective date of this ordinance, and remaining vacant for 40 years in the case of the owner of the burial right, or 70 years in the case of a designated person from the date of sale or last transfer shall automatically revert to the Township upon occurrence of the following:

(1) Notice shall be sent by the Township Clerk by first class mail to the last known address of the burial right owner of record informing them of the expiration of the 40 or 70 year period, as the case may be, and that all rights with respect to said lots will be forfeited unless the owner of the burial right or their duly appointed and acting legal successor respond in writing to the Township clerk within 60 days from the date of the mailing of the notice of a desire to retain said burial rights. In the case of designated persons, if an address has not been designated by the owner of the burial right, notice shall be published one time in a newspaper of general circulation in the Township, giving notice to those designated persons that their burial rights will be forfeited if they do not respond to the Township.

(2) If no written response to said notice indicated in the desire to retain the cemetery lots or burial spaces in question is received by the Township clerk from the burial right owner, or its heirs or legal representative, then 60 days from the date of the mailing of said notice, the burial right shall terminate.

(3) Burial rights may also be declared forfeited by the Township if the burial right owner or designated persons are deceased and are buried elsewhere.

(4) Any burial space unused for 90 years after purchase of the burial right shall be vacated and forfeited to the Township.

Section 4: Repurchase of Lots or Burial Spaces:

In the event that a lot owner decides that they no longer wish to retain ownership of said lot, owner must surrender to the Township clerk the original cemetery Lot Certificate and or complete a form that they have the legal ownership of said lots or burial spaces. The Township will refund to the owner the original purchase price paid to the Township for said lot or a minimum of \$15.00 for each burial space in the event the original Certificate is not produced.

Section 5: Internment Regulations:

Only one (1) person may be buried in a burial space except for a parent and infant or two (2) children buried at the same time. In the case of cremation, there will be at the most two (2) persons per burial space or at the discretion of the sexton.

Not less than 36 hours notice shall be given in advance of any funeral to allow for the opening of the burial space.

The appropriate permit for the burial space involved, together with the appropriate identifications of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or Township clerk prior to internment. 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.

All graves shall be located in an orderly and neatly appearing manner within the confines of the burial space involved.

No burial spaces shall be opened or closed except under the direction and control of the Cemetery sexton.

All burials shall be within a standard concrete vault installed or constructed in each burial space before internment, with the exception of cremation ashes.

Section 6: Ground Maintenance

No grading leveling or excavating upon a burial space shall be allowed except by the cemetery sexton.

No shrubs, trees, or vegetation of any type shall be planted without the approval of the cemetery sexton or the Township clerk. Any of the foregoing items planted without such approval may be removed by the Township Board or the cemetery sexton.

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.

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

The cemetery sexton or caretaker shall have the right and authority to remove and dispose of any and all growth, emblems, displays that otherwise become unsightly, a source of litter, or a maintenance problem.

Surfaces other than earth or sod are prohibited.

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.

All vases, containers, trinkets and artificial flowers are to be removed by OCTOBER 1.

All plants and flowers are to be located within 12 inches of markers.

Section 7: Markers and Memorials:

All new markers or memorials must be of stone. For the best interest of everyone, memorials of cement, artificial stone, composition, wood, tin, or iron are not permitted unless written approval of the Board is given. All monuments must be located upon a suitable solid foundation installed and constructed by the sexton.

Only one (1) monument, marker or memorial shall be permitted per burial space with the exception of a veteran marker which is also permitted.

Section 8: General Rules:

The cemetery shall be open to the general public from the hours of daylight to dark each day.

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

No vehicle shall be driven on other than established drives except for maintenance purposes.

Rubbish or debris shall be placed in designated areas or receptacles provided.

Flowers, trees, or shrubs are not to be picked, disturbed or mutilated.

Alcoholic beverages are not to be carried or consumed on cemetery premises.

No firearm is to be discharged on cemetery property. This prohibition shall not apply to authorized volley at burial services.

No ATV's or Snowmobiles shall be driven in the cemetery.

Section 9: Penalties:

Any person, firm, or corporation who violated any of the provisions of this ordinance shall be guilty of a Civil Infraction. Any person found guilty of such violation shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) and/or by imprisonment in the county jail not to exceed ninety (90) days. Each incident shall be deemed a separate and distinct offense.

Section 10: Records

The Township clerk shall maintain records concerning all burials, issuance of burial certificates, 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: Severability

The provisions of this 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 decisions 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.

Adopted September 2009

