



PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN

CEMETERY ORDINANCE

**ORDINANCE #809
RESOLUTION #08-19**

At a regular meeting of the Plainfield Charter Township Board held at the Township Offices, 6161 Belmont Avenue NE, Belmont, Michigan, on the 5th day of May 2008, at 7:30 PM, the following resolution was offered by Member Hagedorn and supported by Member Parris:

An ordinance to protect the public health, safety, and general welfare by establishing rules and regulations relating to the operation, control, and management of cemeteries owned by Plainfield Charter Township, Kent County, Michigan; to provide penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith. It is also intended that this ordinance will serve as a means of achieving a peaceful and respectful setting for the burial of the dead while permitting reasonable opportunities for persons to care for, beautify, adorn and improve gravesites within the cemeteries.

THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:

Section 1: Title and Applicability

This ordinance shall be known and may be cited as the Township Cemetery Ordinance. Plainfield Charter Township owns two cemeteries, being the Plainfield Cemetery located at 6205 Packer Drive NE at Rogue River Road NE and Packer Drive NE and the Oakwood Cemetery located at 3985 Cannonsburg Road on Cannonsburg Road NE and Brewer Drive NE. The provisions of this ordinance apply only to the Plainfield Cemetery and those sections of Oakwood Cemetery created prior to 2008.

Section 2: Definitions

- A. A "grave" is a burial space for human remains, which consists of a land area four (4) feet wide by ten (10) feet in length. The "head" of a grave shall be defined as the end boundary of a grave nearest to the location where monuments and markers have traditionally been located in the cemetery. If it is unclear as to which end of the grave is the "head" as to a particular grave, the decision of the Township Superintendent shall be final.
- B. A "lot" is a group of several graves. Lot sizes vary from 2 graves to 10 graves. Each lot is designated with a numerical marker placed on the surface of the ground at the southeast corner of each lot and three rod markers embedded on the other three corners.
- C. A "block" is a group of several lots. A block is used for orientating the placement of lots and graves. Each grave has a block, lot, and grave number.

- D. A “walkway” is an open space located at the foot of each grave and in between the lots. Walkways vary in width.
- E. A “service drive” is an area on which equipment may be driven without traversing a grave.
- F. A “Tribute Area” is that part of the surface of a grave located within thirty-six (36) inches of the head (boundary) of a grave, except where monuments and markers have been permitted at the foot of the grave, in which case, the Tribute Area will be considered thirty-six (36) inches from the foot (boundary) of the grave.
- G. The “Township” is Plainfield Charter Township.

Section 3: Sale of Graves or Burial Rights

- A. The Township may sell one or more graves in the cemeteries for the purpose of granting to the purchaser the right of interment and burial of human remains within a Grave.
- B. The sale price of a grave or graves shall be established by the Township Board in its annual Rates and Charges Resolution.
- C. The Township shall issue a Cemetery Lot Certificate to the purchaser of a grave.
- D. The sale of a grave, together with the issuance of a cemetery lot certificate, grants only a right of interment of human remains and does not convey absolute title to the grave or any other interest in real property.
- E. The person or persons to whom a cemetery lot certificate has been issued, and their heirs and assigns, may transfer and assign all the rights contained therein by execution and delivery to the Township Clerk of such transfer document as may be required by the Township.
- F. All graves shall be subject to the rules, regulations and terms contained in this Ordinance and as may be amended from time to time.

Section 4: Monuments, Markers, and other Adornment of Graves

- A. The tribute area within the boundary of a grave may only include a monument, marker, floral displays, plantings, and/or such other adornment as shall not encroach outside the perimeter of the designated area. Benches may be used as monuments. Shepherd’s crooks, with the hooks turned inward toward the center of the tribute area, may be placed in the tribute area. Adornment within a tribute area, other than natural floral displays and plantings, shall be of a nature that they may be firmly secured to the ground or such as will not easily be windblown from the tribute area. No adornment shall be placed on any grave that does not contain human remains. Monuments or markers may be installed at the head of graves that are not occupied by human remains.
- B. Each monument or marker shall be of durable permanent material, such as stone, and shall not exceed 72 inches in height from ground level.

- C. A monument or marker that commemorates more than one person on contiguous graves may be centered on such graves within the tribute area.
- D. Each monument or marker shall be placed on a foundation, which shall be constructed by or at the direction of the Township. The cost of such foundation shall be paid by the person making application to the Township for the construction of the foundation.
- E. Each monument or marker shall be placed at the head of a grave and in line with other nearby monuments or markers.
- F. No floral display, planting, or other adornment is permitted in a walkway or service drive.
- G. The Township is not responsible for the loss, theft, or damage to any monument, marker, floral display, planting, or other adornment located within the cemeteries, including those located within a tribute area.
- H. Bushes, shrubs, or trees may not be planted within the tribute area, and no floral display, planting, or other adornment may be located outside the tribute area.
- I. No loose stones or artificial ground cover may be located on any part of a grave, including within a tribute area.
- J. Any border located around and within the perimeter of a tribute area shall be of non-wood durable material (as determined by the Township Superintendent) and may not have a height in excess of three (3) inches above grade
- K. Flag holders shall be only those as are furnished by the Township or its designee.
- L. Floral ground displays such as a wreath or funeral spray may be left on that portion of a grave outside of the tribute area following a burial for up to 48 hours.
- M. A temporary marker indicating the name of the deceased person may be placed on a grave for one year after a burial.
- N. Nothing in the Tribute Area, other than monuments, shall exceed sixty (60) inches in height.

Section 5: Ground maintenance

- A. All grading, leveling, or excavating of a grave shall be the responsibility of the Township. Surfaces other than earth are not permitted. Mounds that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- B. The Township reserves the right to remove or trim any tree, plant, or shrub located within the cemeteries in the interest of reasonable maintenance of the cemeteries.
- C. The Township may remove from a grave and dispose of any and all growth, emblems, displays, containers, or other adornment that, through decay,

deterioration, or damage, has become unsightly or a hindrance to maintenance without notice to any person.

- D. Any floral display, planting, or other adornment located outside a tribute area may be removed by the Township without notice to any person.

Section 6. Columbarium

- A. Columbarium shall be located only in areas of the cemeteries as approved by the Township Board. Columbarium shall be constructed of durable permanent materials and according to specifications approved by the Township Board.
- B. No columbarium shall be used for any purpose other than for the interment of human remains.
- C. Procedures for interment and disinterment shall be the same as those for burials.
- D. A temporary tribute area shall be provided by the Township at the base of a columbarium for use for a maximum of one week after an interment by families of those interred.

Section 7: Interment

- A. A burial permit shall be presented to the Township Clerk prior to interment.
- B. All burials of a human body shall be in a vault in the ground. All cremation ashes shall be placed in an airtight container and interred.
- C. The Building & Grounds Department of the Township, or its designee, shall prepare a grave for interment. The fees to prepare a grave for interment shall be established by Resolution of the Township Board.
- D. A grave may contain the human remains of one person, or one person and one infant, or one person and one cremation, or two cremations.

Section 8: Cemetery Hours

- A. The cemetery shall be open to the general public from sunrise to sunset (except during maintenance activity that prohibits visitors for safety reasons).
- B. The cemetery may close temporarily for weekly maintenance.
- C. No person shall be permitted within the Cemetery at any other time, except with prior written permission of the Township.

Section 9: Forfeiture of Vacant Graves

- A. In the event that any grave sold by the Township after the effective date of this Ordinance remains vacant 40 years from the date of the last sale or transfer of the grave, the Township Clerk may initiate a reversion process as described below.

- B. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last known owner of a cemetery lot certificate as evidenced by the Township records, informing such person(s) of the expiration of the 40-year period and that all rights with respect to said grave will be forfeited if a response in writing is not submitted to the Township Clerk within 60 days from the date of mailing of the notice of an intention to retain rights to such grave. If no written response to such a notice indicating a desire to retain rights to such grave is received by the Township Clerk within 60 days after the date of mailing of such notice, then all rights to use of the grave shall be deemed reverted to the Township.

Section 10: Repurchase of Graves

The Township may repurchase any Grave from the then current owner of a Cemetery Lot Certificate upon payment to such owner of an amount equal to the original purchase price, provided the Township has received a written request from such owner.

Section 11: Records

The Township Clerk shall maintain a permanent record concerning all burials and issuance of cemetery lot certificates including the name and address of the person or persons to whom each cemetery lot certificate is issued. Such records shall be kept separate and apart from any other records of the Township, and the same shall be open to public inspection at all reasonable business hours.

Section 12: Violations existing at time of adoption of ordinance

As of April 21, 2008, there are some graves in the Plainfield Cemetery that have been adorned outside the tribute area or otherwise may be in violation of this ordinance. Any such adornment that is in violation of this ordinance and permitted to remain under this section shall be allowed to remain in place unless and until (i) removal of adornment outside of the tribute area is necessary to dig a grave or set a vault or (ii) such adornment creates a material adverse condition related to the reasonable maintenance or use of the cemetery as determined by the Township in its sole discretion. Prior to the removal by the Township of any such adornment that is permitted to remain under this section and that creates a material adverse condition related to the maintenance or use of the cemetery, the Township shall give notice to the last known owner of the cemetery lot certificate by first class mail to the last known address of such owner, if known, that the Township intends to remove such condition if it remains in place one month after the sending of such notice. Nothing in this paragraph shall allow the existence or continued placement of (i) any adornment or other items within a walkway or service drive, (ii) any adornment or other items on another grave without the permission of the owner of the grave, or (iii) any grave edging or border that is over three (3) inches in height above grade. Non-durable edging permitted to remain under this section shall not be replaced.

Regardless of whether located within a tribute area or outside a tribute area, bushes, shrubs and trees shall not be permitted to remain, but may be removed by the Township.

Section 13: Penalties and Enforcement

Any person who violates or refuses to comply with any provision of this ordinance shall be responsible for a civil infraction. Each day that a violation continues to exist shall

constitute a separate offense. In addition, the Township may enforce this ordinance in any other manner permitted by law.

Section 14: Severability

The provisions of this ordinance are hereby declared to be severable and should any provision, section or part thereof be declared 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 15: Effective Date

This ordinance shall become effective upon publication.

Yeas: Meek, Morrow, Stover, Borek, Hagedorn, Heindrichs and Parris

Nays: none

Absent: none

Motion carried. Ordinance #809 Resolution #08-19 declared adopted.

Susan L. Morrow, MMC, Clerk
Plainfield Charter Township

CERTIFICATION

I, Susan L. Morrow, the duly qualified and elected Clerk of Plainfield Charter Township hereby certify that the foregoing is a true and complete copy of an ordinance and resolution adopted by the Plainfield Township Board at a regular meeting held on May 05, 2008, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including, in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Susan L. Morrow, MMC, Clerk
Plainfield Charter Township