

**ORONOKO CHARTER TOWNSHIP
COUNTY OF BERRIEN
STATE OF MICHIGAN**

CEMETERY ORDINANCE

ORDINANCE NO. 67

AN ORDINANCE TO ADOPT PROVISIONS TO PROTECT AND PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND INHABITANTS OF ORONOKO CHARTER TOWNSHIP, BERRIEN COUNTY, MICHIGAN, BY ESTABLISHING REGULATIONS RELATING TO THE OWNERSHIP, OPERATION, MAINTENANCE, CONTROL AND MANAGEMENT OF CEMETERIES OWNED AND OPERATED BY CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, STATE OF MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES THEREOF.

CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE

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

SECTION 2: DEFINITIONS

Generally, and for the purpose of this ordinance, words and terms used herein shall have the meaning ascribed to them in this section, unless indicated to the contrary.

- A. "Cemetery" means any cemetery owned and operated by Oronoko Charter Township.
- B. "Cemetery Superintendent" means the individual appointed by resolution of the Oronoko Charter Township Board to oversee day to day activities and responsibilities;
- C. "Columbarium" means burial location for cremains.

- D. "Graves" or "grave" means the dedicated lot, space or site where interment has or will take place.
- E. "Interment" or "burial" shall mean the disposition of human remains of a deceased person including cremains.
- F. "Marker" or "monument" shall mean a memorial in or above ground indicating the location of a grave or graves.
- G. "Mausoleum" means an above ground burial chamber.
- H. "Township" means the Charter Township of Oronoko, or the person acting in their official capacity on behalf of Oronoko Charter Township.

SECTION 3: SALE OF BURIAL RIGHTS

In order for interment to take place in a Township cemetery, a burial right permit shall be purchased from the Township at prices established by resolution of the Township Board.

The sale of a burial right permit conveys and grants the right of burial in the identified grave only and does not convey any title to the grave or burial space sold.

A burial right permit is personal property and transfer shall occur for the ownership, through legal assignment or the probate process and shall not occur without written notice to the Cemetery Superintendent or the Township Clerk. The Township may repurchase any burial right permit for the original price paid, upon request of the owner, assign, heir or representative. If a burial right permit is transferred or assigned other than to Oronoko Charter Township, the name of the current owner and other relevant information shall be provided to the Township Clerk.

SECTION 4: INTERMENT; DISINTERMENT

Prior to interment, a certificate of burial right, as provided herein, shall be purchased from the Township for the placing of the remains of the person to be interred.

All burials shall be with a vault installed in each burial place before interment.

Arrangements for all interments shall be made at the Township Hall with the Township Clerk or the Clerk's designee.

Graves shall be used for one (1) burial or two (2) cremains; cremains may be placed on top of a vaulted burial.

The columbarium in any cemetery shall be at specific, predetermined locations; each niche shall accept no more than a regular cremains or one (1) urn; the inside dimension of the niche is eleven (11) inches square and shall hold no more than two (2) cremains.

For all interments requiring a burial vault, a Funeral Director or assignee must be present until vault personnel have lowered casket and vault cover is in place.

SECTION 5: GRAVE OPENING CHARGES

No grave shall be opened or closed except under the direction, control and supervision of the Cemetery Superintendent.

A fee for the opening and closing of a grave shall be established by resolution of the Oronoko Charter Township Board.

SECTION 6: VAULTS

Interments and burials, except for cremains, must be made in vaults made of concrete or other material approved by the Cemetery Superintendent; reinforced plastic or similar materials shall be used for cremains.

SECTION 7: SCHEDULING OF BURIAL

All scheduling of burials and interments shall be done through the Oronoko Charter Township office.

Scheduling for burial or interment must allow at least eight (8) working hours prior to the burial service; during the months of November through March, twelve (12) working hours are required. No burial services shall be scheduled until all fees due to the Township as authorized by this ordinance are paid. The Township Board, by resolution, may establish specific times for burials, allowing for burials and services only at the times so designated.

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SECTION 8: SPECIFIC REGULATIONS PERTAINING TO CONDUCT WITHIN CEMETERIES

- A. No person shall operate a motor vehicle in a cemetery at a speed in excess of fifteen (15) miles per hour.
- B. No person shall operate in a cemetery a motor vehicle used solely for commercial purposes unless said vehicle is operated for cemetery business.
- C. No motor vehicle shall be parked on the left hand side of the road in a cemetery or at any other location in a cemetery marked with "no parking" signs; nor shall the operator of a motor vehicle make a "U" turn in any cemetery.
- D. No person shall use any cemetery for the purpose of demonstrating any motor vehicle or for the instructing of another learning to drive a motor vehicle.
- E. No person shall tow another motor vehicle within any cemetery except in case of a breakdown.
- F. No person shall obstruct a township cemetery worker or block a drive so as to prevent ingress or egress into or within a cemetery.
- G. No person shall deface, mar or write upon a monument or marker or mausoleum nor shall any person pick flowers, or break trees, shrubs or plants, except a burial right permit holder may do so while caring for a grave for which they hold a burial right permit.
- H. No person shall hunt in cemeteries.
- I. Ashes may be scattered only in the area provided in the wooded scattering area located at the Northwest corner of Rosehill Cemetery and must be supervised by a cemetery staff person.
- J. No person shall allow a dog or dogs in any cemetery unless same are restrained on leash; any person with a dog or dogs on leash shall be responsible for cleaning-up after the dog(s).

SECTION 9: GROUND MAINTENANCE

The general care and maintenance at the cemetery (for illustration, including but not limited to cutting and trimming of grass, cleaning of grounds generally, and

pruning of growing plants, decorations and plantings) shall be under the supervision of the Cemetery Superintendent.

Decorations may be placed at graves only between the months of April and November inclusive.

No trees, shrubs or creeping vines shall be planted without permission of the Cemetery Superintendent.

In Section 4 of Rosehill Cemetery all plantings must be within twelve (12) inches of the front of the headstone; no plantings shall be allowed behind a headstone. On the side of a headstone no planting can exceed forty-two (42) inches.

Decorations for special events shall not be placed at any grave more than seven (7) days prior to the event and must be removed within seven (7) days following the conclusion of the event.

The Cemetery Superintendent in exercise of his discretion is authorized to remove or move (1) any decorations constituting an obstruction to maintenance, in the sole discretion of the Cemetery Superintendent and (2) any decorations which through decay, deterioration or damage have become unsightly.

All refuse of any kind or nature shall be removed by the person responsible for said refuse.

The Township shall not be liable for damage of any kind to decoration, markers, headstones or mausoleums occurring in the normal course of or discharge of responsibilities by cemetery personnel.

SECTION 10: MONUMENTS, MARKERS AND MAUSOLEUMS

- A. All monuments, markers and foundations shall be constructed and installed by or under the direction of the Cemetery Superintendent; the Township may charge a fee for installation of a foundation or other necessary preparation established by resolution of the Township Board.
- B. All markers and monuments shall be made of stone or other durable material acceptable to the Cemetery Superintendent.
- C. No more than two (2) monuments or markers shall be allowed for each grave.
- D. Monuments or markers shall be placed and / or erected according to the direction or supervision of the Cemetery Superintendent taking into consideration neighboring graves.

- E. Family monuments shall be permitted only when the holder of the burial right permit owns two or more immediately adjacent graves and shall be placed so as to be midway between the graves owned.
- F. The first, second and third additions in Rosehill, Salem and Oak Grove Cemeteries shall have the following conditions imposed: the height of a monument shall be no taller than five (5) feet, width eighteen (18) inches, minimum thickness of upright part of approved materials five (5) inches.
- G. Fourth addition to Rosehill Cemetery block C & D height no taller than four (4) feet width no more than fourteen (14) inches, minimum thickness of upright five (5) inches.
- H. Fourth addition, Rosehill Cemetery, block E & F, height no taller than five (5) feet width no more than fourteen (14) inches, minimum thickness of upright five (5) inches.
- I. Fourth addition, Rosehill Cemetery block G flush markers (grass markers) only.
- J. The length of a single headstone placed on a grave space (42 inches) cannot exceed 36 inches. Any double headstone covering two (2) grave spaces, exceeding five (5) feet in length must be approved by the Cemetery Superintendent before headstone is ordered.
- K. Monuments over three (3) feet in height shall be pinned or secured by adhesive.
- L. Headstones in baby section cannot exceed twenty-six (26) inches in height, nor greater than twelve (12) inches in width or twenty-four (24) inches in length.
- M. Any fieldstone to be used as a headstone must be approved by the Cemetery Superintendent.
- N. Mausoleums
 - (1) May be erected only in blocks C & D (Rosehill) Row 34, only above ground, side by side mausoleums will be allowed.
 - (2) A mausoleum shall not exceed forty-two (42) inches in height, or eighty-seven (87) inches in width or nine (9) feet in length. Footings and a concrete border are required.

- (3) A detailed drawing shall be provided to and approved by the Cemetery Superintendent prior to finalization of purchase of burial right permit.
- (4) All labor used and equipment and materials necessary for mausoleum construction shall be approved by Cemetery Superintendent.

SECTION 11: RECORDS

The Township, through the Clerk and Cemetery Superintendent shall maintain records pertaining to interments and burial rights, which records shall be open for inspection to the public at the Township Hall at reasonable times.

SECTION 12: CEMETERY COMMITTEE AND OPERATIONS

The Township Board shall appoint a Cemetery Committee of at least three (3) members, two (2) of which shall be elected members of the Township Board. The members of the Cemetery Committee shall serve at the pleasure of the Township Board.

The Cemetery Committee shall from time to time review the operations and conduct of cemetery activities and as necessary shall make recommendations to the Township Board for rules and regulations to be adopted by the Township Board by resolution to aid an efficient and orderly operation of the cemeteries in Oronoko Charter Township.

The day to day supervision and operation of the cemeteries in Oronoko Charter Township shall be under the direction of the township grounds maintenance supervisor, who shall be the Cemetery Superintendent unless otherwise determined by resolution of the Township Board.

SECTION 13: PENALTIES

Any person, firm or corporation who shall violate or assist in the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for a period of not more than ninety (90) days or both such fines and imprisonment. Every day that such violations shall continue shall constitute a separate and distinct violation under the provision of this Ordinance. In addition to the above penalties provided for in this section, any person who violates any of the provisions of this Ordinance shall be responsible for the cost of any damages that arise due to their actions.

In addition to above penalties, or in lieu thereof, persons, firms or organizations in violation of any section of this Ordinance may have burial privileges suspended for not more than six months as determined by the Cemetery Committee.

SECTION 14: SEVERABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the Ordinance as a whole or any other part thereof other than the part so declared to be invalid.

SECTION 15: EFFECTIVE DATE

This Ordinance shall take effect upon publication following the adoption.

MOTION TO ADOPT ORDINANCE:

Proposed by Board member Clerk Suzanne Renton

Supported by Board member Trustee August Zielke

ROLL CALL:

Ayes: Trustee August Zielke, Clerk Suzanne Renton, Trustee Marc Kerlikowske, Trustee Dorothy Hildebrand, Supervisor Ernest Hildebrand

Nays: None.

Abstain: None.

Absent: Treasurer Kendall Hill, Trustee Philipp Riess

ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 13th day of January, 2009 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Ernest Hildebrand, Supervisor

and

By: _____
Suzanne G. Renton, Clerk

First Reading: December 9, 2008
Second Reading: January 13, 2009
Publication of Notice: January 21, 2009

ORDINANCE NO. 67 WAS FIRST PUBLISHED IN THE JOURNAL ERA ON THE 7th DAY OF JANUARY 2009, AFTER FIRST BEING INTRODUCED. SAID ORDINANCE WAS THEREAFTER PUBLISHED IN THE JOURNAL ERA, AFTER ENACTMENT ON THE 21st DAY OF JANUARY 2009. SAID ORDINANCE IS IMMEDIATELY EFFECTIVE ON THE 21st DAY OF JANUARY 2009, THE DAY OF PUBLICATION.

Suzanne G. Renton, Clerk

A TRUE COPY OF THIS ORDINANCE MAY BE OBTAINED FOR PURCHASE AT REASONABLE COST, OR FOR INSPECTION, AT THE ORONOKO CHARTER TOWNSHIP HALL, LOCATED AT 4583 EAST SNOW ROAD, BERRIEN SPRINGS, MICHIGAN, DURING NORMAL BUSINESS HOURS OF 8:30 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY, EXCLUDING HOLIDAYS.