



DALTON TOWNSHIP CEMETERY ORDINANCE

Muskegon County, Michigan

This Ordinance includes all amendments
effective as of May 29, 2014

TABLE OF CONTENTS

Purpose	Pg. 3
Section 1. Title	Pg. 3
Section 2. Purpose and Intent	Pg. 3
Section 3. Definitions	Pg. 4
Section 4. Sales, Transfers and Forfeitures of Cemetery Lots and Grave Plots	Pg. 6
Section 5. Purchase of Cemetery Lots and Grave Plots; Other Cemetery Charges	Pg. 8
Section 6. Maintenance and Care of Cemetery Lots	Pg. 10
Section 7. Correction of Errors	Pg. 10
Section 8. Interments and Disinterments	Pg. 11
Section 9. Monuments and Markers	Pg. 14
Section 10. Decorations and Flowers	Pg. 17
Section 11. Cemetery Hours and Prohibited Uses and Activities	Pg. 20
Section 12. Duties of Township Officials	Pg. 22
Section 13. Disclaimer of Township Liability and Responsibility	Pg. 23
Section 14. Township Authority to Remove Unauthorized or Unlawful Items from a Township Cemetery	Pg. 23
Section 15. Interpretation of this Ordinance; Certain Waivers of Ordinance Provisions	Pg. 24
Section 16. Penalties	Pg. 24
Section 17. Applicability and Severability of this Ordinance	Pg. 25
Section 18. Effective Date; Conflicts	Pg. 25

TOWNSHIP CEMETERY ORDINANCE

DALTON TOWNSHIP

MUSKEGON, COUNTY

(Consolidated Ordinance Consisting of Ordinance Nos. 2013-01 and 2014-02)

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of cemeteries owned, controlled or operated by the Township of Dalton, in Muskegon 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 DALTON (“Township”), COUNTY OF MUSKEGON, MICHIGAN ORDAINS:

SECTION 1 – TITLE

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

SECTION 2 – PURPOSE AND INTENT

The Dalton Township Board recognizes and concludes that the proper and reasonable maintenance, appearance, and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments, and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health, and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

SECTION 3 – DEFINITIONS

Adult - A deceased person, for burial purposes includes ages two (2) and over.

Baby - A deceased person between the age of zero (0) and two (2) years.

Bench - A granite or marble structure having the appearance of a bench or chair, deemed to be a monument under the terms of this Ordinance and subject to the provisions herein with respect to monuments.

Cemetery - Land owned, operated and/or controlled by the Township of Dalton designated as a burial park for human remains.

Cemetery Board - Dalton Township Board

Cemetery Coordinator - Employee of the Township of Dalton responsible for the records, sale of lots of the cemetery, and the enforcement of those regulations and laws of the State of Michigan with regard to the operations of cemeteries and the burial of human remains.

Cemetery Lot - A numbered space within a block in a Township cemetery, shown on the official map of the cemetery, and consisting of from four to eight grave plots adjacent to each other.

Certificate - see Right of Burial Certificate.

Cremains - The resulting ashes from the incineration of a body.

Decorations - Structures, ornaments, plantings, or other embellishments, as permitted according to this Ordinance, excluding monuments or markers.

Disinterment - To excavate a grave, remove human remains, and cover grave with earth.

Double Grave Plot - An area consisting of two side-by-side grave plots which have the option of sharing a single monument or marker.

Flower Beds - An area within a grave plot for the planting of flowers, such area to be not wider than the width of the monument or marker in the grave plot, and not extending more than one foot from the base of the monument or marker within the grave plot.

Grave Plot - One grave space or burial space within a cemetery lot.

Green Burial - The burial of a body which has been prepared for burial without chemical preservatives and is buried in a simple shroud or biodegradable casket; also known as a “Natural” Burial.

Holidays - Days determined by the Board of Dalton Township as non-business days; the Board approves a list of closings per each Fiscal Year.

Interment - To excavate a grave, place human remains, and cover with earth; also known as a burial.

Lot - Four to eight graves adjacent to each other in a numbered and platted block.

Marker - A granite, marble, or bronze tablet or plaque permanently installed and flush with the ground in a Township cemetery, for the purpose of serving as a memorial to the person buried in the cemetery lot or grave plot or the person's family.

Monument - A granite, marble, or bronze structure, sometimes known as a headstone or tombstone, permanently erected, not flush with the ground, in a Township cemetery, for the purpose of serving as a memorial to the person buried in the cemetery lot or grave plot or the person's family.

Non-Resident - A person who does not live in the Township of Dalton at the time of purchase; also, a person who was not living in the Township of Dalton at the time of their passing. In the case of a disinterment, remains previously buried will also be considered non-residents.

Open and Closing - see Internment.

Resident - A person who lived in the Township of Dalton at the time of their passing. Also, when purchasing a burial space, a person currently living in the Township of Dalton. In the case of a disinterment, see definition for "non-resident."

Right of Burial Certificate - A document transferring to the person named therein the right to bury a person or persons in the cemetery lot or grave plot, whether one or more, described in the Certificate.

Single Grave Plot - An area consisting of one grave plot within a cemetery lot.

Township - The Township of Dalton.

Township Clerk - The elected clerk of the Township of Dalton who maintains records concerning burials, Right of Burial Certificates, grave plots, cemetery lots, and other matters and records pertaining to Township cemeteries, and who approves the transfers of cemetery lots and grave plots and the issuance of Right of Burial Certificates.

Township Supervisor - The elected Supervisor of the Township who provides general supervision to the Cemetery Coordinator as part of his or her duties.

Township Treasurer - Employee of the Township of Dalton who maintains any records concerning perpetual care fund and whose office receives any and all money concerning cemetery business.

Traditional Burial - A full casket interment; not a cremation or baby interment.

Transfer - The transfer of a grave plot or plots to another individual in accordance with this Ordinance.

Vault - A lined and sealed outer burial container constructed of concrete with a secondary material as the liner.

SECTION 4 – SALES, TRANSFERS AND FORFEITURES OF CEMETERY LOTS AND GRAVE PLOTS

- (A) All sales of cemetery lots and grave plots shall be made on a form approved by the Township Board. All sales shall be approved by the Township Clerk in writing. The sale of a cemetery lot or grave plot conveys a right of burial only and results in the issuance of a Right of Burial Certificate to the purchaser by the Township Clerk or Deputy Clerk.
- (B) Cemetery lots and grave plots, along with their Right of Burial Certificate(s) may be transferred according to the provisions set forth in this section and in Section 5. Such a transfer will void any Cemetery Deeds, Cemetery Certificates, Burial Right Certificates, and Right of Burial Certificates previously issued for the same grave plot(s) and must be approved by the Township Clerk in writing.
- (C) All charges and fees should be paid to the Township Treasurer.
- (D) Vacant cemetery lots and grave plots may be sold back for the original purchase price to the Township, for resale by the Township. If a cemetery lot or grave plot has been transferred as approved by the Township Clerk, it may be sold back to the Township for the amount of the transfer fee that was last paid, not the original purchase price. Any and all original receipts as well as the applicable Cemetery Deed/Cemetery Certificate/Right of Burial Certificate will be voided when sold back to the Township.
- (E) The Township Clerk or Cemetery Coordinator, at his/her discretion, can request signatures be notarized or additional documentation and identification be provided before considering and/or approving a request to sell a vacant plot back to the Township.
- (F) Cemetery lots and grave plots sold after the effective date of this Ordinance and remaining vacant for 40 years or more from the date of their sale shall automatically revert to the Township upon the occurrence of either of the following events:
 - 1. Notice shall be sent by the Township Clerk, or Cemetery Coordinator on behalf of the Township Clerk, by first-class mail to the last known address of the last owner of record informing him or her of the expiration of the 40-year period and that all rights with respect to said lots or grave plots will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of such notice of his or her desire to retain such cemetery lots or grave plots; or
 - 2. No written response to said notice, indicating a desire to retain the cemetery lots and grave plots in question, is received by the Township Clerk from the last owner of record of the cemetery lots and grave plots, or his or her heirs or legal representative(s), within 60 days from the date of mailing of said notice.
- (G) Cemetery lots and grave plots shall not be purchased for speculative purposes or for resale. When a person has purchased a cemetery lot or grave plot as a non-resident of the Township and later becomes a resident of the Township, no refund of the purchase price will be made.

- (H) Payment of the Perpetual Care Fee, if and as established by the Township Board, is required when a cemetery lot or grave plot is sold and/or transferred.
- (I) All sales and transfers of cemetery lots and grave plots and the burial rights relating thereto shall be made through the Township Clerk's office. No other sales or transfers of burial rights will be recognized by the Township.
- (J) The owner of every cemetery lot and grave plot shall be responsible for notifying the Township whenever that person's mailing address or other contact information changes.

SECTION 5 – PURCHASE OF CEMETERY LOTS AND GRAVE PLOTS; OTHER CEMETERY CHARGES

(A) Purchase of cemetery lots and grave plots.

1. The cost of each cemetery lot or grave plot with the burial rights relating thereto shall be determined by a fee structure established by a resolution of the Township Board.
2. The charges shall be paid to the Township Treasurer.
3. The Township Board may waive some or all of the cost of the burial of indigent persons. The Township Board may also set aside a portion of a Township cemetery for the burial of indigent persons.
4. The Township Board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(B) Interment and disinterment charges.

1. The opening and closing of any grave plot, prior to and following a burial therein, including the interment of cremains, shall be at a cost to be determined by resolution of the Township Board, payable to the Township.
2. The opening and closing of any grave plot, prior to and following a disinterment therein, including the disinterment of cremains, shall be at a cost to be determined by resolution of the Township Board, payable to the Township.
3. No grave plot shall be opened or closed except under the direction and control of the Township Cemetery Coordinator or other individual as designated by the Township Board. This provision shall not apply to any grave opening, disinterment or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities.

(C) Monument and marker foundation charges.

1. A monument or marker shall be placed on a permanent foundation. The cost of the foundation shall be determined by resolution of the Township Board, payable to the Township.
2. The foundation for a monument or marker shall be placed by the Township or by other persons or company designated by resolution of the Township Board.

(D) Grave plot and burial rights transfer charges.

1. The transfer of one or more grave plots, along with the burial rights pertaining thereto, is permitted when approved by the Township Clerk in writing. The fee

for such a transfer shall be determined by resolution of the Township Board, payable to the Township.

2. Transfers shall be done no earlier than 30 days after the last Burial Rights Certificate was issued for the grave plot, unless the Certificate holder becomes deceased and the Certificate is then transferred to an immediate family member.
 3. All transfers must be approved by the Township Clerk and require signatures from the person transferring the burial spaces and the person receiving the burial spaces in the transfer; a person with the power of attorney over the seller may sign for the seller if the seller cannot.
 4. The Township Clerk or Cemetery Coordinator, at his/her discretion, can request signatures be notarized or additional documentation and identification be provided before considering and/or approving a request to transfer a burial space and its Right of Burial Certificate. The foregoing also applies to vacant plots being sold back to the Township.
- (E) The Township Board shall have the authority to set and alter all fees and costs pursuant to this Ordinance from time to time by resolution. The Township Board may consider increased costs and the need for having a reserve of funds for future maintenance and property acquirement when deciding new fees and costs. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new cemetery plot, the pouring of a foundation, transfer fees for cemetery plots, and other matters.

SECTION 6 – MAINTENANCE AND CARE OF CEMETERY LOTS

- (A) General maintenance, which refers to repairs and improvements in the appearance and condition of the cemetery, is the responsibility of the Township and shall include upkeep of the drives, buildings, sewers, water lines, and fences.
- (B) General maintenance by the Township of a cemetery lot shall not include the maintenance, repair or replacement of any monument or marker placed or erected on a cemetery lots. Nor shall general maintenance include the reconstruction of any damaged monument or marker within any cemetery lot or grave plot caused by weather, an act of God, trees, common enemy, thieves, vandals, explosions, invasions, riots, or by order of any military or civil authority.
- (C) The annual income of a Cemetery Fund, maintained by the Township, shall be used to defray the costs of the general operation of the cemeteries. Such costs shall include spring clean-up, mowing of grass, raking leaves, trimming trees and shrubs, repairing sunken monuments or markers, reseeding grave plots after burial and other reasonable care of the cemeteries.
- (D) The Township Board reserves the right to remove or trim any existing trees, plants, or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- (E) The Township Cemetery Coordinator shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance problem.

SECTION 7 – CORRECTION OF ERRORS

- (A) The Township of Dalton reserves the right to correct any errors that may be made, either in making interments, disinterments, or removals, or in the description, transfer, or conveyance of any interment property; either by canceling such conveyance and substituting and conveying in lieu thereof, other interment property of equal value and similar location, or as may be selected by the Cemetery Coordinator, or by refunding the amount of money paid on the account of that purchase on the account of said purchase. In the event the error shall involve the interment of the remains of any person in such property, the Township of Dalton reserves the right to remove and reinter the remains to another property of equal value and reasonably similar location as may be substituted and conveyed in lieu thereof.

SECTION 8 – INTERMENTS AND DISINTERMENTS

- (A) No burials or disinterments shall take place unless the grave plot fee, the interment or disinterment fee and all other applicable fees have been paid in full.
- (B) All interments and disinterments must be made under the direction of the Cemetery Coordinator, who has control of the opening of graves and all matters relating to burials.
- (C) The Cemetery Coordinator shall be notified at least 24 hours before an interment or disinterment is to take place and the location of the grave plot must be designated when such notice is given. All orders for interments and disinterments in or from a grave plot must be signed by the deceased's designated representative; when the giving of such notice is impractical, telephoned requests will be received when accompanied by all information needed by the Cemetery Coordinator.
- (D) After an interment or disinterment, no changes in the grave plot in which the remains had been interred or from which the remains were disinterred will be made except at the sole expense of the owner of the grave plot.
- (E) Funeral directors, or an applicable burial arranger, must present the Burial-Transit Permit or Disinterment Permit from the appropriate Health Department to the Township's Cemetery Coordinator (or designated Township official) prior to the burial or disinterment. Additional documentation required by the State of Michigan or the Township, if any, shall also be provided prior to the burial or disinterment. Copies can be faxed to the Township with the original mailed or delivered to the Township after the burial.
- (F) The number of burials, including cremains and babies, that may be made in one grave plot are at the discretion of the Cemetery Coordinator, but are limited to no more than one of the following for each grave plot:
 - *One adult traditional or green burial.
 - *One adult traditional or green burial and up to four cremains and/or babies (but the traditional or green burial must have occurred before any cremains or baby burials).
 - *No more than four burials of cremains or babies.
- (G) Vaults are not required for all casket burials. Vaults are not required for baby or cremation burials. Vaults of suitable materials other than those defined by this Ordinance may be allowed at the discretion of the Township. A fee, if determined by resolution of the Township Board, may be charged for burials without a vault.
- (H) Cremations require a permanent receptacle to be buried in. It is not the responsibility of the Township to provide such a receptacle. A description of the receptacle must be provided to the Cemetery Coordinator at the time of the burial arrangement. A burial will not be arranged without such information.

- (I) In the case of any grave plot in which multiple burials are allowed, all cremains and/or babies to be buried therein shall require permanent and unique identifiable descriptions to be provided to the Cemetery Coordinator at the time such burials are arranged for.
- (J) All interments and disinterments will be made by West Michigan Burial Company, or such other company as is designated by resolution of the Township Board, who will be notified of such by the Township, unless a court order directs otherwise and a proper receipt for the remains is given. No disinterment will be allowed without authorization from the grave plot owner or his/her designated representative and approval from Cemetery Coordinator, except by court order. The Township shall not be responsible for damage to the vault, casket, or burial urn when making the disinterment.
- (K) In addition to these rules and regulations, all interments, disinterments, and removals are subject to the orders and applicable laws of the State of Michigan.
- (L) Consideration for winter burials (typically November 15 - March 15) is under the discretion of the Cemetery Coordinator who will include ground and weather conditions in his or her decision. Storage of remains is not provided in the cemetery or by the Township.
- (M) Consideration for winter disinterments (typically November 15 – March 15) is under the discretion of the Cemetery Coordinator who will consider ground and weather conditions in his or her decision.
- (N) The cemeteries will be open for interments from 8:00 a.m. to 4:30 p.m. on weekdays and Saturdays. Interments are not available on Sundays and holidays unless written approval is given by the Township Clerk and/or Cemetery Coordinator. Holidays are listed as the following: New Years Day, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Eve, Christmas Day, and any other dates determined by the Township as holidays.
- (O) The cemeteries will be open for disinterments from 8:00a.m. to 4:30p.m. on weekdays only. Disinterments are not available on Sundays and holidays unless written approval is given by the Township Clerk and/or Cemetery Coordinator. Holidays are determined by the Township.
- (P) The Township shall not be responsible for any order given by telephone or for mistakes occurring from the want of precise and proper instructions as to the grave plot, and the location of the grave plot within the cemetery lot in which interment is desired.
- (Q) The Township will not be liable for the Burial Certificate or the identity of the person to be interred.
- (R) The Township shall not be liable for the Disinterment Permit, the Burial Certificate, or the identity of the person or remains to be disinterred. The foregoing applies most specifically to burials without a vault and all cremains burials, but does not exclude any other type of burials. The Township shall not be liable for the identity of the remains

disinterred when proper identifiable information was not provided at the time of burial and or at the time of disinterment, most specifically, but not limited to, when more than one set of remains is located in one grave plot.

- (S) The Township will not be responsible for any order given by telephone or for mistakes occurring from the want of precise and proper instructions as to the particular space, type of burial, description of interred remains, and location in a lot where disinterment is desired.
- (T) Cremains being scattered anywhere in the cemetery is prohibited.
- (U) A casket may not be opened inside the cemetery without the consent of the deceased's family member or a court order.
- (V) Disinterment may be made only if all necessary permits, or a coroner's order for the purpose of an inquisition, have been provided to the Cemetery Coordinator.
- (W) Animal and pet burials are prohibited.
- (X) Green Burials and burials without vaults are allowed. Additional costs for such burials, if any, shall be determined from time to time by a resolution of the Township Board, payable to the Township.

SECTION 9 – MONUMENTS AND MARKERS

- (A) No monument or marker shall be erected or installed on any cemetery lot or grave plot until the cost of the cemetery lot or grave plot, and the cost of the foundation, and any other required fee, is paid in full.
- (B) No material except granite, marble or bronze attached to granite may be used for monuments. No material except granite or standard bronze may be used for markers.
- (C) Prior approval must be obtained from the Cemetery Coordinator for the placement and location of a proposed monument or marker. All monuments in lots one and four of any block shall face west and monuments in lots two and three of any block shall face east, unless otherwise stated by the Cemetery Coordinator.
- (D) The setting of all foundations is under the control and supervision of the Cemetery Coordinator.
- (E) A concrete foundation is required for all monuments and markers, and it shall be at least as large as the base of the monument or marker, or larger if deemed necessary. Foundations shall be poured by West Michigan Burial Company, or other authorized person(s) as designated by resolution of the Township Board, who will be notified of such by the Township. No foundations will be poured between November 1 and April 15, or other applicable dates based on availability and weather, under the discretion of the Cemetery Coordinator.
- (F) Contractors and workers engaged in placing monuments, markers, and foundations will be held responsible for all damages caused by them to the cemetery grounds. A work order for the proposed work must be approved by the Cemetery Coordinator prior to the delivery or installation of such work. Except when prior permission is obtained, no monuments, markers or foundations shall be brought into the cemetery or commenced on Saturday, Sunday, or holidays.
- (G) The outlining of the boundaries of cemetery lots or grave plots with cement, metal, wood, stone or any other material is not permitted.
- (H) Mausoleums are not permitted.
- (I) There shall be not more than one monument or marker of any kind on any single grave plot, with the following exceptions:
 - 1. Two markers are permitted in accordance with the size restrictions stated in Section 9(L) in a single grave plot containing two to four cremains or babies.
 - 2. A flat government-issued veteran's marker may be placed in a grave plot in which a non-veteran monument or marker is placed and vice versa, at the discretion of the Cemetery Coordinator.

- (J) Individual markers shall be placed flush with the ground on cemetery lots or grave plots where a family monument is also placed.
- (K) The Township Board has the right to deem a marker, monument, or other object placed for the purpose of a memorial, remembrance or otherwise, to be inappropriate and thus prohibit its placement in the cemetery. The owner of any such inappropriate marker, monument or other inappropriate object shall be responsible for its removal and the expense thereof.
- (L) The maximum permitted sizes of monuments and markers shall be only as follows:
 1. 2-4 cremains (in a single grave plot) 8” wide x 16” long x 48” high
 2. Single grave plot: 12” wide x 24” long x 48” high
 3. Double grave plot 12” wide x 48” long x 48” high

Such maximum dimensions of monuments shall be measured as follows:

Height shall be measured vertically from the highest point of the monument to the bottom or, when the monument has a base, then to the bottom of the monument base; length is measured horizontally along the front or back face of the monument, whichever is of greater length; width shall be measured horizontally along the side of the monument having the greatest width, from front to back.

- (M) The maintenance, repair and upkeep of a monument, marker, urn, bench or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance or upkeep for any such monument, marker, urn, bench or similar item.
- (N) Should any monument or marker 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 grave plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the grave plot prior to any such work beginning. It is the family’s responsibility to keep a current address and other contact information up-to-date with the Cemetery Coordinator for contact purposes.
- (O) Solar lights, candles, open flames, and other lighting techniques (including those placed before this Ordinance became effective) are not allowed without written approval by the Township Board. Solar lights installed as part of or in a monument must be approved before a foundation can be installed and before the monument with said lighting can be placed; a detailed drawing of the proposed stone and lighting must be submitted to the Cemetery Coordinator with exact measurements and will be subject to approval of the Cemetery Coordinator and Township Board. Should any type of lighting or a stone with lighting or a monument with lighting be placed without written approval, the Township Board shall have the right, at the expense of the owner of the grave plot, to remove the violating item. The Township Board shall make reasonable attempts to contact the owner of the grave plot prior to any such work beginning.

- (P) It is the responsibility of the deceased's family and/or funeral director, or applicable burial arranger, to notify the Cemetery Coordinator whether the deceased is an honorably discharged veteran. If the Township places veteran markers and flags in any given year, all veterans, to the best of the Township's knowledge, will have a marker and flag placed at their burial site in the Township's cemeteries.
- (Q) In the case of disinterred and relocated remains, any monument or marker that had been placed as to such remains shall be moved to the new burial location of the remains. If the monument or marker is for more than one person and only one set of remains is relocated, the monument or marker may remain only if it is altered such that it no longer refers to the remains that have been disinterred and relocated.
- (R) A bench shall be no larger than the maximum size permitted herein for a monument in a single grave plot or a double grave plot, as the case may be. A grave plot may contain a monument or a bench, but not both.

SECTION 10 – DECORATIONS AND FLOWERS

- (A) The planting or removal of trees and shrubs shall be under the direction of the Township and all such costs are the responsibility of the grave plot owner or his or her designated representative. Shrubs, flowers, and other plants shall not exceed a height of four feet at full growth. The planting of spreading or climbing plants is prohibited.
- (B) The enclosure of a cemetery lot or grave plot by a hedge, wall, curbing, fence, or other enclosure is not permitted. Trees and shrubs shall not be used to mark the boundaries of a lot.
- (C) The Cemetery Coordinator reserves the right to remove any article deemed unsightly or undesirable from any cemetery lot or grave plot.
- (D) Glass jars, tin cans, and similar items shall not be used as holders for cut flowers.
- (E) Placement of urns and flower beds.
 - 1. In both single grave plots and double grave plots, there shall be not more than two urns, each not larger than 12 inches in diameter, or an individual in-ground flower bed, but not both.
 - 2. All urns shall be placed in line with the foundation of the monument or the marker. Urns shall be placed to the immediate left and/or to the immediate right of the monument or marker, but no more than one urn shall be placed on either side.
- (F) Flowers and flower beds.
 - 1. Flowers and flower beds are permitted, but they shall not extend more than 12 inches from the face of the monument or marker (the face of a monument shall be as stated in Section 9(C)), and they shall not be wider than the length of the a monument or marker in the grave plot, unless otherwise permitted by the Cemetery Coordinator or the Township Board. Flowers and flower beds shall not include any of the plantings prohibited by the terms of Section 10(A).
 - 2. Curbing or edging around flower beds may be installed only for the purpose of preventing the mowing of flowers, but shall not be designed or installed so as to prohibit mowing of grass around the flower bed. Such curbing or edging shall consist only of cement or concrete, and shall be no higher than four inches above the ground at the base of the curbing or edging. Any such curbing or edging shall not extend more than 12 inches from the face of the monument, as measured from the outside edge of the face of the monument to the outside edge of the curbing or edging, nor may it be wider than the length of the monument, as measured from outside edge to outside edge of the curbing or edging.
 - 3. Flower beds may not contain rocks, stone, bark or any other non-soil materials.

- (G) All flowers, plants and other decorations, except plantings in a permitted individual flower bed, shall be removed from cemetery lots and grave plots prior to October 15 of each year. If such flowers, plants and other decorations are not removed by that time, the cemetery staff may empty the urns, turn them over, and the contents may be discarded; accordingly, lot owners desiring to save such items must remove them before October 15 of each year. Winter decorations shall not be placed until at least December 1 and shall be removed on or before February 1 of the following year.
- (H) The Township will not be responsible for monuments or markers placed before a proper foundation is placed and has the right to remove any such monument or marker without a proper foundation at the owner's expense.
- (I) The Township retains the right to remove and trim any flowers, shrubs, trees, or deteriorating monument, marker or urn if it has become unsightly or dangerous or interferes with the proper maintenance of the cemetery, or violates other provisions of this Ordinance.
- (J) The maintenance of flowers, monuments, markers, benches, urns and other items placed in a grave plot, and the replacement of any such items as a result of damage, unauthorized removal, accidental mowing or accidental trimming or other cause are not the responsibility of the Township.
- (K) Personal items or trinkets left, lost, abandoned, or damaged from the elements, trees, thieves, vandals, or accidental mowing or trimming are not the responsibility of the Township.
- (L) Urns that have not been used for three consecutive years shall be considered abandoned and may be removed by the Township.
- (M) Mounds which hinder the use of a lawn mower or other gardening equipment are prohibited.
- (N) Surfaces other than earth and sod are prohibited.
- (O) Solar lights, candles, open flames, and other lighting techniques (including those placed before this Ordinance became effective) are not allowed without written approval by the Township Board. Solar lights installed as part of or in a monument must be approved before a foundation can be installed and before the monument/memorial with said lighting can be placed; a detailed drawing of said proposed stone and lighting must be submitted to the Cemetery Coordinator with exact measurements and will need to be approved by the Cemetery Coordinator and Township Board. Should any type of lighting or a stone with lighting be placed without written approval, the Township Board shall have the right, at the expense of the owner of the cemetery plot, to remove the violating item. The Township Board shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.

- (P) If the Township determines to place veteran markers and flags in a cemetery in any year, the Township will, to the best of its effort and knowledge, arrange to have a marker and flag placed at each veteran's burial site in the cemetery for that year.

SECTION 11 – CEMETERY HOURS AND PROHIBITED USES AND ACTIVITIES

- (A) The cemetery grounds will be open to visitors from dawn until dusk. Burial hours are as described in Section 8(K). Notwithstanding the foregoing, the Township Board may by resolution alter the cemetery hours for special events or occasions. During closed hours, no person shall be present in a Township cemetery, except the Township Cemetery Coordinator, any Township official, a person accompanied by the Cemetery Coordinator or other Township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office.
- (B) Except for maintenance personnel and hearses when needed, vehicles shall remain on established drives. Drivers shall be responsible for any damage caused by their vehicles.
- (C) Traffic laws of the Township of Dalton which are applicable to the operation of vehicles in cemeteries shall be observed. Funeral processions shall not be passed by other vehicles; persons driving vehicles in a cemetery but which are not part of a funeral procession shall avoid driving the vehicles close to the procession whenever possible.
- (D) No children under the age of 16 years shall be admitted to a Township cemetery unless accompanied and properly supervised by an adult, who shall be held responsible for the conduct of any such children.
- (E) All persons are prohibited from picking any plants, whether wild or cultivated, injuring or cutting any tree or shrub, marking any monument, marker, bench or other structure, or in any way damaging, defacing or destroying the grounds of the cemetery, any cemetery property and any of the monuments, markers, benches or other structures or elements in the cemetery.
- (F) Loud, boisterous or profane conduct and/or language, loitering, soliciting, and advertising is not permitted in the cemetery. No person shall engage in any fight, quarrel or disturbance in the cemetery.
- (G) No firearms or archery arrows, shall be discharged, shot, or carried in the cemetery except that military or other veterans' organizations may carry arms for the purpose of firing over the grave at the burial of a member. Any other exceptions require prior authorization from the Township.
- (H) Domestic animals, horses and other livestock, and pets of any kind, except dogs assisting handicapped persons, shall not or be permitted to enter or remain in the cemetery.
- (I) Depositing rubbish or debris on the cemetery grounds is prohibited except in waste receptacles provided. There shall be no dumping, vandalizing, or tipping over of any garbage container or receptacle. There shall be no littering or dumping.
- (J) Operating snowmobiles, four-wheelers, go-carts, or similar vehicles within the boundaries of the cemetery is prohibited.

- (K) No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully present on the grounds of any Township cemetery. There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- (L) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (M) Picketers, activists, demonstrators, marchers, press reporters, and any other such groups or persons shall remain at the cemetery's main entrance during a funeral or other service at a cemetery, unless a written agreement with the funeral or service arranger has been approved by the Cemetery Coordinator.
- (N) The blocking of an entrance or exit of the cemetery at any time is prohibited.
- (O) The possession or consumption of any alcoholic beverage in a Township cemetery is prohibited. There shall be no picnicking or consumption of food in a Township cemetery without prior Township approval.
- (P) There shall be no monuments, markers, ornaments, decorations, vases, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.
- (Q) There shall be no digging, grading or mounding in a grave plot unless expressly authorized by this Ordinance. There shall be no disinterment or grave openings unless approved by the Township.
- (R) Private signs, lighting, moving displays or changeable copy on a sign are prohibited except those expressly allowed by this Ordinance. There shall be no fires, candles, or open flames unless prior written authorization is given by the Township Board.
- (S) Remains of a deceased person shall not be scattered or dispersed in a Township cemetery.

SECTION 12 – DUTIES OF TOWNSHIP OFFICIALS

- (A) The Township Clerk shall maintain records concerning burials, burial permits, cemetery lots, grave plots and any other records of the Township related to Township cemeteries. Records shall be maintained separately from other Township records and shall be open to public inspection at all reasonable business hours. All sales and transfers of cemetery lots, grave plots and transfers of burial rights shall be subject to approval of the Township Clerk.
- (B) The Township Treasurer shall maintain any records concerning perpetual care fund.
- (C) The Cemetery Coordinator shall be appointed by the Township Board and shall serve at the discretion of the Township Board. The Township Cemetery Coordinator may be a Township employee or independent contractor for the Township at the discretion of the Township Board. The Cemetery Coordinator shall assist other Township officials with the enforcement and administration of this Ordinance and shall have duties and obligations with regard to Township cemeteries as may be specified from time to time by the Township Board.
- (D) Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:
 - 1. Township Supervisor
 - 2. Township Clerk
 - 3. Township Cemetery Coordinator
 - 4. Township Treasurer
 - 5. Township Ordinance Enforcement Officer
 - 6. Any deputy of the Muskegon County's Sheriff's Department
 - 7. Any State Police Officer

SECTION 13 – DISCLAIMER OF TOWNSHIP LIABILITY AND RESPONSIBILITY

- (A) 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.
- (B) The Township is not responsible for any damage or vandalism to, theft of or deterioration of any monument, marker, bench, flowers, urn or other item placed in or near a cemetery lot, grave plot, or any other location in a Township cemetery.
- (C) The purchaser or transferee of any cemetery lot or grave plot or any Certificate of Burial Rights, and all subsequent transferees, assigns, heirs, or beneficiaries, hereby release, indemnify and hold harmless the Township and any of its officials, employees or agents, for, from and against any harm, injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery lot, grave plot, Certificate of Burial Right, or similar right, any monument, marker or similar item, and any matter related to the cemetery involved.

SECTION 14 – TOWNSHIP AUTHORITY TO REMOVE UNAUTHORIZED OR UNLAWFUL ITEMS FROM A TOWNSHIP CEMETERY

- (A) Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this Ordinance, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery.
- (B) No monument, marker, bench, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item shall be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

SECTION 15 – INTERPRETATION OF THIS ORDINANCE; CERTAIN WAIVERS OF ORDINANCE PROVISIONS

- (A) The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions or regulations contained in this Ordinance and any regulation adopted pursuant to this Ordinance, as well as their applicability in any circumstance. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any regulations or policies promulgated under this Ordinance if there are practical difficulties in the carrying out of the strict letter of this Ordinance or any related regulations or policies that would result in hardship to a person or persons involved in the matter or the public. Any such waiver, however, shall be of such limitation and character as not to impair the purposes and intent of this Ordinance.

SECTION 16 – PENALTIES

- (A) 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, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this ordinance and shall be responsible for a civil infraction.
- (B) The civil 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, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law.
- (C) For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible.
- (D) Each day during which any violation continues shall be deemed a separate offense.
- (E) A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

SECTION 17 – APPLICABILITY AND SEVERABILITY OF THIS ORDINANCE

- (A) This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.
- (B) The provisions of this Ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.
- (C) The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.
- (D) The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be 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 18 – EFFECTIVE DATE; CONFLICTS

This Ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED by the Township Board of the Township of Dalton as follows:

Ordinance No. 2013-01 adopted April 8, 2013; and **Ordinance No. 2014-02**, adopted May 12, 2014.

Chris Hall, Dalton Township Supervisor

Tracy DeMarse, Dalton Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of the consolidated Cemetery Ordinance as adopted by the Township Board as Ordinance No. 2013-01 and Ordinance No. 2014-02, on the respective dates indicated above.

Tracy DeMarse, Dalton Township Clerk