

ORDINANCE NO. 541

**HOLLAND CHARTER TOWNSHIP CEMETERY ORDINANCE**

An Ordinance to amend the Code of Ordinances, Charter Township of Holland, Ottawa County, Michigan, Chapter 8, entitled “Cemeteries” to completely revise and restate the provisions of the Code of Ordinances pertaining to the regulation of cemeteries owned by the Charter Township of Holland.

THE CHARTER TOWNSHIP OF HOLLAND, OTTAWA COUNTY, MICHIGAN ORDAINS:

**SECTION 1.** Revision and Restatement of Chapter 8. Chapter 8 of the code of Ordinances of the Charter Township of Holland, Ottawa County, Michigan, is hereby amended to provide in its entirety as follows:

**CEMETERIES**

**Sec. 8-1. Definitions.**

- A. Burial Site – A burial site shall consist of a land area of four feet (4’) wide and ten feet (10’) long.
- B. Cemetery – A cemetery owned and operated by the Township.
- C. Cemetery Supervisor – The individual appointed by the Township Superintendent to supervise cemetery operations.
- D. Interment – The permanent disposition of the remains of a deceased person by burial.
- E. Monument – A tombstone or memorial of granite, or other stone of equivalent durability approved by the Cemetery Supervisor, which is flush with or extends above the surface of the ground.
- F. Resident – A Person who:
  - 1. is an eligible voter or could be an eligible voter of the Township; or
  - 2. claims a ‘homestead’ exemption (as defined by State of Michigan law) on property in the Township for which the person paid Township property taxes in the preceding year; or

3. claims the Township as the person's last residence as defined under Medicare, Medicaid, or similar Federal law.

G. Township – Holland Charter Township, Ottawa County Michigan.

**Sec. 8-2. Sale or transfer of rights of burial.**

- A. Sale – Rights of Burial shall be sold by the Clerk, utilizing a form approved by the Township Superintendent. The sale shall grant a right of burial only and shall not convey any other title to the burial site. The Clerk shall execute the sale form and record it with the cemetery burial rights records. Requests for rights of burial will be limited to a maximum of eight (8) burial sites per individual. Township employees and/or contracted agents, as directed by the Township Superintendent, will be responsible to provide information and consultation to persons seeking to purchase burial rights from the Township.
- B. Burial – Burial rights in a lot shall be restricted to the owner of such lot or his/her spouse, parents, children and grandchildren. If other than those individuals mentioned above, written authorization for burial rights must be obtained from such owner or his/her heirs. In the event of a disagreement to such rights, a determination by the Township will be considered binding on all parties.
- C. Price – The price for a right of burial for Township residents and nonresidents shall be established and amended from time to time by resolution of the Township Board. The Treasurer shall collect and deposit the payments for the sale of each right of burial. A record of the sale shall be recorded by the Clerk for burial site purposes and by the Treasurer for financial purposes.
- D. Transfer – A right of burial may be transferred by the owner of record, but only if first approved in writing by the Clerk. No right of burial may be purchased, sold or transferred for speculative purposes. Rights of burial may only be transferred to those persons eligible to be original purchasers of Township rights of burial. The owner of record shall inform the Clerk in writing of the proposed transfer and, if approved, the Clerk shall record the transfer document with the cemetery burial rights records.
- E. Repurchase – The Township will repurchase rights of burial from the owner of for the original price paid the Township upon the written request of said owner or his or her legal heirs or representatives.

- F. Record – The Clerk shall keep a permanent written record on all sales and approved transfers of burial rights.

**Sec. 8-3 Flowers, containers, and grave decorations.**

- A. Floral Regulations – All flower containers that are abandoned or have dead flowers may be removed by the Township. The Township may remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- B. Flower Containers – Flower containers shall be the traditional green, moveable metal-handled flower container. Any other containers are prohibited including, but not limited to, those placed on shepherd's rods which prohibit mowing along the side of the Monument. Each burial site is permitted only one flower container. In-ground plantings are not permitted.
- C. Concrete Flower Pots – Concrete flower containers shall not be permitted. Concrete flower containers maintained with live flowers that were in place prior to July 1, 2004, may be allowed to remain until such time as the Cemetery Supervisor determines that the flowers are not adequately maintained. If the Cemetery Supervisor removes said containers the owner has one (1) year to reclaim them. Containers unclaimed for a twelve month period will be disposed of by the Township.
- D. Artificial Flowers – Artificial flowers are prohibited.
- E. Grave Decorations – Any grave decorations and other objects such as pinwheels, statues, stones, woodchips, glass, clay and plastic pots and containers, solar and other lighting devices, bags, baskets, boxes, foods, picture frames, mausoleums, tombs, effigies, etc. are prohibited and will be removed at the discretion of the Cemetery Supervisor or designee.
- F. Fencing – The fencing and placing of any structures around or on a burial site is prohibited.
- G. Chairs – Chairs, settees, benches, or similar items are prohibited and may be removed by the Township.
- H. Surface – Any ground surface other than sod is prohibited.

- I. Cleanup – The Cemetery fall cleanup will begin after October 15; all metal flower containers shall be removed on or before that date. Flower containers not removed by the beginning of the fall cleanup will be stored in a designated storage area. Flower containers shall not be returned to the burial site until the completion of the spring Cemetery cleanup.

**Sec. 8-4. Maintenance.**

Maintenance of the Township cemeteries will be performed according to the Township’s discretion and may include, without limitation, the cutting, trimming, sprinkling and fertilizing of the grass, the raking and cleaning of the ground, the replacing of turf under certain conditions, and the pruning of shrubs or trees, all at intervals determined by the Township.

**Sec. 8-5. Burial Site.**

- A. Responsibility – The opening and closing of any burial site, prior to and following interment, shall be the responsibility of the funeral director. This shall include the payment of any costs associated with the opening or closing of the burial site. The burial site and surrounding grounds shall be returned to their original conditions within a reasonable period of time, as determined by the Cemetery Supervisor.
- B. Authorization – No burial site shall be opened or closed except under the direction, control and supervision of the Cemetery Supervisor.
- C. Burial Regulations – No burial site shall be occupied by more than one (1) conventional concrete burial vault subject to the following exceptions:
  - 1. A burial site may be occupied instead by up to two (2) infant or stillborn vaults;
  - 2. A burial site may be occupied by up to four (4) cremation urns; and
  - 3. If the vault placement allows sufficient space, a burial site may be occupied by one (1) conventional concrete burial vault plus one (1) cremation urn.

**Sec. 8-6. Monuments.**

- A. Placement – The Cemetery Supervisor will determine the placement of any monument. Monuments and markers may not

exceed a size of 42" long x 14" wide x 30" high (not including the foundation). Monuments and markers are to be made of natural stone, bronze, cast aluminum, or other similar material of lasting quality.

- B. Number – Burial sites may have a maximum of one above ground monument. A second military stone may be placed flush with the ground on the burial site. Additional in-ground markers shall not be permitted, including but not limited to, wood or concrete curbing or concrete slabs.
- C. Monument Foundations – The footing or foundation upon which any monument is to be placed shall be at least three and one-half inches (3.5") in depth and shall be three inches (3") longer and three inches (3") wider than the above ground monument. All markers are to be placed with a foundation.
- D. Monument Maintenance – The Township shall not be responsible for the maintenance, repair, or replacement of any monument or any other memorial placed upon any burial site, or the performance of any special or unusual work which the Township determines to be beyond the scope of general maintenance by the Township at its discretion.

### **Sec. 8-7. Interment Regulations.**

- A. Subject To Laws – In addition to the provisions of this Ordinance, all interments and removals shall be subject to all laws, regulations, ordinances and others of the Township and any other governmental agency having jurisdiction.
- B. Burials – Burial sites are limited to the burial of the human remains of one person except as set forth in Section 8-5(C), above.
- C. Notice – The Cemetery Supervisor shall be notified in writing at least thirty-six (36) hours prior to any interment to allow for the identification of the burial site and to permit the contact of the organization responsible for opening and closing the burial site. The Cemetery Supervisor shall receive at least one (1) week notice prior to any removal.
- D. Burial Site Permit – The appropriate permit for the burial site involved shall be presented to the Cemetery Supervisor by the funeral home. The funeral home or family of the deceased shall provide this information for a cremation.
- E. Concrete Vaults – All burials, except for cremains, shall be in a reinforced concrete burial vault. Cremated remains shall be buried in a suitable container approved by the Cemetery Supervisor.
- F. Winter Burials – Winter burials may be permitted, subject to weather conditions affecting the location, opening, and closing of the burial site, as determined by the Cemetery Supervisor.
- G. Disinterment and Reinterment – A permit for disinterment and reinterment is required before disinterment. The local health department in whose jurisdiction the body or cremains is interred shall issue the appropriate permit upon proper application by a licensed funeral director or person acting as a funeral director in accordance with rule of the local health department.

### **Sec. 8-8. Records.**

The Township Clerk shall maintain records concerning all burials, burial permits, sales of rights of burials, and other communication. This information shall be available to the Township Superintendent and the Board of Trustees at any time and for public inspection upon the filing of an appropriate written request.

**Sec. 8-9. Cemetery hours.**

Each Cemetery shall be open each day at dawn and closed at dusk.

**Sec. 8-10. Liability.**

- A. Damage – With respect to the Cemetery, the Township shall not be held responsible for any damages caused by the elements, acts of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or the order of any military or civil authority, whether the damages be direct or collateral.
- B. Non-Township Employees – All non-Township employees working in the Cemetery shall be fully responsible for any damage done by them or their agents. Upon completing their work, such non-Township employees must immediately remove all tools, equipment and debris from the Cemetery, and they must repair any and all damages they do to the Cemetery grounds.
- C. Administrative liability – No officer, agent or employee of the Township, or member of the Township Board, shall be rendered liable for any damage that may occur to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance.

**Sec. 8-11. Exceptions.**

Special cases may arise in which the literal enforcement of a provision of this Ordinance may impose an undue and unnecessary hardship. Notwithstanding any such provision to the contrary, the Cemetery Supervisor, with the concurrence of the Township Superintendent, may make such exceptions, suspensions or modifications of any applicable provision as the Cemetery Supervisor deems appropriate. Any such exception, suspension or modification shall not be construed as affecting the general application or intent of the provisions of this Ordinance.

**Sec. 8-12. Penalties.**

In addition to any other charges, fines or penalties for which a person may be liable under other applicable laws or local ordinances, any person who shall violate a provision of this Ordinance, or who shall fail to comply with any of the requirements hereof, shall be responsible for a municipal civil infraction and be subject to the enforcement procedures set forth in the Municipal Civil Infraction

Ordinance adopted by the Township, and a fine of fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased fine for a repeat violation shall be as follows:

- A. The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions; and
- B. The fine for any offense which is a second repeat offense or any subsequent offense shall be \$500.00, plus costs and other sanctions.

The Cemetery Supervisor, members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are hereby designated as authorized Township officials to issue municipal civil infraction notices and municipal civil infraction citations as set for in the Municipal Civil Infraction Ordinance adopted by the Township.

**SECTION 2. Repeal.**

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any provision of this Ordinance including, but without limitation, the Holland Charter Township Cemetery Ordinance adopted August 5, 2004, are, to the extent of such conflict, hereby repealed.

**SECTION 3. Effective Date.**

This Ordinance was approved and adopted by the Township Board of the Charter Township of Holland, Ottawa County, Michigan on September 5, 2013 after a first reading on August 15, 2013. The effective date of this Ordinance will be September 20, 2013, said date being ten (10) days after publication in the Holland Sentinel, a newspaper of general circulation in the Township, pursuant to the provisions of Act No. 246 of the Public Acts of 1945, as amended.