



## **CEMETERY ORDINANCE**

**CHAPTER XXX  
HOPKINS TOWNSHIP CEMETERY ORDINANCE  
ORDINANCE # 2-2003**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operations, control and management of cemeteries owned by the Township of Hopkins, Allegan County, Michigan; to provide for the violation of said ordinance and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF HOPKINS, ALLEGAN COUNTY, MICHIGAN ORDAINS:

**Section 1: Title**

This ordinance shall be known and cited as the Hopkins Township Cemetery Ordinance.

**Section 2: Definitions of cemetery lots and spaces**

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to ten burial spaces.

Burial spaces shall consist of a land area four (4) feet wide and eight (8) feet in length.

**Section 3: Sale of lots or burial spaces**

All sales of cemetery lots or spaces 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.

Burial lots or spaces may be transferred from original purchaser to anyone the original purchaser chooses. If original ownership is transferred, a new burial deed shall be assigned and recorded by the township Clerk and Sexton of said Township and the original deed shall be cancelled.

**Section 4: Purchase price and transfer fees**

All burial spaces shall be at a fee set by the Township Board.

The foregoing charges shall be paid to the township treasurer.

The Township Board, by motion, may periodically alter the fee schedule to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

**Section 5: Grave opening charges**

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 to be determined from time to time by motion to the township

board, payable to the township. 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.

**Section 6: Markers or memorials**

All markers or memorials must be of stone or other equally durable composition. Any large upright monuments must be located upon a suitable foundation to maintain the same in erect position.

Only one monument, marker or memorial shall be permitted per burial space.

The footing or foundation which any monument, marker or memorial must be placed shall be constructed by the township at a cost to the owner of the burial right.

**Section 7: 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. Exceptions are cremations, at the discretion of the sexton.

Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

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 cemetery sexton or the township clerk 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 an authorized and appropriate one before any interment is commenced or completed.

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

**Section 8: Ground maintenance**

No grading, leveling or excavating upon burial space shall be allowed without the permission of the cemetery sexton or the township clerk.

No shrubs or trees of any type shall be planted without the approval to the cemetery sexton or the township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.

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 and use 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.

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 9: 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 clerk by first class mail to the last known address of the 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 clerk within 60 days from the date of mailing of said notice.

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 or record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

**Section 10: Repurchase of lots or burial spaces**

The township will repurchase any cemetery lots or burial space from the owner for the current price, upon written request of said owner or his heirs or representatives.

**Section 11: Records**

The township clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund records of the township and the same shall be open to public inspection at all reasonable business hours.

**Section 12: Vault**

All burials shall be within a standard concrete vault, with a solid one piece lid, or constructed on each burial space before interment.

**Section 13: Cemetery hours**

The cemetery shall be open to the general public from 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 sexton of the cemetery.

**Section 14: Penalties**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall

**Section 15: 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 16: Effective date**

This ordinance shall take effect 30 days after the date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adoption date: 1-13-2003

Publication date:

Dawn Arndt, Clerk - Hopkins Township