

Ordinance No. 2008-3

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 Overisel, Allegan County, Michigan.

THE TOWNSHIP OF OVERISEL, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1: TITLE

- A. This ordinance shall be known and cited as the Overisel Township Cemetery Ordinance.

Section 2: DEFINITION OF CEMETERY SITES

- A. A cemetery plot shall consist of burial spaces that accommodate eight (8) lots.
- B. A cemetery lot is one grave that measures four (4) feet wide and nine (9) feet in length.

Section 3: SALE OF LOTS

- A. Burial sites. Overisel Township owns and maintains the Bentheim Cemetery and Overisel Cemetery. Sales of burial sites, including both lots and plots, are to be arranged through sextons appointed by the township.
- B. Prices. Prices for lots shall be determined from time to time by resolution adopted by the Overisel Township Board.
- C. 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.
- D. 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 Overisel. 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.

Section 4: INTERMENT AND DISINTERMENT REGULATIONS.

- A. Only one (1) person may be buried in a cemetery lot except for a mother and infant or two children. Two (2) sets of cremains may be buried in a single cemetery lot. One (1) set of cremains may also be buried in a cemetery lot above a casket.

- B. No disinterment will be made until all State Regulations and Rules of the local Health Authorities have been complied with.

Section 5: 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 provided to purchasers of cemetery sites when lots are purchased, and shall be posted at the township hall and at each cemetery.
- 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. Automobiles and trucks using the cemetery must not exceed a speed of 10 miles per hour.
- C. Effective immediately for all active cemeteries in Overisel Township; the responsibility for pouring/placing the concrete bases for all grave markers will be done through the Township Caretaker who will work with the specific Sexton for placement. Send all foundation order requests to: Steve Arendsen (Caretaker), 4534 39th Street, Holland, MI 49423 Cell: (616) 836-4101.

Section 6: MAINTENANCE OF GROUNDS

- A. Overisel Township will be responsible for maintaining the grounds in township cemeteries, 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.

Section 7: SALE, TRANSFER AND FORFEITURE OF VACANT CEMETERY LOTS

- A. Lot owners are permitted to sell, transfer, or assign their interest in cemetery lots. Cemetery lots may also be held by husband and wife, siblings, or parents of children as joint tenants with rights of survivorship. Ownership interests may be transferred by execution of a cemetery deed, bill of sale or other form approved by the cemetery sexton. 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 owners or transferees must notify the sexton of any transfer of the cemetery lot or lots.

Section 8: CEMETERY HOURS

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

Section 9: CEMETERY RECORDS

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

Section 10: PENALTIES

- 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.

Section 11: 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.

Revision 5C: _____

Date Adopted

Russell Van Dam, Township Supervisor

Renee Hop, Township Clerk