

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 Hope, Midland 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 HOPE, MIDLAND COUNTY, MICHIGAN, ORDAINS:

### **Section 1: Title**

This ordinance shall be known and cited as Old Hope and New Hope 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 eight spaces in both the Old Hope and New Hope cemeteries.
  
- B.** All burial spaces shall consist of a land area four (4) feet wide and ten (10) feet in length.

### **Section 3: Sale of Lots or Burial Spaces**

- A.** Hereafter, cemetery lots or burial spaces shall be sold to residents or taxpayers of the Township at a rate as determined by the Cemetery Supervisor and Township Board. The purpose of the burial is for such purchaser or heirs at law or next of kin. An out of township individual may purchase a cemetery lot, at premium price, as determined by the Cemetery Supervisor and Township Board. **No** sale shall be made to funeral directors or others than as heretofore set forth.
  
- 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 may only be transferred/assigned to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township. Upon such assignment, approval and record, said Clerk or Cemetery Supervisor, shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit assigned.

### **Section 4: Purchase Price and Transfer Fee**

- A.** Each burial space shall cost the sum of \$150.00 for a single and \$200.00 for a double lot for **in township** residents. (Prices are subject to change, by resolution, as determined by the Township Board.)
  
- B.** Each burial space shall cost the sum of \$1500.00 for a single and \$2000.00 for a double lot for **out of township** residents. (Prices are subject to change, by resolution, as determined by the Township Board.)
  
- C.** All money for a cemetery lot(s) or transfer fees will be paid to Hope Township and deposited into the Cemetery Fund by the Treasurer.
  
- D.** Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall be \$25.00. (Prices are subject to change, by resolution, as determined by the Township Board.)

### **Section 5: Grave Opening/Closing 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 as determined by the Township Board. All fees are paid to the Township and then dispersed to the sexton. The Cemetery Supervisor/Clerk will provide a request form to the Cemetery Sexton for any opening/closing/foundation requests. The Cemetery Sexton will be responsible to fill out the form and return it to the Clerk for payment. Payment to the Sexton will be done at the end of the month. The Township will retain a fee from the charges as set for by the Township Board.

The Board will establish/approve any changes in the fees. Currently, the Township will retain \$25.00 from any opening, closing and \$.05/square inch for any foundation. (Prices are subject to change, by resolution, as determined by the Township Board.

**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 matters 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 monument/marker shall not be taller than 4 feet. The foundation/footing shall have a 3-inch border all the way around the monument/marker. The depth of the foundation must 4 inches in depth.

**B.** Only one monument, marker or memorial shall be permitted per burial space. The one exception will be for a Veteran that may wish to have a personal marker and Veteran marker.

**C.** The footing or foundation upon which any monument, marker or memorial will be placed, shall be constructed by the Cemetery Sexton, at cost to the owner of the burial right.

### **Section 7: Interment Regulations**

**A.** Only one casket will be allowed in a burial site. The exception would be for a parent and child or two children buried at the same time. Two additional cremains containers or urns, may be buried at the foot of the casket.

**B.** No more than 4 cremains containers or urns may be buried on one site.

**C.** A minimum of 36 hours-notice shall be given in advance prior to any funeral. This will allow for the opening of the burial spaces.

**D.** 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 Sexton or the Cemetery Supervisor 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 and appropriate before any interment is commenced or completed.

**E.** 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 a burial space shall be allowed without the permission of the Cemetery Sexton or the Cemetery Supervisor.

**B.** No shrubs, trees or vegetation of any type shall be planted without the approval of the Sexton or the Cemetery Supervisor. Flowers are permitted and should be planted within one foot around the headstone or marker to facilitate mowing and trimming. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

**C.** The Township Board, Cemetery Sexton or Cemetery Supervisor 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 and/or Cemetery Supervisor 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 of litter or a maintenance problem.

F. Surfaces other than earth or sod are prohibited.

G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed by March 15<sup>th</sup> to allow for Spring Clean-up. New items for the summer, may be placed after April 1<sup>st</sup> and removed by October 15<sup>th</sup> for Fall Clean-up. Fall clean-up will start on October 15<sup>th</sup> and anything left behind, will be disposed of by the Cemetery Sexton. Winter decorations may be placed any time after November 1<sup>st</sup> and be removed by March 15<sup>th</sup>. There is a dumpster located within the cemetery to dispose of said items. Anything left after those dates, will be removed by the Cemetery Sexton.

### **Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces**

A. 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 upon occurrence of the following events:

*Notice shall be sent by the Township Clerk, by first class mail to the last known address of the last 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 desire to retain said burial rights.*

*No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.*

*If the owner(s) of record are deceased, the heir(s) or legal representative(s) must provide legal proof of the right to transfer the deed to the heir(s). This must be done within 10 years from the date of death of the owner (s) of record by the heir(s) or legal representative. If this is not done, the Cemetery Supervisor will make every effort to notify a surviving family member, if one is known, of the requirement to provide proof of ownership. The Cemetery Supervisor will follow the same steps stated earlier. A record MUST be kept of every attempt made of contacting the heir(s).*

**In the event that any of the above occur, the Rights of Burial is transferred back to the Township.**

### **Section 10: General Rules**

A. Persons visiting the cemetery or attending funerals are prohibited from picking flowers (wild or cultivated) breaking or injuring any tree, shrub or plant, or from writing upon defacing or injuring any memorials, fence or other structure within the cemetery ground.

B. Motor cars and vehicles must be kept under complete control and stay on designated roadways. Only maintenance/service vehicles are permitted elsewhere in the cemetery.

C. No hunting or trapping will be allowed on cemetery property. No firearms are allowed, except for a Military/Veteran memorial service.

D. Only licensed, street legal vehicles are allowed on designated roadways in the cemetery.

- E. Animals are not permitted on the grounds or in the buildings unless it is a service animal.
- F. Children under the age of 10 years old need to be accompanied by an adult in charge.
- G. Throwing or depositing rubbish on any part of the cemetery grounds is prohibited.
- H. The Township Board reserves the right to adopt additional rules and regulations. In addition, the Board reserves the right to amend/alter/repeal any rule, regulation, article, section, paragraph, or sentence in the Rules and Regulations, at any time. Sufficient notice will be given by the Township Board of any change(s) that create expense, hardship or inconvenience to lot owners or other individuals having business with the cemetery. **NO LOT OWNER SHALL HAVE ANY VESTED RIGHT IN THE PROVISION OF THIS ORDINANCE.**

### **Section 11: Records**

A. The Cemetery Supervisor or Township Clerk and Cemetery Sexton 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 by setting up an appointment.

### **Section 12: Vault**

A. All burials excluding cremation, shall be within a standard concrete vault installed or constructed in each burial space before interment.

### **Section 13: Cemetery Hours**

A. The cemetery shall be open to the general public, March 1st - October 31st from 7:00am - 10:00 pm and November 1<sup>st</sup> – February 28<sup>th</sup> from 8:00am-8:00pm.

B. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, *except* upon permission of the Cemetery Supervisor or the Cemetery Sexton.

### **Section 14: Penalties**

A. 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 up to \$500.00 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 15: 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 16: Effective Date**

A. This ordinance shall take effect November 14<sup>th</sup>, 2023. This ordinance replaces any previous ordinances in place for Hope Township Cemeteries. Ordinance was presented to the Hope Township Board on November 14<sup>th</sup>, 2023 at the regular meeting of the Township Board.