

**NOTICE OF ORDINANCE ADOPTION**  
**THE GRATTN TOWNSHIP CEMETERY ORDINANCE**  
**GRATTAN TOWNSHIP, KENT COUNTY**

On June 11<sup>th</sup>, 2018, the Township Board for Grattan Township adopted a new Ordinance entitled the “Grattan Township Cemetery Ordinance.” The new ordinance will become effective upon the expiration of 30 days after this notice appears in the newspaper. A full copy of the Ordinance can be inspected, purchased or reviewed at the Grattan Township offices at 12050 Old Belding Road NE, Belding, Michigan 48809 during normal business hours or by contacting the Township Clerk at (616) 691-8450.

A summary of the new Ordinance is as follows:

**Section 1. Title.**

The new Ordinance shall be known and may be cited as the “Grattan Township Cemetery Ordinance.”

**Section 2. Purpose and Intent.**

This section discusses the purpose and intent behind the Ordinance, including the proper and reasonable maintenance, appearance and use of the cemeteries owned or controlled by the Township and the finding by the Township Board that the adoption and enforcement of the new Ordinance is in the best interests of the property owners and residents of the Township.

**Section 3. Definitions.**

This section defines words, phrases and terms for purposes of the new Ordinance, including definitions for a cemetery plot, cemetery, Township cemetery and the fact that the word “Township” means Grattan Township in Kent County, Michigan.

#### **Section 4. Sale of Cemetery Plots; Nontransferable.**

This section governs the sale and transferability of cemetery plots in Township cemeteries, specifies limits on the sale and transferability of cemetery plots to funeral directories except under certain conditions, specifies applicable forms, indicates which Township official or officials can sell or transfer cemetery plots, indicates who may be sold a cemetery plot by the Township, places restrictions upon who can own or purchase a cemetery plot, specifies cemetery plot assignments, indicates the ability of the Township Board to place a limit on the number of cemetery plots sold to a particular person, gives the Township discretion regarding the sale and purchase of cemetery plots, specifies a procedure for correcting errors, requires the owner of cemetery plots to notify the Township of a change of address and covers other cemetery plot and cemetery matters.

#### **Section 5. Purchase Price for Cemetery Plots; Indigent Burials.**

This section specifies the cost of cemetery plots (including costs for cemetery plots for the burial spaces for indigent persons), the ability of the Township Board to alter fees, the requirement that all charges and fees be paid to the Township Treasurer and related matters.

#### **Section 6. Grave Opening Charges.**

This section governs cemetery plot/grave openings, the ability of the Township to charge reasonable fees for the opening and closing of graves, how the Township sets such fees, which Township official can authorize the opening or closing of graves, the fact that the Township Sexton or such other individual as is designated by the Township Board must open or close graves, procedures that are applicable if a court order is involved, the minimum notice that must be given to the Township Sexton for a grave opening or closure, and similar matters.

**Section 7. Markers or Memorials; No Monuments.**

This section governs the installation and maintenance of markers, memorials and monuments within a Township cemetery, including the required composition of those items, the allowed size and height of such items, regulations regarding footings or foundations, the setting of fees for any work related to a foundation, monument or memorial, applicable procedures should a monument or memorial become unsightly, broken, moved off of its proper site, dilapidated or a safety hazard, the right of the Township Board to remove, repair or replace a monument or memorial (and who must pay for the same), who is responsible for the maintenance, repair and upkeep of cemetery memorials, markers, urns and similar items, the fact that the Township has no responsibility or liability regarding the repair, maintenance or upkeep of any marker, memorial, urn or similar item and other related matters.

**Section 8. Interment Regulations.**

This section governs how many persons may be buried in a cemetery plot (with exceptions for cremains and a parent and infant child or two children buried in the same plot), the minimum required advance notice that must be given to the Township for the opening or closing of a cemetery plot, the fact that the opening and closing of cemetery plots can only be done by the Township, the requirement that the surface of all graves shall be kept in an orderly and neat-appearing manner, what permit or form is required for a cemetery plot opening or closing, and related matters.

**Section 9. Disinterments.**

This section governs disinterments or the digging up of an occupied grave within Township cemeteries, including the requirement of a Township disinterment program, specifying when disinterments can occur, indicating that all applicable permits, licenses and approvals are

required, specifies the ability of the Township Board to refuse to allow a disinterment if it is not done pursuant to a court order or does not have a reasonable basis, and discusses related procedures and requirements for disinterments.

**Section 10. Winter Burials.**

This section governs winter burials, including specifying that the Township may charge additional fees for winter burials, indicating that no winter burial shall occur without the prior consent of the Township Sexton, indicates that if a winter burial cannot occur then the deceased person can be kept in winter storage until a spring burial can occur, requirements for written permission for winter burials or storage, a requirement that winter storage costs must be paid by the estate of the deceased person or the person's next of kin and related matters.

**Section 11. Cremains.**

This section governs the burial and disposal of cremains in a Township cemetery, including a requirement that cremains must be in a container approved by the Township to be buried in the Township cemetery, the requirement that no cremains shall be scattered or dispersed within a Township cemetery and other matters related to cremains and cremation.

**Section 12. Grounds Maintenance.**

This section regulates how various items within a Township cemetery must be maintained, disposed of or allowed or disallowed, including regulations regarding flower pots, urns and grave blankets, a prohibition on grading, leveling or excavating within a Township cemetery without the permission of the Township, a prohibition upon the installation of private landscaping, trees or other items, the ability of the Township to remove any private item left or stored in a Township cemetery, the prohibition on the installation or use of certain items in a Township cemetery, the authority of the Township Sexton to remove and dispose of any and all

items, the prohibition on surfaces other than earth or sod, the prohibition on glass containers or similar items, when dried flowers, wreaths, papers and plastic flower containers must be removed, the recognition of veteran insignia and veteran flags as being appropriate within Township cemeteries, the prohibition upon the installation of certain items within Township cemeteries without Township approval and other matters related to what may be done installed, placed or kept within a Township cemetery.

**Section 13. Disclaimer of Township Liability and Responsibility.**

This section indicates that the Township and its officials, agents, officers and employees are generally not responsible or liable for what occurs within a Township cemetery. This section also specifies that every person who enters within a Township cemetery does so at their own risk, indicates that the Township is not responsible for any injury, accident or other calamity that might occur to any person or property within a Township cemetery, specifies that the Township is not responsible for any damage or vandalism to, theft of or destruction to a burial monument, headstone, flower item or other item placed within a Township cemetery, indicates that the purchaser or transferee of a cemetery plot waives and releases any liability against the Township or any of its officials, officers, or agents for any matter within a Township cemetery and related matters.

**Section 14. Forfeiture of vacant cemetery plots or burial spaces.**

This section indicates how the ownership of a cemetery or burial plot that remains vacant can be forfeited after 40 years and will revert to the Township, including specifying the notice requirements for such forfeiture, required responses, and related matters.

**Section 15. Repurchases of Plots or Burial Spaces.**

This section indicates that the Township may repurchase at its option any cemetery plot for a price set by the Township Board under certain circumstances.

**Section 16. Records.**

This section indicates that the Township Clerk shall maintain all records regarding Township cemeteries, including records concerning burials, cemetery plots, the issuance of burial permits and other records and provides that such records are open to public inspection at all reasonable times.

**Section 17. Vaults.**

This section requires all burials to occur within a standard concrete vault (or vaults of other suitable materials at the discretion of the Township) and that cremains must be in a container approved by the Township.

**Section 18. Cemetery Hours.**

This section specifies when Township cemeteries are open and when they are closed and the fact that closed hours do not apply to the Township Sexton or any other Township official or law enforcement officer when engaged in the lawful duties of their office.

**Section 19. Prohibited Uses and Activities.**

This section contains a number of prohibited activities within a Township cemetery, including, but not limited to, a prohibition on destroying, defacing or otherwise injuring any item lawfully in a Township cemetery, a prohibition on disturbing the peace, a prohibition on vehicles driving on lawns or cemetery plots, a prohibition on being in the cemetery during closed hours, a prohibition on headstones, ornaments, plastic flowers and other items being placed or kept in a cemetery in violation of the Ordinance, a prohibition on digging unless authorized by the

Ordinance, a prohibition on driving automobiles, trucks or vehicles except on designated roads within cemeteries, a prohibition on motorcycles, snowmobiles, four wheelers, go carts or similar vehicles within a cemetery, a prohibition on certain types of gatherings at cemeteries, a prohibition on disinterments or grave openings unless approved by the Township, a prohibition on the consumption or possession of alcohol within a Township cemetery, a prohibition on picnicking or consuming food within a Township cemetery, a prohibition on the playing of music or using amplification devices except pursuant to a military ceremony or funeral, a prohibition on solicitation, a prohibition on littering or dumping, a prohibition on the unlawful interference with or disruption of a lawful funeral, a prohibition on private signs, a prohibition on fires, candles or open flames, a prohibition on children being in a Township cemetery unless accompanied by an adult, a prohibition on vehicles exceeding posted speed limits, a prohibit on domestic animals or pets being allowed within a cemetery except to assist handicapped persons, a prohibition on the discharge of firearms or arrows except pursuant to a military or veterans organization ceremony, a prohibition upon fighting within a Township cemetery, a prohibition on the scattering or disbursing of cremains, a prohibition upon dumping, vandalizing or tipping over of any lawful garbage container or receptacle, and other prohibitions.

**Section 20. Authority of the Township Sexton.**

This section appoints the Township Sexton as the primary Township official responsible for cemeteries, indicates that a Township Sexton is appointed by the Township Board and serves at the discretion of the Township Board, indicates who may be a Township Sexton, specifies the Township Sexton's duties and responsibilities, and specifies other matters regarding the Township Sexton position.

**Section 21. Fees.**

This section indicates that the Township Board shall have the authority to set fees pursuant to the new Ordinance, that such fees can include fees for burial permits, disinterment permits, grave openings, foundation settings, grave closings, winter or holiday burials, the price for a new cemetery plot, transfer fees for cemetery plots and other matters.

**Section 22. Applicability of this Ordinance.**

The new Ordinance applies to cemeteries owned, controlled or operated by the Township, indicates that the Ordinance does not apply to Township officials involved in their official duties regarding a Township cemetery and that the new Ordinance will not apply to police officers or firefighting officials involved in carrying out their official duties.

**Section 23. Interpretation/Appeals to the Township Board.**

This section indicates that the Township Board has broad powers to render binding interpretations regarding the new Ordinance and its applicability and that any party aggrieved by any interpretation or decision made by the Township Sexton or by any Township official regarding a cemetery can appeal to the Township Board. This section also specifies the exact interpretive powers and authorities of the Township Board, the ability of the Township Board to waive certain requirements of the new Ordinance, the standards for any such waiver, how appeals are made to the Township Board, appeal deadlines, the ability of the Township Board to set fees for appeals and interpretations, indicates that the decision of the Township Board is final and other matters.

**Section 24. Authority of the Township to Remove Unauthorized or Unlawful Items from the Township Cemetery.**

This section authorizes the Township to remove any unlawful item or any item that violates the Ordinance from a Township cemetery and to dispose of the same without liability to

anyone. This section also indicates that no item may be installed in a Township cemetery in violation the new Ordinance or a rule or policy of the Township and also discusses the authority of the Township to remove, dispose of and handle any illegal item.

**Section 25. Penalties.**

This section specifies the penalties for violations of the new Ordinance and lists the various remedies of the Township for a violation of the Ordinance. A violation of the Ordinance constitutes a municipal civil infraction, for which the offending party may be liable for fines, be subject to court orders and other penalties. This section also defines what is meant by a “subsequent offense,” indicates that a violation of any permit under the Ordinance is a violation of the Ordinance and addresses other enforcement and remedy matters.

**Section 26. Township Officials Who Can Enforce this Ordinance**

This section authorizes certain Township officials and other individuals to enforce the Ordinance and to issue tickets, including the Township Supervisor, Township Clerk, Township Sexton, Township Zoning Administrator, Township Ordinance Enforcement Officer, County Sheriff Deputy, State Police officer or any police officer.

**Section 27. Severability.**

If any provision of the Ordinance is invalidated by a court, that shall not affect the rest of the Ordinance, which shall remain in full force and effect.

**Section 28. Repeal.**

The new Ordinance repeals the prior Grattan Township Cemetery Ordinance, which is Ordinance No. 99-712 adopted in 1999.

**Section 29. Effective Date; Conflicts.**

The new Ordinance shall become effective upon the expiration of 30 days after this notice appears in the newspaper.

Any questions regarding the new ordinance should be directed to the Grattan Township Clerk at (616) 691-8450.

Respectfully submitted by,

Michelle Alberts  
Grattan Township Clerk