

ALAMO TOWNSHIP ORDINANCE NO. 38-M

An Ordinance made to protect the public health, safety, and general welfare by establishing regulations relating to the operation, maintenance, control, management, and expansion of the cemeteries owned by the Township of Alamo, located in Kalamazoo County, Michigan, provide penalties for the violation of said Ordinance, and to repeal all Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP OF ALAMO, COUNTY OF KALAMAZOO, MICHIGAN ORDAINS:

SECTION 1

TITLE

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

SECTION 2

DEFINITIONS

- A. Burial space. Shall mean a portion of the Township cemetery designed and intended for the interment of a deceased human body or the ashes (cremains) thereof.
- B. Cemetery lot. Shall mean a land area within the cemetery sufficient to accommodate one adult burial space.
- C. Adult burial space. Shall mean a land area within the cemetery four (4) feet wide and ten (10) feet in length.
- D. Infant burial space. Shall mean a land area within the cemetery three (3) feet wide and three and one-half (3 1/2) feet in length, and shall be located in an area set aside specifically for such burials.
- E. Cremains burial space. Shall mean a land area within the cemetery two (2) feet wide and two (2) feet in length and shall be located in an area set aside specifically for such burial.
- F. Infant. Shall mean persons who were two years of age or less at time of demise.

SECTION 3

SALE OF BURIAL SPACES

- A. A burial space shall be sold only to residents of Alamo Township for the purpose of the burial of the purchaser.

- B. All such sales shall be made on a form approved by the Township Board, and shall grant no more than the right of burial and those rights incident thereto, and shall be executed by the Township Clerk or Sexton.
- C. Burial rights will be sold to any adult who has lived in Alamo Township fifty (50) percent of his/her lifetime, at the time of death, or for twenty-five (25) years. Burial rights will be limited to one (1) burial space, which may be purchased at the time of death.
- D. 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 effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk or Sexton, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval, and record said Clerk 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 TRANSFER FEES

- A. Each adult burial space shall cost the sum of Fifty (\$50.00) Dollars.
- B. Each burial space for infants or still births, where located in an area especially set aside for such burials, shall cost the sum of Fifty (\$50.00) Dollars.
- C. The foregoing charges shall be paid to the Township Clerk or Sexton who shall initiate the burial permit and then convey the charges to the Township Treasurer.
- D. The Township Board, by resolution, may periodically alter the foregoing purchase price or fees as may be necessary to operate, maintain, or enlarge the cemeteries.

SECTION 5

GRAVE OPENING/CLOSING COSTS

- A. The opening and closing of any burial space, prior to and following a burial therein, shall be at a cost to be determined from time to time, by resolution, of the Township Board.
- B. No burial space shall be opened and closed except under the direction and control of the Township Clerk, Sexton, or other Township designee. This provision shall not apply to proceedings for the removal or reinterment of bodies and remains, or any other matter under the supervision of the local Health Department.

SECTION 6

MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition.

- B. Any monument(s) must be located upon a suitable foundation to maintain the same in an erect position.
- C. One (1) monument, marker, or memorial shall be permitted per burial space.
- D. 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.

SECTION 7

INTERMENT REGULATIONS

- A. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.
- B. Not less than forty-eight (48) hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space(s). Consideration will be made for religious beliefs.
- C. 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 Township Clerk or Sexton prior to interment.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION 8

CEMETERY AND USAGE GUIDELINES

- A. No grading, leveling, or excavation on a burial space shall be undertaken without prior written permission from the Township Clerk or Sexton.
- B. No shrub or tree shall be planted within a burial space without prior written application filed with the Township Clerk specifying the planting proposed and approval by the Township Board. Existing trees or shrubs may be removed or trimmed by the Township where necessary for the proper maintenance, appearance, and use of the cemetery.
- C. Mounds which hinder the free use of a lawnmower or other garden apparatus shall be prohibited.
- D. Flowers shall not be planted within a burial space except directly behind a headstone or marker.
- E. Winter decorations shall be removed by April 1 and summer decorations by October 1. Decorations not timely removed may be removed by or at the direction of the Sexton.
- F. The Township shall have no responsibility for damage to headstones or markers not resulting from the cemetery's regular maintenance.

- G. Accumulations of refuse upon a burial site which becomes unsightly, a source of litter, or a maintenance problem shall be prohibited and may be removed by the Sexton. Refuse includes but is not limited to: growth, decay, damaged emblems, displays or containers, dried flowers, wreaths, and/or papers.
- H. No surfaces other than earth or sod shall be placed upon a burial space.
- I. No post of any type shall be placed on a burial space. .

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:

- A. Notice sent by the Township Clerk by first class registered mail to the last known address of the last owner of record informing him/her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 90 days from the date of mailing of the within notice his/her desire to retain said burial rights.
- B. 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, or his/her heirs or legal representative, within 90 days from the date of mailing said notice.

SECTION 10

REPURCHASE OF LOTS OR BURIAL SPACES

Alamo Township will repurchase any cemetery lot(s) or burial space(s) from the owner for the original price paid the Township upon written request of said owner or his/her legal heirs or representatives.

SECTION 11

RECORDS

The Township Clerk 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 12

VAULTS

All burials shall be within a vault in place before interment. All vaults shall be of standard concrete construction or of material proven to be of equal or greater durability.

SECTION 13

CEMETERY HOURS

The cemetery shall be open to the general public from sunrise to sunset. Presence within the cemetery at any other time shall be prohibited, except with the permission of the Sexton.

SECTION 14

PENALTIES

Any person, firm, or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

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 a 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

CONFLICTS AND EFFECTIVE DATE

This Ordinance shall take effect on **JANUARY 29, 1998**. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

Amended: February 12, 1998