

ORDINANCE NO. 25

BIG RAPIDS TOWNSHIP CEMETERY ORDINANCE

BIG RAPIDS TOWNSHIP ORDINANCE NO. 25: 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 BIG RAPIDS, MECOSTA COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BIG RAPIDS TOWNSHIP, COUNTY OF MECOSTA, MICHIGAN ORDAINS:

TITLE: This ordinance shall be known and cited as the Big Rapids Township Cemetery Ordinance.

ARTICLE I. GENERAL RULES

- Section 1.1 VEHICLES - HOURS: The speed of cars and other vehicles driven in the Cemetery shall not exceed 15 miles per hour. No vehicle shall be driven in the Cemetery other than during 8:00 a.m. to dusk, road conditions permitting. Cars, other motorized vehicles and bicycles are to be operated on the roads only.
- Section 1.2 All trucks with monumental material shall be driven only on Cemetery roads.
- Section 1.3 Persons driving in the Cemetery are responsible for all damage caused by their negligence. All vehicles shall use the Bellevue Street entrance, the north gate to enter and the south gate to exit.
- Section 1.4 CHILDREN: Children shall not be permitted on the Cemetery grounds unless attended by an adult person who shall be responsible for their conduct. Mischievous behavior shall not be tolerated. The Cemetery shall not be used as a playground.
- Section 1.5 ADVERTISING: No advertisement is permitted in the Cemetery.
- Section 1.6 PROHIBITED ACTIVITIES: Sleigh riding, snowmobiling, skiing, or sliding downhill within the Cemetery is prohibited.
- Section 1.7 VISITORS: All persons interested in the Cemetery should confine themselves to the walks and drives as much as possible. Vandalism and/or desecration of Cemetery property is prohibited.

- Section 1.8 No alcoholic beverages are allowed.
- Section 1.9 No work or activity shall be performed within the Cemetery boundaries without the express knowledge and consent of the Cemetery Superintendent.
- Section 1.10 The Superintendent has the authority to enforce these rules.

ARTICLE II. INTERMENT AND SERVICES

- Section 2.1 A COMPLETED BURIAL - TRANSIT PERMIT MUST BE FURNISHED TO THE SUPERINTENDENT OR HIS DESIGNATE before the remains are removed from the hearse or other conveyance.
- Section 2.2 All applications for burials shall be made to the Superintendent in time to allow twelve (12) working hours to prepare the grave for burial. The owner of the lot or grave or the person ordering the grave prepared for burial, shall complete a burial order form provided by the Township. Scheduling of storage burials is at the discretion of the Superintendent.
- Section 2.3 Payment for any grave opening must accompany the burial transit permit.
- Section 2.4 Owners of cemetery lots shall not permit interments on the lots for remuneration. Cemetery lots shall be used only for the burial of the human dead. No interment of two or more bodies shall be made in one grave except in the case of parent and infant child or two infants in one casket.
- Section 2.5 All interments must be made under the supervision and direction of the Superintendent. The funeral director shall provide adequate personnel to transfer the casket from the hearse or conveyance onto the lowering device.
- Section 2.6 No body interred shall be disinterred, except by permission of the Township Board, (plus any other permits required).
- Section 2.7 Parties ordering disinterment must furnish a concrete or steel vault to receive the remains.
- Section 2.8 All funeral processions in the Cemetery shall be under the sole control of the Superintendent.
- Section 2.9 CHARGES FOR ALL SERVICES SHALL BE AVAILABLE FROM THE SUPERINTENDENT OR FROM THE OFFICE OF THE TOWNSHIP CLERK. CEMETERY SERVICE CHARGES ARE SUBJECT TO CHANGE OR REVISION BY ACTION OF THE TOWNSHIP BOARD.

CHARGES FOR SERVICES NOT PERTAINING TO THE OPENING AND CLOSING OF GRAVES SHALL BE DUE UPON COMPLETION OF THE SERVICE. A SERVICE SHALL BE RENDERED ONLY UPON THE COMPLETION OF A WORK ORDER BY THE PERSON REQUESTING THE SERVICE AND ACCEPTING RESPONSIBILITY FOR PAYMENT FOR THE SERVICE.

The Township offers the following services:

- A) The opening and closing of graves.
- B) Disinterment and reinterment in the same cemetery.
- C) Disinterment for removal to another cemetery.

CHARGES FOR THE ABOVE THREE SERVICES VARY FOR INFANTS OR ADULTS.

- D) Grading or sodding the grave or lot.
- E) Setting foundations for grave markers or memorials.
- F) Cemetery vault rental.
- G) Snow removal at cost of removal.
- H) Genealogy research assistance and copies of records.
- I) Work requested by the lot owner is subject to current wage, equipment, and overhead charges. A work order describing the service to be performed must be filled out and signed by the person or entity accepting responsibility for payment. No service will be performed without this being done.

Section 2.10 ALL BURIALS SHALL BE MADE IN A STEEL OR CEMENT VAULT WITH THE EXCEPTION OF BABYLAND OR CREMAINS.

Section 2.11 There shall be a maximum of four cremation burials per grave. A maximum of two cremation burials is allowed on a previous burial on any given lot.

Section 2.12 Grave side services area allowed from May 1st to October 31st. If road or ground conditions are deemed unsafe by the Cemetery Superintendent and procession is prohibited, the chapel will be provided for services in lieu of the grave side service at no charge, if the chapel is available (not being used for storage).

Section 2.13 The Township does not bury on Sunday or holidays without the expressed approval of the Township Board or the Township Supervisor.

ARTICLE III. USE OF CEMETERY VAULT

Section 3.1 The Township Board may prohibit or restrict the use of the cemetery vault during the summer season. All bodies deposited therein must be removed forthwith when so ordered by the Township Board through the Superintendent, and if not removed, the bodies will be interred within the grounds set aside for strangers at the expense of those who are liable therefore. The body of a person who died from contagious disease will not be admitted to the receiving vault unless prepared by a licensed embalmer.

Section 3.2 The Township Board authorizes the Superintendent to restrict or prohibit interments during the winter as he/she deems it advisable. Grave side services and processions are restricted from November 1st through April 30th. Witnessing during this time will be allowed only with the expressed permission of the Cemetery Superintendent who shall have the authority to control the burial site activity. Winter burials will be conducted at the discretion of the Superintendent.

ARTICLE IV. FLOWERS, TREES, MONUMENTS, ETC.

Section 4.1 All persons are strictly prohibited from plucking any flowers, either wild or cultivated, breaking trees, shrubs or plants, or writing upon or defacing any monument, fence or structure within the cemetery.

Section 4.2 THE USE OF JARS, BOTTLES, JUGS OR OTHER ITEMS DEEMED INAPPROPRIATE BY THE SUPERINTENDENT for cut flowers is discouraged. All containers for the use of cut flowers must be set flush with the ground.

Section 4.3 ALL flower urns, other than bronze, must be kept painted. PLACEMENT OF URNS TO BE UNDER THE CONTROL OF THE SUPERINTENDENT.

Section 4.4 The growing of flowers is not included in the perpetual care of the Cemetery.

Section 4.5 Vases, settees, chairs, planting urns, baskets or other property left in the Cemetery are left at the risk of the owner thereof and neither the Superintendent nor the Township Board shall be responsible or liable for the loss, destruction or damage of said property.

Section 4.6 No tree or trees growing on any lot shall be trimmed or removed without the consent of the Superintendent or the Township Board.

- Section 4.7 All planting in the Cemetery shall be done in accordance with a definite plan of landscaping and under the supervision and direction of the Superintendent.
- Section 4.8 All flowers planted on any grave shall be planted directly in front of the headstone, monument or footstone, or at the head of the grave if there is no marker. Flower beds are to be cultivated and kept neat at all times.
- Section 4.9 The Superintendent or his/her agent shall remove all dead flowers, emblems or grave decorations when, in his/her judgement and discretion said flowers, emblems or grave decorations shall be unsightly. Neither the Superintendent, his/her agent, nor the Township Board shall be liable or responsible for the return of said removed objects to the lot owner.
- Section 4.10 Winter ornamentation shall be removed by May 10th.
- Section 4.11 No artificial flowers are permitted. No gravel, crushed or pea stone, lava stone, edging materials, etc. shall be used in the Cemetery.

ARTICLE V. MARKERS, MONUMENTS AND VAULTS

- Section 5.1 Only one monument will be permitted on any burial lot and only one marker per grave. Additional markers may be added for cremation burials, but must be flush to the ground.
- Section 5.2 No monument or marker shall be erected without a concrete foundation which shall be installed by the cemetery employees and under the direction and supervision of the Superintendent.
- Section 5.3 No marker in Babyland shall be larger than 21" LONG and 10" WIDE.
- Section 5.4 All materials used in the construction of mausoleums, vaults, monuments, head stones and permanent lot markers, where permitted, must be of recognized durable granite, marble or standard bronze. The use of sandstone, terra cotta, slate, artificial stone, wood or iron in any form is not permitted where exposed to the elements.
- Section 5.5 No mausoleum shall be built in the Cemetery until specifications for same shall have been approved by the Township Board. The Township Board reserves the right to reject any or all plans or specifications.
- Section 5.6 Before construction of a private mausoleum is began, a sum of money specified by the Township Board shall be deposited with the Township Treasurer who shall establish a specific perpetual care fund for the perpetual care of said private mausoleum. The interest income generated by this fund shall be used for the perpetual care of this mausoleum. The duty of perpetual

maintenance imposed herein is limited to the interest income generated from the investment established hereunder.

- Section 5.7 No landmarks or corner stones indicating boundaries, steps leading to lots, fences, curbing or cement or gravel covered graves above ground shall be permitted.
- Section 5.8 If any marker, monument or mausoleum falls into disrepair, it may be removed by order of the Township Board.
- Section 5.9 the Superintendent is charged with the responsibility of inspecting and approving all materials used for monumental work before it can be brought onto the Cemetery grounds.

ARTICLE VI. PURCHASE OF CEMETERY LOTS AND RESTRICTIONS AS TO THE USE THEREOF

- Section 6.1 Cemetery lots must be paid for in full at time of purchase.
- Section 6.2 No purchase of burial rights shall be made for speculation purposes. No burial rights shall be transferred from one owner to another for more than the original cost, and the transfer must be recorded at the office of the Township Clerk.
- Section 6.3 All purchases of burial rights shall include the perpetual care thereof.
- Section 6.4 Purchasers of burial rights are subject to these rules and regulations and any charges, alterations, amendments or modifications thereof made and adopted by the Township Board.
- Section 6.5 The Township Board shall establish the grade of all lots, lawns, and avenues and shall supervise all improvements within the Cemetery, before and after interments, and no lot shall be filled or raised above the established grade.
- Section 6.6 The planting of trees, sodding, surveying and all general improvements to the Cemetery shall be controlled, authorized and directed by the Township Board.
- Section 6.7 Whenever, in the opinion of the Township Board, one or more cemetery lots need raising or lowering in order to beautify or improve the general appearance of the area where said lot or lots are located, the Township Board shall have full power and authority to do so without the consent of the lot owner. In all such cases the Superintendent shall restore the lot to as good

a condition as before said raising or lowering, or as near thereto as possible and said raising or lowering shall be without expense to the lot owner, unless requested by the owner.

- Section 6.8 No mounds shall be erected on lots or graves which shall interfere with or impede the unrestricted use of a lawn mower.
- Section 6.9 The digging, opening, refilling and trimming of graves, the moving of bodies from one place to another in said Cemetery, the construction of foundations for head stones and tablets, and the constructing of graves shall be done solely by the Superintendent and the employees of the Township under his/her direction.
- Section 6.10 Individual taste in ornamentation of cemetery lots is permitted and will be respected, but the right to remove or modify an improvement on any lot which the Superintendent considers injurious to the general appearance or well being of the Cemetery, or the adjacent lot(s), is reserved to the Superintendent and he/she shall be the sole judge when said improvement shall be removed or modified, either before or after interment.
- Section 6.11 Persons caring for lots shall do so under the supervision and direction of the Superintendent.

ARTICLE VII. PERPETUAL CARE FUNDS

- Section 7.1 The Township Board recognizes its obligation to maintain the existing perpetual care fund. It is to be administered by the Township Board and is to be held in trust and invested by the Township Treasurer and the interest therefrom may be used for the care and maintenance of cemetery lots or parts thereof entitled to perpetual care.
- Section 7.2 The Township Board recognizes its obligation to maintain the existing specific (individual) flower funds and specific (individual) mausoleum perpetual care funds and future specific (individual) mausoleum perpetual care funds. The funds are to be administered by the Township Board and are to be held in trust and invested by the Township Treasurer and the interest therefrom shall be used for the provision of flowers or the care and maintenance of mausoleums. The duty of perpetual maintenance imposed herein is limited to the interest income generated from the investment established hereunder.

ARTICLE VIII. ENFORCEMENT

- Section 8.1 All person(s) disturbing the peace and quiet of the Cemetery or creating a disturbance, destruction or damage therein shall be considered as a disorderly person and punished as provided under current Township, State, and Federal ordinances and laws.

ARTICLE IX. CORRECTION OF ERRORS

- Section 9.1 The Township Board shall have the right to correct any errors which may be made, either in making interments or disinterments, or in the description, transfer or conveyance of any property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible, or by refunding the amount of money paid on account of that purchase. In the event the error shall involve the interment of remains of any person in such property, the Township Board shall have the right to remove and reinter in such other property of equal value and similar location as may be substituted and conveyed by the Township Board.

ARTICLE X. DEFINITIONS

- Section 10.1 Funeral Director shall include all licensed morticians, their agents and employees.

ARTICLE XI. SEVERABILITY

- Section 11.1 The provisions of the within ordinance are hereby declared to be severable and should any provisions, section or part thereof be declared invalid or unconstitutional by any court or 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.

ARTICLE XII. EFFECTIVE DATE

- Section 12.1 This Ordinance shall take effect on July 16, 1994. All ordinances or parts of ordinances in conflict herewith are hereby repealed.