

**Salem Township
Allegan County, Michigan**

Ordinance No. 6-12-12

Cemetery Ordinance

Adopted: June 12, 2012

Effective: July 25, 2012

An ordinance to protect the health, safety, and general welfare of the residents, property owners, and people within Salem Township, Allegan County, Michigan, by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Salem; to provide penalties for the violation of said ordinance; and to repeal all rules and regulations in conflict herewith.

***Salem Township
Allegan County, Michigan
Ordains:***

**Section I
Title**

This ordinance shall be known and cited as the "Salem Township cemetery Ordinance."

**Section II
Definitions of Cemetery Lots and Burial Spaces**

- a. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- b. An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

**Section III
Sales of Lots or Burial Spaces**

- a. Hereafter, cemetery lots or burial spaces shall be sold to residents or registered voters of the Township for the purpose of the burial of such purchaser, of 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 reasons for burial within the Township through previous residence in the Township or relationship to persons interred therein

- b. 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. Such form shall be executed by the Township Clerk.
- c. 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, 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 IV
Purchase Price and Transfer Fees

- a. The cost of each adult burial space shall be the sum of \$200.00 for residents or \$600.00 for non-residents. A resident is defined as one who lives or dwells in a residence within the Township and can qualify as a resident voter of the Township.
- b. The Township Board, by resolution, may be periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section V
Grave Openings

- a. 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 VI
Markers or Memorials

- a. All markers or memorials must be of stone or other equally durable composition.
- b. Any large upright monuments must be located upon a suitable foundation to maintain the same in any erect position.
- c. Only one monument, marker or memorial shall be permitted per burial space.
- d. The footing or foundation upon any monument, marker, or memorial must be placed and shall be constructed by the Township Sexton with costs to be incurred by the owner of the burial right.
- e. Military Plaques shall be affixed to the monument.

Section VII
Interment Regulations

- a. No more than one body may be buried within any single lot, except that the remains of any single cremated body may be buried with the remains of any other single cremated body or with the remains of any other non-cremated body, either within or outside of burial vaults.
- b. Not less than a 36 hour notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- 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 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.
- d. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section VIII
Ground Maintenance

- a. No grading, leveling, excavating, bricks or pavers, shall be allowed upon a burial space.
- b. No flowers, shrubs, trees or vegetation of any type shall be planted. Any items planted or placed, shall be removed by the Township, Sexton, or Cemetery Groundskeeper.
- c. The Township, Sexton and/or Groundskeeper reserves the right to trim or remove any tree, plant, or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- d. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- e. The Township, Sexton, or Cemetery Groundskeeper shall have the right authority to removed and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly or a source of litter, or present a maintenance problem. All approved containers shall be removed in the fall. Containers not removed will be removed by cemetery personnel annually, without notice, and after October 15th as time and weather dictate.
- f. Surfaces other than earth or sod are prohibited.
- g. Artificial flowers and silk flowers are permitted. Only one concrete urn, single hook shepherd pole or metal flower basket 15inches high with handle and feet per grave shall be permitted. No statues, solar lights, multiple shepherd poles or benches are permitted and any found shall be removed. Baskets may be placed on graves beginning May 15, depending on the weather. Other than concrete urns, items are to be removed by October 15. The full

name of the deceased shall be painted on the underside of flower baskets for identification purposes. The Township or Cemetery Personnel shall removed unclaimed baskets and/or items after October 15. Winter wreathes are permitted on tripod stands, but not before December and shall be removed by April 15.

Section IX
Repurchase of Lots or Burial Spaces

- a. The Township will repurchase any cemetery lot or burial space from the owner for the original price paid the Township upon written request of said owner or his/her legal heirs or representatives.
- b. Salem Township shall reserve the right to re-claim lots not in use for 50 years, after which the township has made a reasonable effort to locate heirs of the deeded owners of the cemetery lot.

Section X
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 this Township and the same shall be open to public inspection at all reasonable business hours.

Section XI
Vault

All burials shall be within standard vaults of concrete, metal or plastic or similar material, a type and 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.

Section XII
Cemetery Hours

The cemetery shall be open to the general public from dawn until dusk each day.

Section XIII
Penalties

Any person who violates, disobeys, neglects or refuses to comply with any provision of this ordinance, an administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Each day that a violation exists shall constitute a separate offense.

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

Minimum Fine	Maximum Fine		
1 st Offense		\$75.00	\$500.00
2 nd Offense		\$150.00	\$500.00
3 rd Offense		\$325.00	\$500.00
4 th or more Offense		\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

Any violation of the Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

Section XIV
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 be continue in full force and effect.

Section XV
Effective Date and Repeal of the Conflicting Ordinances

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

Salem Township
Betty Brower, Clerk
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