

The BARODA TOWNSHIP CEMETERY ORDINANCE

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

THE TOWNSHIP OF BARODA, COUNTY OF BERRIEN, MICHIGAN ORDAINS:

Section 1: Title

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

Section 2: Definitions of cemetery lots and burial spaces

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

An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3-1/2) feet in length. Any site exceeding three and one half (3-1/2) feet will be considered an adult site.

Section 3: Sale of lots or burial spaces

Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred therein. Non-residents may purchase lots but will be charged a much higher rate than residents.

All such sales 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. The township clerk shall execute such form.

Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township or their direct heirs 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, approved by said clerk, and entered upon 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 for Grave openings and closings

Each Baroda Township resident burial space shall cost the sum of \$100.00. Each non-resident burial space shall cost the sum of \$500.00.

The opening and closing of burial spaces shall cost the sum of \$150.00 for Baroda Township residents and \$400.00 for non-residents. Infants, both resident and non-resident shall cost the sum of \$50.00.

Cremations for Baroda Township residents shall cost the sum of \$50.00. The cost of cremations for non-residents shall cost the sum of \$100.00.

Burials on Sundays or Holidays shall cost the sum of \$100.00 extra.

The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs.

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 reinterment of bodies and remains, which matters are under the supervision of the local Health Department.

Section 5: Markers or memorials

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

Only one monument, marker or memorial shall be permitted per burial space. Monuments are to be placed only at the head of a burial site.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township Sexton at a cost of 25 cents per square inch and should be paid directly to the Sexton.

Section 6: Internment regulations

Only one person may be buried in a burial space except for a mother and infant or two children buried in the same burial site. Two cremation remains may be buried in one burial space, or one cremation remains and one person may be buried in one burial space. Burial may be below ground or in an above ground mausoleum in a state approved sealed concrete vault, or other vault approved by the Sexton. Cremation remains may be sealed above ground in monuments designed for this purpose.

Not less than 36 hours notice shall be given to the Township Clerk 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 7: 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 flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. The township or the cemetery sexton may remove any of the foregoing items planted without such approval.

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 of the 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 8: 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 last 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 the written notice his desire to retain said burial rights.

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

Section 9: Repurchase of lots or burial spaces

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

Section 10: Records

The township clerk shall maintain records concerning all burials, issuance of burial permits, and any 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 11: Vault

All burials shall be within a standard concrete vault, or a vault that has been approved by the Township sexton. These vaults are to be installed or constructed in each burial space before interment.

Section 12: Cemetery hours

The cemetery shall be open to the public from the hours of 7:00am to 9:00pm each day.

Spring cleanup shall be completed by April 15 and fall cleanup shall be completed by October 15 of each year.

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 13: 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 \$100.00 and/or imprisonment for 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 14: 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 15: The Baroda Township Cemetery Sexton shall be hired by the Baroda Township Board and report directly to the Baroda Township Supervisor. The Board will conduct interviews and set qualifications for the Sexton position. The Sexton should be a physically fit individual able to work in all kinds of weather. The person should be able to have all gravesites opened in time for the burial scheduled by the funeral home. The Sexton shall have general control of the Township Cemeteries, buildings and equipment. Additionally it shall be his duty to enforce all rules and regulations adopted by the Township Board.

All money received for the opening and closing of graves shall be paid directly to the Township.

The Sexton shall install all footings for headstones and monuments and should be paid directly by the lot owner.

It shall be the duty of the Sexton to keep the cemeteries neat and clean at all times, especially for Memorial Day. Also he should keep the trash barrels empty, remove weeds, brush and trim trees and shrubs throughout the cemeteries.

It shall be the duty of the Sexton to see to it that people do not plant trees or shrubs without first obtaining his permission.

The Sexton shall maintain and keep in running order all cemetery equipment and buildings which are owned by the Township.

The Sexton shall be responsible for all snow removal from the driveway and graves on the day of a funeral and as needed during the winter months.

The Township Board on a yearly basis should review the Sexton and all other workers performance and salary compensation.

Section 16: Effective Date

This ordinance shall take effect on February 25, 2003. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

James Brow, Supervisor

Wendie Shafer, Clerk

Published _____

Revised November 18, 2004

Section 6 Interment Regulations - adding provision for above ground interment of cremation remains in monuments designed for this purpose.

Revised December 20, 2004 Section 15 changed to Read "The Sexton shall be hired by the Baroda Township Board and report directly to the Baroda Township Supervisor." Revision to take effect December 20, 2004.

James Brow, Supervisor

Date

Wendie Shafer, Clerk

Date