

**ODESSA TOWNSHIP ORDINANCE
NO. 10
TOWNSHIP OF ODESSA
COUNTY OF IONIA
STATE OF MICHIGAN**

An ordinance to amend Ordinance No. 5 of the Township of Odessa, County of Ionia, State of Michigan, entitled "An ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of cemetery owned by the Township of Odessa, Ionia County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all previous cemetery ordinances."

THE TOWNSHIP OF ODESSA ORDAINS: That Ordinance No. 5 of the Township of Odessa, Ionia county, Michigan be and is hereby amended, in total, to read as follows:

**ODESSA TOWNSHIP ORDINANCE
NO. 5
TOWNSHIP OF ODESSA
COUNTY OF IONIA
STATE OF MICHIGAN**

CEMETERY ORDINANCE

An ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of cemetery owned by the Township of Odessa, Ionia County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all previous cemetery ordinances.

**TOWNSHIP OF ODESSA
COUNTY OF IONIA, MICHIGAN**

ORDAINS:

SECTION I

TITLE

1. This ordinance shall be known and cited as the Odessa Township Cemetery Ordinance.
2. The Odessa Township Cemetery shall also be known as the LAKESIDE CEMETERY.

SECTION II DEFINITIONS

BURIAL FEES: The charges imposed by the township for opening and closing graves, foundations, grave thawing, Sunday burials, and Burial Rights.

BURIAL RIGHT: The right to burial in a selected lot as described on Certificate of Ownership.

CERTIFICATE OF OWNERSHIP: The original certificate issued to the owner of the Burial Right.

FOUNDATION: The permanent base or substructure used to support memorials, mausoleums, and urns.

INTERMENT: The permanent disposition of the remains of a deceased person by burial.

LOT/SPACE: Land area four feet wide and eight feet in length.

MARKER: A memorial flush with the ground.

MAUSOLEUM: A large tomb for family or individual use.

MEMORIAL: A permanent monument, marker, tablet, headstone, tombstone, urn crypt, and niche place.

OPENING/CLOSING: Service provided by the Sexton to the lot before and after the interment.

OWNER: The person named on the Certificate of Ownership.

PERPETUAL CARE: Indefinite care, including decoration and maintenance of memorials or mausoleums, for a lot in which sufficient funds have been deposited with the township for care of said lot.

RESIDENT: A person who makes Odessa Township their permanent home. A permanent home is the place you intend to return to whenever you go away.

SEXTON: The person or persons duly employed by the township for the purpose of conducting and administering the cemetery.

URN: A vase-shaped vessel of pottery, or other equally durable composition, used for the decoration of a burial space.

VAULT: A burial chamber or case in which a casket is enclosed at burial.

SECTION III
SALE OF BURIAL RIGHTS

1. Burial Rights may be sold at such fees as may be from time to time established by the Township Board.
2. Burial Rights sold are restricted to the use of the owner, who shall have lot number and name listed at the time of purchase. Burial in said lots shall be subject to the established fees.
3. All such sales shall be made on certificates approved by the Township Board. The Certificate of Ownership grants only the right of burial and does not convey any other right to the space sold. The Sexton shall complete the certificate.
4. **A CERTIFICATE OF OWNERSHIP ISSUED IN PURSUANT TO A SALE IS NOT A CONVEYANCE OF REAL ESTATE, NOR DOES IT CONFER ANY RIGHT TO SELL, ASSIGN, OR TRANSFER BY ANY MEANS, INCLUDING BY WILL OR INTESTATE SUCCESSION, EXCEPT TO THE TOWNSHIP AS DESCRIBED IN SECTION X, ENTITLED "REPURCHASE OF LOTS."**

SECTION IV
FEES

1. Burial fees shall be an amount to be determined from time to time by the Township Board, payable to the Township, received by the Sexton and shall be deposited in the appropriate accounts by the Township Treasurer.
2. Perpetual Care funds shall be paid to the Township, received by the Township Treasurer and deposited in the appropriate accounts.
3. No burial shall take place unless the burial space fee, the fee for services required to open and close the grave, and all other fees have been paid in full.

SECTION V
GRAVE OPENINGS AND CLOSINGS

No burial lots shall be opened or closed except under the direction and control of the Sexton. Vaults may be removed to other lots under the supervision of the Sexton with all cost being born by the applicant.

SECTION VI
FOUNDATIONS, MEMORIALS, AND VAULTS

1. The foundation upon which a memorial shall be placed shall be constructed by the Sexton at cost to the owner or representative of the owner of the burial right.

- All such foundations are to be constructed of concrete of sufficient size and depth so as to support said memorial. All foundations must have at least a four inch border on all sides and if an urn is to be used, additional space must be allowed for said urn on the foundation.
3. All memorials must be of stone or other equally durable material and approved by the Sexton.
 4. **Only one memorial shall be permitted per burial lot.**
 5. Memorials may not exceed 60 inches in height, 14 inches in depth, 80 inches in length.
 6. All memorials shall be located within the boundaries of the burial lot and the placement of any memorial must be approved in advance by the Sexton.
 7. No mausoleum shall be erected without the specific approval of the Township Board.
 8. Inscriptions on mausoleums or memorials must not be offensive or improper. The owner of any such mausoleum or memorial will be responsible for all expenses for removal.
 9. The Township Board has the authority to deem a mausoleum or memorial to be inappropriate and thus prohibit it from being placed in the cemetery.
 10. If a memorial or mausoleum becomes unsafe, in the opinion of the Sexton, notice of the condition will be sent to the last known address of the owner, and the structure will be removed or repaired at the owners expense.
 11. All burials shall be within a standard concrete vault, or a vault of such material that is either equal to or better than a standard concrete vault, installed in each burial space before interment and shall comply with all appropriate state statutes.

SECTION VII INTERMENT REGULATIONS

1. Only one person may be buried in a burial space, unless an exception is granted by the Sexton, however, nothing contained herein shall mandate that the Sexton allow any such exception.
2. The Sexton shall receive at least 36 hours notice of the time of a funeral to allow for the opening of the burial space.
3. The appropriate Certificate of Ownership for the burial space involved, together with a Burial Permit for the person to be buried therein shall be presented prior to interment. If the Certificate of Ownership has been lost or destroyed, interment shall not take place unless the Sexton determines the proper ownership of the Burial Rights to such lot from cemetery records.
4. No pet or animal of any type may be interred in the cemetery.

The remains of any body that has been cremated and is to be buried shall be contained in a concrete or metal container. Burial of such remains, when properly contained, shall be supervised by the Sexton. Such remains shall not be scattered upon the grounds of the cemetery.

SECTION VIII GROUNDS MAINTENANCE

1. No grading, leveling, or excavating upon a burial lot shall be performed except by the Sexton.
2. No shrubs, trees, or flowering bushes, including rose bushes, shall be planted.
ANY OF THE FOREGOING ITEMS PLANTED SHALL BE REMOVED BY THE SEXTON.
3. The Township reserves the right to remove or trim any tree, plant, shrub, or vegetation located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.
4. Any object or device including, but not limited to, Iron hooks, statues, hanging baskets and crosses which hinder the free use of lawn-care or gardening equipment is prohibited.
5. Surfaces other than earth or sod are prohibited.
6. **All decorations and refuse including, but not limited to, dried, silk or plastic flowers, wreaths, seasonal displays, papers, balloons, crosses, wire stands, and flower containers, must be removed or deposited in appropriate containers located within the cemetery by March 31st so as to give the grounds a fresh appearance each year.**
7. **As soon as decorations including, but not limited to, flowers, wreaths, seasonal displays and emblems placed upon graves become unsightly or faded, they will be removed by the Sexton.**
8. **URNS ARE RECOMMENDED FOR FRESH CUT FLOWERS, POTTED PLANTS, OR ARTIFICIAL FLOWERS AND PLANTS. ARTIFICIAL FLOWERS AND PLANTS MUST BE FASTENED IN A SECURE MANNER SO AS NOT TO BLOW OUT. FLOWERS OR PLANTS MAY BE PLACED IN THE GROUND IN APPROVED AREAS ONLY. GLASS CONTAINERS SUCH AS FRUIT JARS, ETC. SHALL NOT BE PERMITTED.**
9. **All urns or containers for flowers or plants shall be placed IN LINE WITH headstones or monuments and upon approved foundations.**
10. **WREATHS AND FLORAL ARRANGEMENTS SECURED IN THE GROUND shall be limited to placement in the cemetery from OCTOBER 1ST EACH YEAR TO MARCH 31ST OF THE FOLLOWING YEAR.**
11. No lot may be fenced or enclosed.

12. Cemetery care by the township is limited to seeding, top dressing, cutting and trimming grass, shrubs, and trees, and the general upkeep of the cemetery. Cemetery care does not include the maintenance of memorials or mausoleums.

SECTION IX FORFEITURE OF BURIAL RIGHTS IN VACANT LOTS

After forty years from the date of acquisition of burial rights, the owner of record for any burial lot which remains vacant shall be notified by First Class mail, last known address, by the Township Clerk that such burial rights will be forfeited if the owner does not affirmatively notify the Clerk, in writing, within 60 days of the date of mailing of the notice whether the owner wishes to retain said burial rights. Failure to so notify or a determination that the owner of record is deceased will result in forfeiture of said burial rights. Owner's written affirmation retaining rights shall be accepted upon receipt by the Township Clerk for a period of ten years at which time forfeiture procedures will begin anew.

SECTION X REPURCHASE OF LOTS OR GROUPS

The Township may repurchase any vacant cemetery lot from the owner for the original price paid to the Township upon the written request of said owner or legal representative.

SECTION XI RECORDS

The Sexton shall maintain records concerning all burials and Burial Rights, 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 XII GENERAL REGULATIONS

1. The cemetery shall be open to the general public between Dawn and Dusk each day.
2. No person shall be permitted in the Township Cemetery at any time other than the foregoing hours, except upon the express permission of the Township Board or the Sexton.
3. Animals, except leader dogs, are not permitted in the cemetery.
4. No person shall obstruct any drive or walk.
5. No person shall injure, deface or destroy any burial space, memorial, mausoleum, building, fence, seat, flower, tree, shrub or other item in the cemetery.
6. Alcohol is not permitted in the cemetery.

.. No vehicles shall drive faster than 5 miles per hour on cemetery roads.

8. Driving off the established roads is prohibited. Driving, parking, or leaving any vehicle across or upon any grave, lot, or lawn is prohibited.

9. No firearms are allowed in the cemetery without written permission from the Township Supervisor or Sexton, except in the case of military funerals or ceremonies by official veterans' organizations on federal holidays.

10. No off road vehicles such as, but not limited to snowmobiles, trail bikes, and quad runners shall be allowed in the cemetery.

SECTION XIII PENALTIES

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not more than \$100 for the first offense and not more than \$500 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section, a subsequent offense means a violation of this ordinance committed by the same person or party within one year after a previous violation of the same provision of this ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

SECTION XIV SEVERABILITY

The provisions of this ordinance are severable and if any provision or other part is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this ordinance.

SECTION XV RESCISSION OF PREVIOUS ORDINANCES

All township ordinances and regulations which are in conflict with this ordinance are hereby rescinded.

SECTION XVI
EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Buche, Williams, Possehn, Adams, Rothbauer

NAYS: Members: none

ORDINANCE DECLARED ADOPTED

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

April 16, 1998

STATE OF MICHIGAN }
 }ss.
COUNTY OF IONIA }

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Odessa at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Lisa K. Williams
Lisa K. Williams, Odessa Township Clerk

effective May 16, 1998