

**TOWNSHIP BOARD  
TOWNSHIP OF THORNAPPLE  
Barry County, Michigan**

**ORDINANCE NO. 95-8**

**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 Thornapple Township; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict.**

**THE TOWNSHIP OF THORNAPPLE ORDAINS:**

**Section 1. Title.** This ordinance shall be known and may be cited as the “Thornapple Township Cemetery Ordinance.”

**Section 2. Definitions.**

- A. “Cemetery lot” and “burial space” shall be used interchangeably herein and shall mean an area of land of approximately four feet in width and nine feet in length which can accommodate one vault or two cremains.
- B. “Resident” shall mean a person living in Thornapple Township who resides in a dwelling unit. Where a person is not residing in the Township at death, the person shall also be classified as a resident if one-half (1/2) of the years of non-residency is less than his or her total years of residency.

**Section 3. Sale of Lots.**

- A. Cemetery lots shall only be sold by the Township Clerk to residents or non-residents of the Township for the purpose of burial of such purchaser, his or her heirs, or next of kin. Cemetery lots shall be sold in multiples of two (2) and sequentially in accordance with the development of the cemetery; provided, however, that the Township Clerk may waive this requirement for good cause.
- B. Sales shall be recorded and evidenced by a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the cemetery lot or burial space sold. The form shall be executed by the Township Clerk.
- C. Burial rights may be transferred only by the execution of an assignment upon the original burial rights permit form issued by the Township Clerk. The assignment must be approved by the Clerk, and entered upon the official records of the Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial rights permit to the assignee and shall cancel upon such records, the original permit.
- D. The Township Board may adopt separate regulations the effect of which would be to designate and reserve a particular area within the cemetery for the interment of cremains. If adopted by the Township Board, such regulations shall supersede conflicting provisions of this ordinance.

**Section 4. Purchase Price and Transfer Fees.**

- A. Cemetery lot purchase fees for Township residents, non-resident Township property taxpayers and non-residents shall be as established by resolution of the Township Board from time to time.
- B. Any resident head of household is eligible to purchase burial rights to two lots at the current resident approved rate. In the instance of immediate burial need, any additional lot(s) for resident minor children may be purchased at the current resident approved rate.
- C. Payment for burial rights shall be made within 30 days of the date of purchase.
- D. The transfer of burial rights for any cemetery lot to a non-resident of Thornapple Township is allowed for a fee double the current resident approved rate for each lot. Any non-resident using the lot(s) must have lot(s) transferred and/or fees paid prior to burial.

**Section 5. Grave Opening Charges.**

- A. The opening and closing fee for any burial space, prior to or following a burial therein, and including the interment of cremains, shall be as established by resolution of the Township Board from time to time.
- B. No burial space shall be opened or closed except under the direction and control of the Cemetery Sexton. This subsection shall not apply to the extent such proceedings are under the direction and control of the local health department.

**Section 6. Markers and Monuments.**

- A. All markers and monuments shall be made of stone or other material of equally durable composition.
- B. Only one marker or monument shall be permitted per burial space or in the case of a double monument only one will be permitted per two burial spaces.
- C. The foundation upon which any monument, marker or memorial is placed shall be 24" deep with a 4" border on each side of the monument. The monument must be no more than 24" wide and the length shall not exceed the size of the burial space. The cost of the foundation shall be as established by resolution of the Township Board from time to time and shall be payable by the burial rights permittee.
- D. No foundation will be installed prior to payment being made for the applicable cemetery lot, foundation and interment fees.

**Section 7. Interment Regulations.**

- A. Only one person and one cremain may be buried in a burial space except for a mother and infant or two minor children buried at the same time. Burial boxes or caskets over four feet in length will be classified as adult size.
- B. Two cremains may be buried in the same burial space.
- C. Not less than 36 hours notice shall be given to the Sexton in advance of any interment to allow for the opening of the burial space and at least 48 hours notice prior to any disinterment or removal.
- D. The permit for the burial space, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Sexton prior to interment. Where such permit has been lost or destroyed, the Sexton shall review his or her records, or the Clerk's records, to establish to his or her reasonable satisfaction that the person to be buried is authorized and appropriate before any interment is commenced.

- E. The Sexton shall have the right to refuse interment in any cemetery lot, and to refuse to open any burial space for any purpose, except on application by the burial rights permittee or his or her duly recorded assignee.
- F. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space, as approved by the Sexton.
- G. When instructions regarding the location of a burial space cannot be obtained, or are indefinite, or when for any reason beyond the reasonable control of the Sexton the burial space cannot be opened where specified, the Sexton may, in his or her discretion, open it in such location in the plot as he or she deems best and proper, so as not to delay the funeral; and the Township shall not be held liable in damages for any such error.
- H. The Sexton, Township and Township officials shall in no way be liable for any delay in interment where a protest to the interment has been made, or where this ordinance and its provisions have not been complied with; and, further, the Township reserves the right, under such circumstances, to place the body in the receiving vault until the full rights have been determined.
- I. Except as otherwise provided herein, no interment shall be permitted in any burial space not fully paid for except by special written consent of the Township Clerk or Sexton and, in the event such consent is given, any such interment shall be considered temporary and no rights shall be acquired by the burial rights permittee or his or her assignee until such charges and fees are fully paid for, including the principal and interest if any.

**Section 8. Vaults. Only vault constructed for permanent duration may be used.**

**Section 9. Ground Maintenance.**

- A. No grading, leveling or excavating upon a burial space shall be allowed without the written consent of the Sexton or Township Clerk.
- B. All flowers, ornamentals, etc., shall be placed in an urn only, which shall be set in line with the headstone.
- C. Urns which are not used for two years may be removed by the Sexton and will be stored on the premises.
- D. Plantings of trees or shrubs upon burial spaces is prohibited without the written approval of the Sexton. Any approved planting must be of a dwarf variety.
- E. The use of decorative stones or bark or the erection of fences, railings or curbs is prohibited and shall be removed by the Sexton.
- F. The Township Board reserves the right to remove or trim any tree or shrub already located within the cemetery in the interest of maintaining the proper appearance and use of the cemetery.
- G. Except as otherwise provided herein, all grading, landscaping and improvements of any kind, all care of cemetery lots, all openings and closings of cemetery lots, and all trees, shrubs or plantings shall be planted, trimmed or removed only by the Sexton or otherwise at the direction of the Township.
- H. The Sexton 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 becomes unsightly, a source of litter or a maintenance problem.

- I. All refuse of any kind or nature, including, but not limited to artificial flowers, wreaths, papers and containers shall be removed or deposited in refuse containers located within the cemetery.

**Section 10. Records.** The Township officer responsible for administration of Township cemeteries shall be the Township Clerk. The Township Clerk shall maintain all records concerning burials and issuance of burial rights permits separate and apart from other records of the Township and the same shall be open to public inspection during regular business hours of the Township.

**Section 11. Cemetery Hours and Regulations.** The cemetery exists as a memorial to the deceased. It shall be open to the general public from dawn to dusk for the purpose of memorializing the dead. It shall be closed to the general public from dusk until dawn each day.

- A. Strangers are prohibited from approaching a grave at a funeral. When deemed necessary by the Sexton, a funeral zone may be established and no one except persons attending the funeral will be permitted to encroach within its boundaries.
- B. Persons within the cemetery shall use only established walks, trails and drives, and no person shall enter the cemetery except through the established entrance.
- C. No person shall consume refreshments or liquors within the cemetery or carry the same upon the premises.
- D. The throwing of rubbish, trash or debris on the drives or trails, or on any part of the grounds of the cemetery is prohibited.
- E. All persons are prohibited from gathering flowers, either wild or cultivated, or breaking or cutting trees, shrubs or plants, or disturbing animals within the cemetery.
- F. Dogs shall not be allowed on the cemetery grounds.
- G. The Sexton or Township Enforcement Officer is authorized to enforce all rules and regulations, and to exclude from the cemetery any person violating the same.
- H. Recreational activities, including, but not limited to, sledding, skating, golf, football, baseball, kite flying, electronically controlled model planes or the use of off-road vehicles are prohibited within a Township cemetery.

**Section 12. Sanction.** Any person, firm, corporation, trust or other legal entity which violates or refuses to comply with any provisions in this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of one hundred dollars (\$100.00) for a first violation and five hundred dollars (\$500.00) for a second or subsequent violation, as well as such costs as are permitted by law.

**Section 13. Severability.** The provisions of this Ordinance are declared to be severable. Should any provision, section or part be declared invalid by a court of competent jurisdiction, such decision shall not 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 14. Correction of Errors.** The Township reserves the right to correct any errors made in the description, transference, or conveyance of burial rights, or in making interments, disinterments or removals, either by substituting and conveying a site in another location or, in

the sole discretion of the Township, by refunding the purchase price of the burial rights permit. In the event that such error on the part of the Township shall involve the relocation of interred remains or the relocation of a marker or monument, the Township shall bear the expense. The Township shall also have the right to correct any errors made by placing a description, including a name or date, either on the memorial or on the container for cremains.