

Township of Wayland
CEMETERY ORDINANCE
ORDINANCE NO. 01-2017
Adopted: June 5 2017
Effective: _____

An Ordinance to repeal any previously existing cemetery ordinances or regulations of the Township and to enact a new cemetery ordinance providing regulations and rules for the operation of any cemeteries owned by the Township of Wayland, Allegan County, Michigan, including providing penalties for the violation thereof. Current cemeteries owned by Wayland Township include East & West Elmwood, Germond and Hill.

Wayland Township
Allegan County, Michigan Ordains:

Section 1 – Repeal of Previous Ordinances

Any previous ordinances of the Township of Wayland pertaining to Cemeteries regulations thereof, are hereby repealed and shall have no further force or effect. The Rules updated and approved by the Wayland Township Board on June 3, 2013, and Resolution 04-2014- Cemetery...Burial Fees continue as written. From time to time the Township may make changes as noted on 6/3/13 & 04/2014.

Section 2 – General Provisions

- A. Rules & Regulations: All rules and regulations concerning the operation, maintenance, burial and management of cemetery funds shall be made by the Township Board.
- B. Definitions of Lots and Burial Spaces: A 'cemetery grave' shall consist of an area in a Township cemetery sufficient to accommodate one burial space for one sealed vault for one deceased person. It shall consist of a land area at least thirty-eight (38) inches wide and ninety-six (96) inches in length. Exceptions may be made with Township permission to accommodate infant burial or the burial of cremains.
1. "Township" means Wayland Township.
 2. "Township Cemetery" or "cemetery" means any cemetery owned, operated and/or controlled by the Township.
- C. Termination of Right of Burial: Any purchased or transferred grave site not having a burial for a period of 100 years from date of purchase or transfer, shall have the right of burial on that site vacated; provided the following has taken place:
1. 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 100 year period and forfeiture of burial rights to said lots/graves. The owner shall have 60 days from the date of mailing to notify the Clerk, in writing, of his/her desire to retain said burial rights.

2. 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 of his heirs or legal representative within 60 days from the date of mailing of said notice.
3. If the Township does not have a last known address on record for the owner of record, the Township shall publish notice in a newspaper of general circulation within the Township indicating its intent to terminate the holder's right of burial. The owner shall have 60 days from the date of publication to notify the Clerk, in writing, of his/her desire to retain said burial rights.

D. Records: The cemetery records and files shall be maintained at the office of the Township Clerk and also with the Cemetery Supervisor. Information can be obtained from either individual.

Section 3 – Cost of Grave Sites, Grave Openings and Interment Service Charges

The price of a grave site shall be determined by Resolution of the Township Board hereafter and the price may be altered or amended hereafter also by Resolution of the Township Board. Concerning lots owned before the date of this Ordinance, prices of openings and Interment service charges may be altered or amended hereafter also by Resolution of the Township Board. Upon payment of fees for grave sites as indicated herein, a certificate shall be issued by the Clerk of the Township Board granting to the holder of said certificate the right of burial in the designated Township cemetery, and within the designated grave site as so stated in the certificate. The Township Board shall retain the legal title to said lands within the cemeteries of said Township and shall grant by said certificate only the right to burial.

The cost of opening and closing graves and the cost of interment shall also be determined hereafter by resolution of the Township Board. ***Resolution R04-2014 Cemetery Weekend and Holiday Burial Fees dated March 20, 2014*** shows the most recent fees, charges and additional charges for Wayland Township Cemeteries.

Section 4 – Regulations for Grave Sites

A. Resident: To qualify for resident fee pricing; the deceased or purchaser, must be a resident of Wayland Township for thirty (30) days prior to burial.

B. Sale of Lots/Burial Space: All sales and transfers of cemetery space shall be made on a form approved by the Township Board and signed by the designated Township official; Township Clerk/Sexton, which grants a right of burial only and does not convey any other title or right to the cemetery lot or burial space sold. Such forms shall be signed by the Township Clerk and shall constitute a permit when approved.

The Township Clerk/Sexton under authority from the Township Board shall have the authority to place a limit on the number of cemetery lots sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery lot or lots will be sold to a specific person and where such cemetery lot or lots will be located and within which Township cemetery. Such decision shall be based upon reasonable factors, including, but not limited to, the number of vacant cemetery lots available and whether family or

relatives of the person seeking to purchase a cemetery lot or burial space are buried adjacent or nearby the cemetery lot or lots requested.

At the time of purchase from the Township, each cemetery space shall be assigned the name of the specific person who shall be interred in that cemetery lot upon death.

The Township shall have the right to correct any errors that may be made concerning interments, disinterment, or in the description, transfer or conveyance of any cemetery burial space, either by canceling the permit for a particular vacant cemetery burial space and substituting and conveying in lieu thereof another vacant cemetery burial space in a similar location within the cemetery at issue or by refunding the money paid for the cemetery lot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery lot in a similar location in the same Township cemetery in accordance with law.

The owner of every cemetery burial space shall be responsible for notifying the Township whenever that person's mailing address changes.

C. Assignment of Burial Space: A Certificate(s) of Occupation is given to the owner of a burial space upon purchase. The Township Clerk/Sexton keeps record of all purchases and assignments.

Section 5 – Markers and Memorials

All markers or memorials must be of approved durable composition and set on a solid foundation. The Township constructs the foundation. Currently Resolution 04-2014 (see above) contains the cost of foundation construction. The costs of the repair of a marker or memorial shall be paid by the holder of said grave site.

All monuments or markers must conform to the general plan of the cemetery and said Township Board shall have the final determination as to the monument or marker being in conformance. If any monument or marker falls into disrepair, the same may be removed by the Township after having given thirty (30) days written notice to the holder of said grave site, at the address given at the time of purchase or at any new address subsequently furnished to the Township Clerk/Sexton. Only one monument, marker or memorial shall be permitted per burial; unless additional monuments, markers or memorials are approved by the Township.

Section 6 – Funerals and Interment Regulation

A. Only one (1) body may be buried in a grave site. Each grave may contain one (1) body and one (1) cremains OR two (2) cremains.

B. Not less than forty-eight (48) hours' notice shall be given in advance before the time of the funeral to allow the grave to be opened. All graves must be opened and closed by cemetery or township employees.

C. The conduct of the funeral shall be governed by the rules of the Township and by this Ordinance.

Section 10 – Township Officials who can enforce this Ordinance

Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

Township Supervisor
Township Clerk/Sexton
Township Zoning Administrator(s) or Ordinance Enforcement Officer
Any deputy of the county sheriff's department
Any State Police officer

Section 11 – Severability

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be 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 this Ordinance, which shall continue in full force and effect.

Section 12 – Effective Date: Conflicts

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Kamyszek and was seconded by Township Board Member Stein, the vote being as follows:

YEAS: yes all
NAYS:
Absent/Abstain:

ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Wayland Township Board at the _____ meeting held on _____ at the Wayland Township Hall, pursuant to the required statutory procedures.

Dated: _____ 20____

Respectfully submitted,

By _____
Ann McNerney, Township Clerk/Sexton

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D. All graves shall be so located as to present a neat and orderly appearance as set forth in the rules and regulations of the Township. See ***Cemetery Rules for Wayland Township (East & West Elmwood, Germond & Hill Cemeteries) – Approved, June 3, 2013.***

E. No fence, capping, stone or cement work other than foundations for monuments or markers shall be erected upon or around any grave site and no grave site(s) shall be surfaced with gravel.

F. All caskets shall be enclosed in concrete vaults to ensure a neat, level lot and cemetery area.

Section 7 – Regulations pertaining to ground maintenance and use - See *Cemetery Rules for Wayland Township (East & West Elmwood, Germond & Hill Cemeteries) – Approved, June 3, 2013.*

Township cemeteries are not intended for playgrounds and children are not permitted on the cemetery grounds unless accompanied by parents or guardians except when the Township Supervisor, Clerk/Sexton or other Township employee allows same for the purpose of visiting a grave. No refreshments may be brought within or upon the grounds. No sitting or standing on monuments shall be allowed. The Township shall not be responsible for damage to graves, monuments, markers or memorials.

The Township allows the Cemetery Supervisor of the cemetery (and staff as necessary) to move the off-set markers, and to row them up for maintenance purposes.

Section 8 – Cemetery Hours

The cemeteries of Wayland Township shall be open to the general public from the hours of 8:00 a.m. EST until dusk each and every day, unless said hours are decreased or extended by the Township or Township Clerk/Sexton or Cemetery Supervisor. No person shall be permitted in said cemeteries except by permission of the Township acting through its sexton, at other hours than herein specified.

Section 9 - Penalties for Violation

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal infraction shall be not less than one hundred dollars (\$100) for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.