

**SIDNEY TOWNSHIP CEMETERY ORDINANCE**

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 Sidney, Montcalm County, Michigan. The proper and reasonable maintenance, appearance, and use of the cemetery is an important function of township government. It is also important that matters associated with a township cemetery are handled in a respectful and proper way to promote the public health and general welfare of the community.

**THE TOWNSHIP OF SIDNEY, MONTCALM COUNTY, MICHIGAN,  
HEREBY ORDAINS:**

**Section 1: Title**

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

**Section 2: Definitions of Cemetery Lots and Burial Spaces**

A burial space shall consist of an area sufficient to accommodate one deceased person or up to three (3) cremations.

Township means Sidney Township

Township cemetery or cemetery means any cemetery owned, operated and/or controlled by the Township.

A burial space shall consist of a land area four (4) feet wide and ten (10) feet in length. Burial spaces within the new cemetery addition are five (5) feet wide and ten (10) feet in length,

**Section 3: Sale of Lots or Burial Spaces**

After the effective date of this Ordinance, burial spaces shall be sold by the Township for the purpose of burial for the purchaser of a burial space, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.

All sales and transfers of 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 other title to the lot or burial space sold. Such form shall be executed by the Township Supervisor or a designee of the Township Board and shall then constitute a permit.

At the time of purchase from the Township, each burial space shall be assigned the name of the specific person who shall be interred in that burial space upon death. Each such person must either be a resident or taxpayer of the Township, or a member of the immediate family of a qualified purchaser.

The township board shall have the authority to place a limit on the number of sites sold at one time and to determine where such burial space or spaces will be located.

Ownership of burial spaces is transferable only with written approval by the Township on the form provided by the Township.

Burial spaces may be sold back to the township at one half the current market value and can then be resold by the Township.

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

Each burial space for a township resident shall cost \$100; for non-residents each burial space shall cost \$550.

The foregoing charges shall be paid to the Township.

The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

The lawful owner of any burial space shall promptly provide the Township with any change in that owner's mailing address.

**Section 5: Grave Opening Charges**

The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined by the cemetery Sexton and paid directly to him.

No burial spaces ordered by court order to be opened or closed shall be done without the Cemetery Sexton and/or the Township Supervisor who will be given at least twenty-four (24) hour prior notice of when such grave opening or closing will occur. Any costs for the service will be paid by the family of the deceased.

**Section 6: Markers or Memorials**

All markers or memorials must be of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.

The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township, or a person designated by the Township Board. Only one monument, marker or memorial shall be permitted per burial space.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed at cost to the owner of the burial right. Fees for such work shall be set by the person designated by the Township to install the footing or foundation and paid directly to him.

The maintenance, repair and upkeep of a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person buried at that location. Should any monument or memorial become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner

of the burial space, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the burial space prior to any such work beginning. The Township has no responsibility or liability regarding the repair, maintenance or upkeep regarding any such occurrence.

#### **Section 7: Interment Regulations**

Only one person may be buried in a burial space. Up to three (3) cremations may be buried on one burial space.

Not less than three (3) days' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces. The opening and closing of burial spaces shall be done only by the Township Sexton.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

#### **Section 8: Disinterments**

Disinterments are only allowed by court order.

#### **Section 9: Winter Burials**

The township authority will determine if a winter burial will be permitted. The Township Sexton may charge additional fees for winter burials.

#### **Section 10: Cremains:**

Cremains may be buried in a burial space in a non-decomposable container.

Cremation burials shall be arranged by the sexton.

No cremains shall be scattered or dispersed within a Township cemetery.

#### **Section 11: Ground Maintenance.**

The Township Board 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.

Mounds, bricks, blocks and any borders which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers or other items that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

Surfaces other than earth or sod are prohibited. No loose stones or gravel are to be placed on the lots.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed from the cemetery grounds or placed in the trash receptacles located within the cemetery. Winter decorations shall be removed by April 1.

No glass containers or items are allowed.

**Section 12: Disclaimer of Township Liability and Responsibility**

Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed in the township cemetery.

**Section 13: Forfeiture of Vacant Cemetery Lots or Burial Spaces**

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township.

Notice shall be sent by the Township by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

If no written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township within 60 days from the date of mailing of said notice the lots will revert to the Township

**Section 14: Repurchase of Lots or Burial Spaces**

Upon written request of said owner or his legal heirs or representatives. the Township may repurchase any cemetery lots or burial space from the owner for an amount of one half of the current value of the lot.

**Section 15: Records**

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

**Section 16: Vault**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

**Section 17: Cemetery Hours**

The cemetery is open daylight hours only.

No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Supervisor or the Cemetery Sexton.

**Section 18: Prohibited Uses and Activities**

No person shall destroy, deface, apply graffiti to or otherwise damage any item located within the Township cemetery.

No vehicle shall be permitted to drive on lawns or burial spaces in the cemetery. All vehicles shall drive on designated roads or drives at posted speed limits. There shall be no snowmobiles, four-wheelers, go-carts or similar vehicles on cemetery property,

There shall be no headstones, ornaments vases, plastic flowers, benches, trellises, statues, signs, fencing or any other enclosure or any other item placed, installed or maintained in the cemetery except those allowed by this Ordinance.

There shall be no disturbing of the peace or engaging in any loud or boisterous conduct. No playing of any radio, music, or use of any amplification device except for a military ceremony or funeral. No person shall engage in any fight, quarrel or disturbance.

There shall be no disinterment or grave openings except by court order.

There shall be no possession or consumptions of any alcoholic beverages nor shall there be any picnicking on cemetery grounds

There shall be no solicitation or peddling of services or goods, no signs or placards advertising goods or services and no private signs, lighting, moving displays or changeable copy on a sign.

There shall be no littering or dumping of trash or tipping over any garbage receptacles.

There shall be no disruption during a funeral or funeral procession.

No trees, shrubs or bushes are to be planted. If needed, the Township will plant dwarf trees.

There shall be no fires, candles or open flames.

No firearms or archery arrows shall be discharged or shot except for military or other veteran's' organizations for firing over the grave at the burial of a member.

### **Section 19: Authority of the Township Sexton**

The Township Board shall appoint a Township Sexton who shall serve at the discretion of the Township Board.

The Township Sexton shall assist the Township with the enforcement and administration of this Ordinance.

The Township Sexton shall have such duties and obligations with regard to the Township cemetery as set from time to time by the Township Board,

### **Section 20: Penalties**

A violation of this ordinance (or any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, or refuses to comply with any provision of this Ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in

violation and responsible for a civil infraction. The fine for a municipal civil infraction shall be not less than one hundred dollars (\$100) for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, plus all other costs, damages, expenses and remedies provided by law and at the court's discretion. A subsequent offense means a violation of the provision of this Ordinance committed by the same person within twelve (12) months of a previous violation. Each day during which any violation continues shall be deemed as a separate offense.

**Section 21: 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 this ordinance which shall continue in full force and effect.

**Section 22: Effective Date**

This ordinance shall take effect thirty (30) days after a copy of this Ordinance (or summary thereof) is published in a local newspaper.

The above Ordinance was offered for adoption by Wills and was seconded by Benko, the roll call vote as follows:

Yeas: Stover, Peterman, Leyrer, Benko, Wills

Nays: None

Absent: None

**ORDINANCE DECLARED ADOPTED:**

**CERTIFICATION**

I hereby declare that the above is a true copy of an ordinance adopted by the Sidney Township Board at a Board meeting held on September 11, 2023 at the Sidney Township Hall, pursuant to the required statutory procedures.

Dated: September 11, 2023

Respectfully Submitted,

BY Carrie Wills, Sidney Township Clerk

Carrie Wills