

**NEWBERG TOWNSHIP
CASS COUNTY, MICHIGAN
ORDINANCE NO. 96-09**

(As Amended by Ordinance No. 03-01)

(As Amended by Ordinance No. 16-01a)

Adopted: September 9, 1996 (February 10, 2003) (February 8, 2016)

Effective: October 19, 1996 (March 22, 2003) (April 16, 2016)

NEWBERG TOWNSHIP CEMETERY ORDINANCE

An Ordinance to establish regulations relating to the operation, control, and management of all cemeteries owned by the Township.

**NEWBERG TOWNSHIP
CASS COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

TITLE

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

SECTION 2

DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A "cemetery lot" shall have dimensions of 16' x 8'6" in the new section of the cemetery, and 20' x 8'6" in the old section of the cemetery.
- B. An adult "burial space" shall consist of a land area 4' wide and 8'6" in length.

SECTION 3

SALE OF LOTS OR BURIAL SPACES

- A. Cemetery lots and burial spaces shall be sold only to residents or taxpayers of the Township for the purpose of the burial of the purchaser or his or her heirs at law or next of kin; provided that the Township Clerk is hereby granted the authority to vary this restriction where the purchaser discloses sufficient personal reasons for burial within the Township through previous residence in the Township, or relationship to persons interred therein, or residence within a three mile

distance of the Township borders. No sale shall be made to funeral directors in any event.

- B. All sales of cemetery lots and burial spaces shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any title to or other interest in the lot or burial space sold. The form shall not be valid until executed by the Township Clerk.
- C. An interest in a cemetery lot or burial space may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces as specified in this Ordinance, and may be effected only by the Township Clerk's endorsement of an assignment of such lot or burial space upon the original form issued by the Township Clerk and entered upon the official records of the Clerk. Upon such assignment the Clerk may issue a new burial permit to the assignee and cancel and terminate the original permit.
- D. A person shall not in any circumstance sell an interest in a cemetery lot or burial space for more than the purchase price for such a lot or space prevailing at the time of the sale, as established pursuant to Section 4 of this Ordinance.
- E. In the event of the loss or destruction of an original certificate issued by the Township granting an interest in a cemetery lot or burial space, the Township Clerk may issue a replacement certificate to the original purchaser or the legal heir of the purchaser. The Township Board may establish a nominal fee for such a replacement certificate.
- F. The acquisition of an interest in a cemetery lot or burial space is subject to the rules and regulations set forth in this Ordinance or otherwise lawfully established by the Township Board, whether such rules and regulations were approved before or after the date the cemetery lot/burial space interest was acquired.

SECTION 4

PURCHASE PRICE AND TRANSFER FEES

- A. The Township Board by resolution/motion may establish and periodically alter the burial space and other fees provided for in this Ordinance to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

SECTION 5
GRAVE OPENINGS/CLOSINGS AND FEES

- A. Burial spaces shall not be opened or 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 under the supervision of the local Health Department.
- B. The Township Board by resolution/motion may establish and periodically alter fees for the opening and closing of burial spaces. The Township Board may establish an additional fee to be imposed for a grave opening/closing on a designated Federal or State holiday.

SECTION 6
INTERMENT REGULATIONS

- A. Only one person may be buried in a single burial space; except that a parent and an infant may be buried in a single burial space if interred at the same time. Three(3) cremated remains may be buried in a single burial space. *Note: Only one headstone for all names per Section 7-C.*
- B. At least a thirty-six(36) hour notice of a funeral shall be given to allow for burial space opening.
- 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 cemetery sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall determine that the person to be buried in the burial space is an authorized and appropriate person to bury in the space before any interment is commenced.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- E. All burials shall be within standard vaults of concrete, metal, plastic, or similar material meeting generally accepted standards and approved by the Township before interment, except for cremated remains which may be buried in any suitable container with or without an approved vault.
- F. No burial space or cemetery lot shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials, as allowed by this Ordinance.

- G. Only the cemetery sexton or their appointee may intern cremains in cemetery; including lot, marker, or columbarium.
- H. Only the cemetery sexton or their appointee may remove cremains per Section 6I.
- I. No removal of cremains is allowed without completed consent form provided to Township from family, heir and/or lot owner.

SECTION 7

MARKERS AND MEMORIALS

- A. Markers or upright memorials shall be made from granite or a good grade of marble from recognized monument quarries. Bronze may be used on memorials or upright markers if firmly attached to a granite base. Flush markers shall be of granite or bronze.
- B. All monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one monument, marker, or memorial shall be permitted per burial space.
- D. All markers or other memorials, including monuments, shall be placed at the head of the burial space or at the west end of the cemetery lot so that the inscription can be read from the west.
- E. Foundations for markers, memorials, and other monuments, tombstones, headstones, etc. shall be installed only by the Township under the direction of the Township Clerk or sexton. The Township Board by resolution/motion may establish and periodically alter the fee for foundation installations.

SECTION 8

GROUND MAINTENANCE

- A. Grading, leveling, or excavating upon a burial space shall not be allowed without the permission of the cemetery sexton or the Township Clerk.
- B. Flowers, shrubs, trees or vegetation of any type shall not be planted without the approval of the cemetery sexton or the Township Clerk. The Township may remove any items planted without prior approval.
- C. Any lighting apparatus requires prior approval by the sexton or Township Board.
- D. The Township Board reserves the right to trim or remove any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

- E. Mounds which hinder the use of a lawn mower or other maintenance apparatus are prohibited.
- F. The cemetery sexton and cemetery personnel shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage, or otherwise become unsightly, a source of litter, or a maintenance problem.
- G. Surfaces other than earth or sod are prohibited.
- H. All refuse of any kind or nature including such items as dried flowers, wreaths, papers, and flower containers must be removed or deposited in trash receptacles located within the cemetery.
- I. Glass containers are prohibited.
- J. All summer decorations and containers shall be removed by October 15.
- K. Winter decorations are permitted on graves from November 1 until April 1.
- L. Memorial Day decorations may be placed on a grave as desired, provided they do not otherwise violate this Ordinance.
- M. All urns shall be placed in line (north and south) with headstones or other markers. Plants may be left in a pot above the surface of the ground or planted directly against the headstone or other marker.
- N. Decorations that are not removed in accordance with this Ordinance or that otherwise do not comply with this Ordinance, shall be considered abandoned and may be disposed of by the Township at any time.

SECTION 9

FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of this Ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

- A. Notice is sent by the Township Clerk by First Class mail to the last known address of the last owner of record informing the owner of the expiration of the forty(40) year period and that all rights with respect to the lots or spaces will be forfeited if the owner does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the notice his or her desire to retain the burial rights.

- B. No written response to the 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 the lots or spaces or his or her heirs or legal representatives within sixty (60) days from the date of mailing of the notice.

SECTION 10

REPURCHASE OF LOTS OR BURIAL SPACES

The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of the owner or his 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 upon appointment with the Township Clerk.

SECTION 12

CEMETERY HOURS AND OTHER REGULATIONS

- A. The cemetery shall be generally open to the public, provided that the Township Board by resolution/motion may establish specific hours that the cemetery is open and closed to the public.
- B. No pets are allowed in the cemetery. Service dogs are allowed in the cemetery.

SECTION 13

ENFORCEMENT AND SANCTIONS

- A. Any person who violates any of the regulations or provisions of this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as a principal.
- B. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.
- C. Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil

infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-- 1st offense within 3-year period*	\$75.00	\$500.00
-- 2nd offense within 3-year period*	\$150.00	\$500.00
-- 3rd offense within 3-year period*	\$325.00	\$500.00
-- 4th or more offense within 3-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Newberg Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. Each day that a violation exists shall constitute a separate offense.

SECTION 14
SEVERABILITY

If any part of this Ordinance is declared by any court of competent jurisdiction to be invalid or unenforceable the remainder of the Ordinance shall remain in full force and effect.

SECTION 15
REPEAL

All previously adopted ordinances or other rules and regulations in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 16
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication as required by law.

Korine Blyveis, Clerk
Newberg Township