

#2000-6-1
LEIGHTON TOWNSHIP
COUNTY OF ALLEGAN, STATE OF MICHIGAN
CEMETERY ORDINANCE

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 LEIGHTON, ALLEGAN 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 LEIGHTON, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1: TITLE

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

Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- C. An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 1/2) feet in length in areas set aside specifically for such burials.
- D. A burial space is a cemetery lot or portion thereof in a cemetery designated or intended for the interment of not more than two (2) human bodies but not presently used for such.
- E. A resident is an individual who maintains legal residential address in Leighton Township.

Section 3: SALE OF LOTS OR BURIAL SPACES

- A. Hereafter, cemetery lots or burial spaces shall be conveyed only to residents of the township for the purpose of the burial of such person or his or her heirs at law or next of kin. No conveyance shall be made to funeral directors or others than as heretofore set forth. The Township Board, however, is hereby granted the authority to vary the aforesaid restriction of conveyances where the purchaser discloses similar personal contacts with the Township or its residents or taxpayers as mentioned in this section,

including previous residence in the township or relationship to persons interred therein.

- B. All such conveyances shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. The Township Clerk shall execute such form. Such burial right shall exist for a period of 40 years and thereafter, such rights shall lapse and immediately terminate.
- C. Burial rights may only be transferred to those persons eligible for conveyance of such cemetery lots or burial spaces within the Township in the first instance and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Sexton, approved by said Sexton, and entered upon the official records of said Sexton. Upon such assignment, approval and recording, said Sexton shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned, the term of such burial right shall be for the remaining amount left on the original forty (40) year burial right and shall lapse and immediately terminate thereafter.

Section 4: CONVEYANCE PRICE AND TRANSFER FEES

- A. Conveyance fee for non-resident shall cost the sum of \$400 per burial space and for a resident, the sum of \$50 per burial space.
- B. Residents may be conveyed a burial space provided the fee is paid and a marker with name is placed within 6 months of the payment of the fee. No form making the conveyance shall be given until the above is completed.
- C. A transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$50.
- D. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the General Fund for the particular cemetery involved in the sale or transfer.
- E. The Township Board, by resolution, may periodically alter the forgoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- F. Nothing within this ordinance shall be deemed to require the Township to provide for the perpetual care and maintenance of any burial space sold or transferred or the cemetery at large.

Section 5: GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to

time by resolution of the Township Board, payable to the Township.

- B. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

Section 6: MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition approved by the Township Sexton.
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one monument, marker or memorial shall be permitted per burial space and shall be placed on the burial space as determined by the cemetery sexton.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.
- E. For those sections of the cemetery where above ground monuments are allowed, no marker or memorial shall be of a size larger than 48 inches in length x 16 inches in width x 36 inches in height. All memorials and markers must only be located upon the grave space on which the body of the individual listed on the memorial or marker is interred unless one memorial or marker is intended for use for marking the interment location of more than one individual. In such event, the memorial or marker shall be placed straddling the burial spaces for which it is intended to be a memorial or marker. Memorials or markers shall not be made of limestone due to the tendency of such materials to deteriorate as a result of being effected by rain and the elements.
- F. No cement, brick, stone or other type borders are allowed on any burial spaces and no gravel shall be placed on any burial spaces.
- G. All memorials and markers and any foundations thereof shall be maintained and kept in an upright position and/or level with the ground by the family of the person interred in the burial spot or the owner of the burial spaces. There shall be no responsibility on the part of the Township to maintain any memorials or markers or any foundations thereof.
- H. All foundations shall extend 3" beyond all sides of any marker or memorial for which they provide a foundation for and shall be flush with the surface of the ground.

Section 7: INTERMENT REGULATIONS

- A. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.
- B. Not less than 36 hour notice shall be given in advance of any funeral to allow for the opening of the burial spaces. In the event of inclement weather due to snow and/or frost in the ground, interments of bodies may be delayed by the Township at their discretion until the frost is out of the ground. If an interment is requested under such conditions, there shall be an extra cost for any and all such interments and opening of graves of an amount as is established by resolution of the Township Board from time to time.
- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Cemetery Sexton or the Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate person before any interment is commenced or completed.
- D. All burial spaces shall be maintained in an orderly and neat appearing manner within the confines of the burial space involved. No plants or shrubs shall be planted in the burial space without prior specific written authorization by the Township Sexton. All urns and ornamental accessories may be placed by family members from Memorial Day to Labor Day. Any urns or ornamental accessories that are not removed or are not maintained in a neat and orderly manner may be disposed of by the Township or Cemetery Sexton.
- E. Cremation — Two (2) cremains shall be allowed per lot.
- F. All opening and closing for burial space shall be done only by such individuals as are specifically authorized by the Cemetery Sexton and all costs incurred by the Township over and above the fees herein specified shall be paid by the person requesting interment.

Section 8: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Cemetery Sexton. The Cemetery Sexton may remove any of the foregoing items planted without such approval.
- C. The Township Board reserves the right to remove or trim any tree, plant or shrub

located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

- D. Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited and may be removed by the Township Sexton or his designee.
- E. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers or other items that are not in compliance with the provisions hereof or any other items that are in a state of decay, deterioration or damaged or otherwise unsightly or a source of litter, or maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, (among others), but not limited to, dried flowers, wreaths, papers and flower containers must be removed or deposited in containers designated for refuse located within the cemetery.

Section 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Burial spaces remaining vacant 40 years from the date of their sale shall automatically revert to the Township (upon occurrence of the following events):

- A. Notice may be sent by the Township Clerk by first class mail to the last known address of the last individual possessing the right of interment of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk prior to the expiration of the 40 years of his or her desire to retain said burial rights.
- B. Any individual possessing the right of interment of a human body in a burial space within the last year of said 40 year period may renew the right to own said burial space and right of interment for an additional 40 years under the same terms and circumstances and conditions as specified herein or as may be amended in the future by contacting the Township in writing and paying any such additional amount as the Township shall have determined by resolution therefore. In no event shall the amount be less than the original purchase price of said lot of such burial space. In the event there is no renewal of such right of interment, all rights of interment shall revert to the Township to be disposed of in such a manner as determined by discretion of the Township Board in their sole discretion.

Section 10: REPURCHASE OF LOTS OR BURIAL SPACES

The owner of a burial space may request that the Township repurchase the burial space by contacting the Township Clerk in writing. The Township Board in its discretion can determine whether they wish to purchase said burial space at such amount as they may determine reasonable.

Section 11: RECORDS

The Township Clerk shall maintain records concerning all burials and issuance of burial permits. The same shall be open to public inspection at all normal business hours.

Section 12: VAULT

Vault burials shall be within a standard concrete vault installed or constructed in each burial space before interment. Other burial vaults constructed of other materials of equal durability as concrete may be approved by the Cemetery Sexton in his sole discretion.

Section 13: CEMETERY HOURS

- A. The cemetery shall be open to the general public from sunrise to sunset each day.
- B. No persons shall be permitted in the Township cemeteries at any other time than the foregoing hours, except upon permission of the Township Board or the Sexton of the cemetery.

Section 14: PENALTIES

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

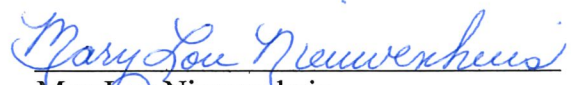
Section 15: SEVERABILITY

The provisions of the within 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 such Ordinance which shall continue in full force and effect.

Section 16: EFFECTIVE DATE

This Ordinance shall take effect on July 19, 2000. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A copy of the foregoing ordinance may be purchased or inspected during normal business hours at the Township offices located at 4475 Kalamazoo Drive, Caledonia, Michigan 49316.


MaryLou Nieuwenhuis
Leighton Township

**Leighton Township
Allegan County, State of Michigan**

RESOLUTION TO SET TOWNSHIP CEMETERY PRICING AND FEES

RESOLUTION NO. 2022-5-12

WHEREAS: The Township of Leighton owns and operates the Hooker Cemetery, and

WHEREAS: Township Ordinance No. 2000-6-1 declared that prices, charges and other cemetery related fees be set by the Township Board by resolution, and

WHEREAS: The Leighton Township Board wishes to set Cemetery prices, charges and fees,

NOW, THEREFORE, BE IT RESOLVED that the Township of Leighton sets prices, charges and fees, at the Hooker Cemetery, as following effective upon passage of this Resolution.

Cemetery Plot Sales: Sale prices per single plot or burial space

Resident:	\$200
Non-Resident:	\$800

The foregoing resolution offered by Board Member Bonnema.

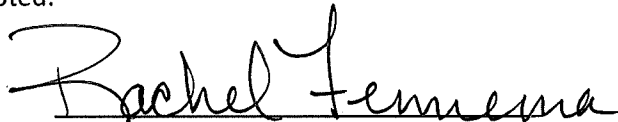
Second offered by Board Member Hooker.

Upon roll call vote, the following voted:

"Aye": Bonnema, Bultsma, Fennema, Hooker, Wolbrink

"Nay": None

The Supervisor declared the resolution adopted.


Rachel Fennema, Leighton Township Clerk

Date: May 12, 2022

I hereby certify that the foregoing constitutes a true and complete resolution adopted by the Leighton Township Board of Leighton Township, Allegan County, Michigan, at a regular meeting held on May 12, 2022.


Rachel Fennema, Leighton Township Clerk