

ARTICLE R 7

SECTION R 7.01 FRUITLAND TOWNSHIP CEMETERY ORDINANCE

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES WHICH CONFLICT WITH THE NEW ORDINANCE.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 7.02 TITLE

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

SECTION R 7.03 DEFINITION OF CEMETERY LOT AND BURIAL SPACE

A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to eight (8) burial spaces.

- A. An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet long.
- B. An infant or still born burial space shall consist of a land area four (4) feet wide and four (4) feet long in area specifically set aside for such burials.
- C. A cremains burial space shall consist of a land area four (4) feet wide and four (4) feet long. A cremains burial is the burial of ashes of a cremated body.
- D. Inurnment of Ashes shall be the internment of an urn inside a niche in a monument or headstone. Small objects, photographs and even drawings are also often kept in the niche.
- E. The cemetery has four sections. Block 1 has 104 lots; Block 2 has 126 lots; Block 3 has 135 lots, Block 4 has 121 lots. Each lot contains eight (8) burial spaces.

SECTION R 7.04 SALE OF LOT OR BURIAL SPACE

- A. All sales of cemetery lots and burial spaces shall be made on a form approved by the Township Board. The sale of a cemetery lot or a burial space conveys a right of burial only and does not convey any other right or title to the cemetery lot or burial space. All sales shall be approved by the Township Clerk in writing on the approved form.
- B. Burial rights may be transferred. Transfers may only be completed by using forms approved by the Township Board. All transfers must be approved by the Township Clerk. The transfer fee must be paid to the Township. The Township Board shall establish the fee, which may be revised from time to time.

- C. No person may purchase more than eight (8) burial spaces without the consent of the Township Board.

SECTION R 7.05 MARKERS OR MEMORIALS

- A. All markers, monuments, urns or other memorials must be made of granite or another approved, equally durable composition.
- B. Any large upright monuments, urns or other memorials must be located upon an approved foundation adequately designed to maintain the monument in an erect position.
- C. Only two (2) markers of 16 inches by 18 inches or one (1) double headstone of not more than 36 inches wide is allowed for each burial space with the exception of the placement of a veteran's bronze plaque(s) not to exceed 24 inches by 2 inches which may be attached to the back of upright monument(s) or marker(s) or be placed flush in the ground.
- D. A monument, marker or other memorial shall meet the following requirements:
 - 1. The location is at the head of the burial space, parallel to the head of the burial space line;
 - 2. The height of the memorial is not greater than 48 inches, the width of the memorial is not greater than 16 inches, and the length of the memorial is not greater than 80 inches for one memorial to cover two gravesites and 36 inches for a single gravesite.
 - 3. Veteran bronze plaque(s) may be placed either at the head of the burial space(s) line or in the middle of the gravesite flush on the ground.
- E. The footing or foundation upon which any monument, marker or other approved memorial shall be placed by the Township and the owner of the burial space shall pay the cost of placement.
- F. Monuments, markers and other memorials are not permitted on a burial space until the purchase price of the burial space has been paid in full.
- G. No mausoleum shall be erected without written approval from the Township Board.
- H. Inscriptions on monuments, markers, mausoleums or other memorials must not be offensive or improper, as determined by the Township Board. The owner of any such memorial shall be responsible for all expenses of removal.
- I. The Township Board has the authority to deem a marker, monument, mausoleum or other memorial to be inappropriate and thus prohibit it from being placed in the cemetery.

- J. If a marker, monument, or other memorial becomes unsafe in the opinion of the township, notice of the condition shall be sent to the last known address of the owner. The structure shall be removed or repaired at the owner's expense. Timeline to be determined by the Township Board.
- K. Winter decorations of burial spaces shall be placed after November 30 of each year and shall be removed no later than April 15 of the following year. All summer decorations for burial spaces shall be placed after May 15 and shall be removed no later than October 1. Any decoration remaining after the above deadlines will be immediately destroyed and/or discarded.

SECTION R 7.06 INTERMENT REGULATIONS

- A. Only one casket may be buried in a burial space, except for a mother and infant or two children buried at the same time.
- B. A maximum of two (2) cremains or one (1) casket and one (1) cremation; shall be allowed to be placed in one burial space along with no more than two (2) interment of ashes to be placed in a headstone or monument.
- C. The township shall receive at least 24 hours notice of the time of a funeral to allow for the opening of the burial space.
- D. A permit for the burial space and appropriate identification of the person to be buried shall be presented to either the township or the Township Clerk prior to interment. If a permit has been lost or destroyed, the Township Clerk shall be satisfied, from Township records, that the person to be buried in the space is an authorized and appropriate person before starting any interment.
- E. All burial spaces shall be located in an orderly and neat-appearing manner within the confines of the space involved.
- F. All burials shall be within a standard vault made of concrete, fiberglass or other material approved by the township, installed or constructed in the burial space before interment.
- G. No burial or interment of ashes shall take place unless the burial space fee, the fee for services required to open and close the burial space or documentation fee and all other fees have been paid in full to the township.
- H. Burial spaces shall not be opened or closed except under the direction and control of the township. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which is under the control of the local health department.
- I. The Township is not responsible for the following:
 - 1. Opening the wrong burial space when such error is caused by third parties;
 - 2. Damage to markers, monuments or memorials from cause beyond its control.

J. The scattering of cremains anywhere in the cemetery is prohibited.

SECTION R 7.07 REGULATIONS FOR BURIAL

- A. When delays would cause unreasonable hardship or inconvenience, burials may be arranged on Saturdays, Sundays, and holidays, but there is an additional fee.
- B. If immediate burial is required by the laws of the State or by a regulation of health department, an extra fee will be charged and entrance to the cemetery will be restricted to the hearse and cars in the funeral procession.
- C. Consideration for winter burial (November 15-March 15) will depend on ground and weather conditions at the discretion of the township.
- D. No burial space will be opened for a burial except on arrangement by a responsible member of the deceased person's family, or by order of a funeral director or his agent, to the township. A reasonable time for the preparation of the burial space must be given.
- E. Internment of ashes shall be performed only by a funeral director or his agent or monument company once arrangements and payment has been made with the township.
- F. Funeral directors or their agents will present the burial permit as required by law before proceeding with the committal services and also present full payment for burial space opening, plus any other charges incurred in preparing for the burial.
- G. No funeral director may open a casket inside the cemetery without the consent of a member of the deceased's family or on an order of a court.
- H. The Township is not responsible for incorrect instructions regarding the proper lot and burial space.
- I. Disinterment may not be made unless all necessary permits, or on order from a coroner directing a disinterment for the purpose of an inquest, have been provided to the township.

SECTION R 7.08 GROUND MAINTENANCE

- A. No flowers, decorations, shrubs, trees or vegetation of any type shall be planted or placed outside of a permitted urn. Any of the foregoing items planted or placed shall be immediately removed by the Township.
- B. No grading, leveling or excavating within the cemetery shall be allowed.
- C. The township 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.
- D. Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited and shall be removed.

- E. Surfaces other than earth or sod are prohibited.
- F. All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within 10 days after a burial.
- G. Littering and loitering are strictly prohibited.
- H. All urns are to be placed in line with monuments. The size of urns placed shall be determined by the township.
- I. All fences, shepherds hooks, glass containers or glass items are prohibited and shall be removed.
- J. All free standing solar or other powered lights, markers, candles and oil lamps are prohibited and shall be removed.
- K. Any contractors working in the cemetery are subject to the cemetery rules and regulations and are subject to the authority of the township. All vehicles shall remain on a driveway at all times. Contractors must furnish their own carts to carry materials from the driveway to the burial space. Contractors or others causing damage to the cemetery, including damage to the lawn or turf, shall promptly pay any invoice for labor and material from the township.
- L. Children visiting the cemetery must be accompanied by an adult. All pets must be on a leash. Driveways shall be used for cemetery business only and not be used for bicycles, motorcycles, ATV's, skateboards, snowmobiles or other similar use.

SECTION R 7.09 DUTIES OF TOWNSHIP OFFICIALS

- A. The Township Clerk shall maintain records concerning burials, burial permits and any perpetual care fund. The records shall be separate and apart from any other records of the Township and such records shall be open to public inspection at all reasonable hours. All sales and transfers of lots or burial spaces are subject to approval of the Township Clerk.
- B. Except for matters pertaining to record keeping, this ordinance and all rules and regulations shall be enforced in the first instance by the Township Board. The Township shall have the authority to ban any person from the cemetery who has violated the ordinance or any rule or regulation.
- C. A decision of the Township Clerk may be appealed to the Township Board for a final decision.

SECTION R 7.10 CEMETERY HOURS

- A. The cemetery shall be open to the public each day from sunrise to sunset.

- B. No person is permitted in the Township cemetery when it is closed, except with the permission of the Township Board.

SECTION R 7.11 PENALTIES

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

SECTION R 7.12 SEVERABILITY

The provisions of this ordinance are declared to be severable and should any provision, section or part of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the specific provision, section or party of the ordinance referenced in the court decision and shall not affect or invalidate the remainder of the ordinance.

SECTION R 7.13 EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after the date of publication. All ordinances or parts of ordinances which conflict with this ordinance are repealed as of the effective date.

Adopted: June 15, 1998
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Amended: September, 2002

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