

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

CEMETERY ORDINANCE

Ordinance No. 24-02

Adopted: July 1, 2024

Effective: July 11, 2024

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 MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN.

THE TOWNSHIP OF MONTEREY, ALLEGAN COUNTY, MICHIGAN ORDAINS:

At a regular meeting of the Township Board for the Township of Monterey, Allegan County, Michigan, held at the Township Hall on July 1, 2024, the following ordinance was offered for adoption by Township Board Member **DeHaan** and seconded by Township Board Member **Frank**.

Yeas: **Reinart, Frank, DeHaan, Commons, Williams**

Nays: **None**

Motion: Passes Fails Unanimously *(if applicable)*

ARTICLE I: TITLE

A. Monterey Township Cemetery Ordinance

ARTICLE II: DEFINITIONS

A. CEMETERY SITES:

- a. A cemetery lot shall consist of burial spaces that accommodate eight (8) traditional grave spaces. There are some pre-existing larger lots.
- b. One (1) traditional grave space may have up to 4 cremations.
- c. A cemetery grave space measures four (4) feet wide and eight (8) feet in length

B. RESIDENT:

- a. A resident shall be described as an individual who currently lives within Monterey Township.
 - b. An individual who has been committed to a long-term care facility but lived in Monterey Township at the time of committal shall be considered a resident.
- C. NON-RESIDENT:
- a. A non-resident shall be defined as an individual who does not live within Monterey Township.

ARTICLE III: SALE OF LOTS

- A. Burial sites. Monterey Township owns and maintains the Poplar Hill Cemetery. Sales of burial sites are to be arranged through the Cemetery Secretary who is appointed by the township.
- B. Prices. Prices for lots shall be determined from time to time by resolution adopted by the Monterey Township Board.
- C. Non-resident fees. The board may assess additional fees to individuals who are classified as non-residents by resolution adopted by the Monterey Township Board.
- D. Terms of payment. The purchase price must be paid in cash or cash equivalent at the time of purchase, unless otherwise determined by the township board. If payment is made by check, the purchase will not be deemed complete until the check clears.
- E. Rights of Conferred by Purchase. The purchase of a burial lot or plot conveys only the right to bury human remains, including cremains, in the lot or lots purchased. Title to the affected land remains in the Township of Monterey. All burials are subject to applicable state statutes and to the provisions of this ordinance and regulations adopted by the township board pursuant to this ordinance and applicable statutes.

ARTICLE IV: INTERMENT AND DISINTERMENT REGULATIONS.

- A. Only one (1) person may be buried in a traditional grave space except for a mother and infant or two children. Four (4) sets of cremains may be buried in a traditional grave space. Cremains may also be buried in a cemetery lot above a casket, or beside the grave maker (headstone).
- B. No disinterment will be made until all State Regulations and Rules of the local Health Authorities have been complied with.

ARTICLE V: GENERAL RULES AND REGULATIONS

- A. The township board shall adopt rules and regulations for burials, landscaping, monuments, markers and ornaments. Any such regulations shall be posted at the township hall and at the cemetery and listed below:
 - a. Glass or ceramic containers are not permitted.

- b. All containers for flowers except for urns & baskets must be set in ground below ground level.
 - c. Trees and shrubs may not be planted.
 - d. Flowers should be placed next to gravestone.
 - e. All artificial flowers will be removed after October 1st.
 - f. All winter wreaths will be removed by April 1st.
 - g. All foundations to be set by Sexton.
 - h. All cremation burials by Sexton only.
- B. The riding or other use of bicycles, horses, snowmobiles and other motorized or non-motorized vehicles within township cemeteries for recreational purposes is prohibited on grass covered areas. Automobiles and trucks using the cemetery must not exceed a speed of 10 miles per hour.
- C. The responsibility for pouring/placing the concrete bases for all grave markers will be done by the Township Sexton at the expense of the requestor.
- D. All upright or above ground grave markers (headstones) will be located at the west end of the grave space. Any other grave markers placed elsewhere on the grave space needs to be flush with the ground.

ARTICLE VI: MAINTENANCE OF GROUNDS

- A. Monterey Township will be responsible for maintaining the grounds in township cemetery, including mowing grass, repairing drives and fences, and trimming trees, plants, shrubs or other vegetation. The township reserves the right to trim or remove any trees, plants or shrubs located within the cemetery in order to maintain an aesthetic appearance and/or facilitate the use of the cemetery.
- B. The township's obligation to maintain the grounds of township cemeteries does not include providing care for monuments, grave markers, or any decorative plantings. The township's obligations do not include the watering of grass or other plants.
- C. The township, through its authorized agents or employees, has the authority to remove items from township cemeteries, including individual lots, which are not in compliance with the provisions of this ordinance, state statutes, or regulations adopted by the township board regarding township cemeteries.

ARTICLE VII: SALE, TRANSFER AND FORFEITURE OF VACANT CEMETERY LOTS

- A. Lot owners that paid for lots are permitted to transfer, or assign their interest in cemetery lots to surviving family members or heirs. Unwanted portions of lots may only be sold back to the Township at their original purchase price. Ownership interests may be transferred by execution of a cemetery deed, bill of sale or other form approved by the Township Board. All such transfer documents must be signed by the owners of the lot or lots involved or by the heirs, devisees or personal

representative of deceased owners. The owner's transfers must notify the Cemetery Secretary of any transfers of cemetery lots or portions thereof.

- B. Lots claimed by residents but not paid for will be forfeited to the township unless the individual has been committed to the long-term care facility.

ARTICLE VIII: CEMETERY HOURS

- A. The cemetery is open to the general public from dawn to dusk.

ARTICLE IX: CEMETERY RECORDS

- A. A full and complete record of ownership of all cemetery lots and interments in Monterey Township cemetery shall be maintained under the direction of the Township Clerk, who shall be responsible for the safekeeping and permanency of such records.

ARTICLE X: PENALITIES

- A. Any person, firm, or corporation who violates any of the provisions of this ordinance shall be subject to a civil infraction. Each day that a violation continues to exist shall constitute a separate offense.

ARTICLE XI: EFFECTIVE DATE

- A. This ordinance is given immediate effect, and shall be enforceable following publication of this ordinance or a summary of this ordinance, as provided by law. All ordinances in conflict herewith are hereby repealed.

Signed: _____ Date: _____

Megan Frank
Monterey Township Clerk

Publication date: July 11, 2024

Effective date: July 11, 2024