

TOWNSHIP OF OLIVE
County of Ottawa, State of Michigan

OLIVE TOWNSHIP CEMETERY ORDINANCE
(RESTATEMENT)

Ordinance No. 2010-02
Adopted: September 16, 2010
Effective: October 23, 2010
Amendment Effective: March 25, 2010

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 Olive, Ottawa 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 Olive, Ottawa County, Michigan, ordains:

Section 1 TITLE

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

Section 2 DEFINITIONS

- A. Adult Burial Space – shall consist of a land area four (4) feet wide and ten (10) feet in length.
- B. Burial Space – is a cemetery lot or portion thereof in a cemetery designated or intended for the internment of not more than two (2) human bodies and/or cremations.
- C. Cemetery Lot – shall consist of burial spaces sufficient to accommodate from one to four burial spaces.

Section 3 CEMETERY LOCATIONS

The following cemeteries are subject to this ordinance:

- A. Olive Township Cemetery – Parcel 70-12-10-200-008 and located at 8780 116th Avenue, West Olive, Michigan (on Taylor Street and 116th Avenue)
- B. West Olive Cemetery – Parcel 70-12-05-300-003 and located at 0 136th Avenue, West Olive, Michigan (on 136th Avenue)

Section 4 SALE OF LOTS OR BURIAL SPACES

- A. Hereafter, cemetery lots or burial spaces shall be conveyed only to residents of the Township or individuals who own real property within the Township and shall be used only for the purpose of

the burial of such individual or his or her spouse, parents, children, and/or grandchildren. No conveyance shall be made to funeral directors or others than as theretofore set forth.

- B. All such conveyances 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. Such burial right shall exist for a period of eighty (80) years and thereafter such right shall lapse and immediately terminate.
- C. Burial rights may only be transferred to those persons eligible for conveyance of such cemetery lots or burial spaces within the Township in the first instance 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. Such assignment shall convey the burial rights given originally. 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, the term of such burial right shall be for the remaining amount left on the original eighty (80) year burial right and shall lapse and immediately terminate thereafter.

Section 5 PURCHASE AND TRANSFER FEES

- A. Purchase Fees are listed on the Fee Structure as approved by resolution of the Township Board and as amended from time to time.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost a fee as listed on the Fee Structure as approved by resolution of the Township Board and as amended from time to time.
- C. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the General Fund.
- D. Nothing herein shall be deemed to require the Township to provide for the perpetual care and maintenance of any burial space sold or transferred.

Section 6 GRAVE OPENINGS

- A. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. The Cemetery Sexton must be present at all grave openings and closings unless waived by the Cemetery Sexton.

Section 7 MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition that is approved by the Cemetery Sexton.
- B. Only one monument, marker or memorial shall be permitted per burial space for each person interned and shall be placed on the burial space as determined by the Sexton.

- C. All markers or memorials must be located upon a solid concrete foundation which must be constructed as follows in each cemetery respectively. Any marker or memorial may be required to be of a greater depth, depending upon the size and weight of the marker or memorial, at the discretion of the Sexton or any other person appointed by the Township Supervisor, in order to provide adequate support to keep the marker or memorial in an upright condition.
 - i. Olive Township Cemetery
 - a. Minimum depth of four (4) inches.
 - ii. West Olive Cemetery
 - a. Minimum depth of four (4) inches
- D. No marker or memorial that are used in the Olive Township Cemetery or used in the West Olive Cemetery shall be of a size larger than forty-eight (48) inches in length by sixteen (16) inches in width by thirty-six (36) inches in height. All memorials and markers must only be located upon the grave space on which the body of the individual listed on the memorial or marker is interred unless one memorial or marker is intended for use for marking the interment location of more than one individual. In such event, the memorial or marker shall be placed straddling the burial spaces for which it is intended to be a memorial or marker. Memorials or markers shall not be made of limestone due to the tendency of such material to deteriorate as a result of being effected by rain and the elements.
- E. No cement, brick, stone or other type borders are allowed on any burial spaces and no gravel shall be placed on any burial spaces, except in Block A, B and C of the Olive Township Cemetery.
- F. All veteran markers or memorials shall only be placed on burial spaces by the Cemetery Sexton.
- G. All memorials and markers and any foundations thereof shall be maintained and kept in an upright position and/or level with the ground by the family of the person interred in the burial spot or the owner of the burial spaces. There shall be no responsibility on the part of the Township to maintain any memorials or markers or any foundations thereof.
- H. All foundations shall extend three (3) inches beyond all sides of any marker or memorial for which they provide a foundation for and shall be at least one (1) inch but no greater than two (2) inches above the surface of the ground.

Section 8 INTERNMENT REGULATIONS

- A. No more than two persons may be buried in a burial space. In the event more than one person is interred in a burial space, the bodies shall be interred one on top of the other.
- B. Not less than thirty-six (36) hours notice shall be given in advance of any funeral to allow for the opening of the burial spaces. In the event of inclement weather due to snow and/or frost in the ground interments of bodies shall be delayed by the Township at its discretion until the frost is out of the ground and there shall be an extra cost for any and all such interments and opening of graves of an amount as is established by resolution of the Township Board from time to time.

- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, 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 person for any such interment before interment is commenced or completed.
- D. All burial spaces shall be maintained in an orderly and neat appearing manner within the confines of the burial space involved. No plants or shrubs shall be planted in the burial space without prior specific written authorization by the Cemetery Sexton or Township Supervisor. Ornamental accessories and flowers may be placed by family members on a burial space within an Urn only and in a manner not to interfere with the maintenance of the cemetery. Urns, ornamental accessories, and flowers so placed from May 1 through September 31 shall be allowed to remain during that time period, and those placed during other time periods may be removed and disposed of by the Township or Cemetery Sexton. Only grown flowers and silk flowers shall be placed on any burial space.

Section 9 GROUND MAINTENANCE

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton or the Township Supervisor.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Cemetery Sexton or the Township Supervisor. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.
- C. The Township reserves the right to remove or trim 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 Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers or other items that are not in compliance with the provisions hereof or.
- F. Surfaces other than earth or sod are prohibited.
- G. 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.
- H. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all markers or memorials that have deteriorated such that they are broken or in pieces or have otherwise become unsightly, a maintenance problem, or are a safety threat due to the fact that they are not level.

- I. All openings and closings for grave sites shall be done only by such individuals as are specifically authorized by the Cemetery Sexton and all costs incurred by the Township over and above the fees found within the Fee Structure shall be paid by the person requesting the interment.

Section 10 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

- A. Cemetery lots or burial spaces sold after November 2, 2000 shall, after eighty (80) years from the date of sale, automatically revert to the Township.
- B. Notice may be sent by the Township Clerk by first class mail to the last known address of the last individual possessing the right of interment of record informing him or her of the expiration of the eighty (80) year period and that all rights with the respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk prior to the expiration of the eighty (80) years or his or her desire to retain said burial rights.
- C. Any individual possessing the right of interment of a human body in of a burial space within the last year of said eighty (80) year period may renew the right to own said burial space and right of interment for an additional eighty (80) years under the same terms and circumstances and conditions as specified herein or as may be amended in the future by contacting the Township in writing and paying any such additional amount as the Township shall have determined by resolution therefore. In no event shall the amount be less than the original purchase price of said lot of such burial space. In the event there is no renewal of such right of interment, all right of interment shall revert to the Township to be disposed of in such a manner as determined by discretion of the Township Board in their sole discretion.

Section 11 REPURCHASE OF LOTS OR BURIAL SPACES

The owner of a burial space may request that the Township repurchase the burial space by contacting the Township Clerk in writing. The Township Board in its discretion can determine whether they wish to purchase said burial space at such amount as they may determine reasonable.

Section 12 RECORDS

The Township Clerk shall maintain records concerning all burials, issuance of burial permits separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable hours and times during normal business hours.

Section 13 VAULT

Vault burials shall be within a standard concrete vault installed and constructed in each burial space before interment. Other burial vaults constructed of other materials of equal durability as concrete may be approved by the Cemetery Sexton in his sole discretion.

Section 14 CEMETERY HOURS

The cemeteries shall be open to the general public from dawn to dusk.

Section 15 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 five thousand dollars (\$5,000.00) and /or imprisonment for up to ninety (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 16 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 17 EFFECTIVE DATE

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

A copy of the foregoing ordinance may be purchased or inspected Monday thru Friday between the hours of 8:00 a.m. and 4:00 p.m. at the Township Offices located at 6480 136th Ave., Holland, Michigan 49424.

Lona Bronkema
Olive Township Clerk