

Geneva Township Cemetery Ordinance #34

Adopted October 9, 2007

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 Geneva, Van Buren 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 GENEVA, VAN BUREN COUNTY, MICHIGAN, ORDAINS:

Section 1: Title This ordinance shall be known and cited as the Geneva 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 six burial spaces. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length. An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 1/2) feet in length.

Section 3: Sale of Lots or Burial Spaces Hereafter, cemetery lots or burial spaces shall be provided at a cost as defined in Cemetery Resolution adopted by Geneva Township Board.

Definition of Residency; non-residency are defined as follows:

Resident tax payer of Geneva Township shall apply to owner(s) on property as defined on a registered deed. Burial space furnished to resident tax payer of Geneva Township. Resident tax payer of Geneva Township that places headstone on burial space and then moves from Township shall be subject to burial at non-resident burial rate. Resident taxpayer that loses residence due to nursing home care costs shall not lose resident tax payer burial space.

Non-resident tax payer shall apply to owner(s) of property as defined on a registered deed; or Resident non-tax payer of Geneva Township shall apply to renters or occupiers of property for a minimum five (5) years with proof of residency, i.e. voter's registration; rent/utility receipts; landlord affiliation. Burial space costs as defined in Cemetery Resolution.

Non-resident or non-tax payer of Geneva Township. Burial space available at costs as defined in current Cemetery Resolution.

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 affected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township, approved by said township, and entered upon the official records of said Township. Upon such assignment, approval and record, said Township 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 Grave Opening Charges

The Township Board, by resolution, may periodically alter the fees by resolution to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition. The charges as defined by resolution shall be paid to the Township prior to burial and shall be deposited in the funds of the Township.

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.

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. Township Cemetery Sexton shall be in attendance at all proceedings for the removal and re-interment of bodies and remains, even though such matters are under the supervision of the local health department.

Section 5: Markers - Memorials - Perpetual Care Endowments

Only one (1) monument, marker or memorial shall be permitted per burial space above ground and must be placed at head of burial space. Any additional markers or memorials placed on a burial space must be flush with the ground, approved by the Township Cemetery Sexton and all markers or memorials must be of stone or other equally durable composition. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.

Perpetual Care Endowments shall be handled as requested in endowment and can only be used for items spelled out in the endowment. Monetary endowments shall be handled in the manner prescribed by law.

Veterans buried in Geneva Township Cemeteries shall be provided a U. S. Flag with holder placed on burial space annually by Township for Memorial Day recognition.

Section 6: Interment Regulations Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time. Not less than 48 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space. Forty eight (48) hour notice is ONLY waved on burials that are not embalmed. 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 Township prior to interment. Where such permit has been lost or destroyed, the Township Sexton 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.

Burial of ashes only at head of burial space defined by headstone:

1. On an existing burial space are allowed only with signed permission statement from original owner of burial space and no more than burial of four ashes on existing family grave.

2. On a new burial space a maximum of four ashes is allowed.

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

Section 7: Ground Maintenance

No grading, leveling, or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township. No shrubs or trees of any type shall be planted without the approval of the Sexton or the Township. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton. All decorations must be placed at the burial space headstone no more than one (1) foot out from the headstone. 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 use and care of the cemetery. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem. Annual cemetery clean up of burial space by township will begin on May 1st each year. 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.

Section 8: 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 upon occurrence of the following events: Notice shall be sent by the Township by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township 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 from the last owner of record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice. Burial space shall automatically revert to township upon owners burial in another place.

Section 9: Repurchase of Lots or Burial Spaces

The Township will repurchase cemetery lots or burial space from the original owner for the original price paid the Township upon written request of said owner or his legal heirs or representatives. Conveyance of any owned burial space by the owner must have Township approval and must be in compliance with Cemetery Ordinance before being conveyed. Resident tax payer burial space are not subject to conveyance.

Section 10: Records

The Township 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

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. Cremation ashes are not required to be placed in a vault.

Section 12: Cemetery Hours

The cemetery shall be open to the general public from the hours of Dawn to Dusk each day. 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 Cemetery Sexton.

Section 13: Penalties

A. The provisions of this Ordinance shall be enforceable through any and all remedies at law or in equity in any court of competent jurisdiction. Any violation of this Ordinance is deemed to constitute a nuisance per se.

B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
-1st Offense	\$150.00	\$500.00
-2nd Offense	275.00	500.00
-3rd Offense	375.00	500.00
-4th or More Offense	500.00	500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Geneva Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

Section 14: 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 15: Effective Date

This ordinance shall take effect on 30 days from adoption and publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Roll Call Vote: Yes: 5 No: 0 Absent: 0

Ordinance adopted this 9th day of October, 2007 and shall be effective 30 days after publication.

Geneva Township Board