

# OTTO TOWNSHIP

5458 S. 128th Avenue, Rothbury, MI 49452

## OTTO TOWNSHIP CEMETERY ORDINANCE #4 REVISED 9/9/2021

### Section 1: Definitions of Cemetery Lots and Burials Spaces

- A. A cemetery block shall consist of burial spaces sufficient to accommodate from one to eight burial spaces. Block size is 16'x16'.
- B. An adult burial space shall consist of a land area four (4) feet wide by eight (8) feet in length.

### Section 2: SALE OF BLOCKS OR BURIAL SPACES

- A. Hereafter, cemetery blocks or burial spaces shall be sold to residents or taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or other than as hereto forth set forth. Non Residents may purchase blocks or spaces at the non resident price.
- B. All sales 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 block or burial space sold. Such a form shall be executed by the Township Supervisor. Within Seven Days of sale, the Supervisor shall send by certified mail the Deed to the purchaser.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be affected only by endorsement of an assignment of such burial permit upon the original burial permit from issued by the official records of said Supervisor. Upon such assignment, approval, and record, said Supervisor shall issue a new burial permit to assignee and shall cancel and terminate upon such records, the original permit thus assigned.
- D. If original owner is deceased, Heirs must have the deed in order to be buried on given lot along with written permission from all other heirs in order to be buried on lot. Must be notarized.

### Section 3: PURCHASE PRICE AND TRANSFERS FEES

- A. Each adult burial space shall cost the sum of \$100.00 for residents and \$600.00 for non-residents subject to periodic review.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$25.00. Payments shall be paid to the Otto Township Cemetery Fund and shall be submitted to the Otto Township Supervisor.
- C. The Otto Township Supervisor shall have seven days to sign deed, for burial rights only, and mail to purchaser by Certified Mail. Return receipt requested.
- D. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for the cemetery maintenance and acquisition.

### Section 4: GRAVE OPENINGS

- A. The fee for the opening and closing of any burial space, prior to and following a burial therein, including the interment of ashes shall be determined from time to time by resolution of the township board. For the current fee, please consult the Township Supervisor or Cemetery Sexton.
- 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 re-interment of bodies and remains, of which matters are under the supervision of the County Health Dept.

- C. No burial spaces shall be opened from November 1 to April 15th.
- D. If burials are on a Holiday or Sunday's there will be a extra fee of \$100.00 for the sexton. This means if burials should fall on a Holiday weekend (Memorial Day, 4th of July or Labor Day and it is a Saturday, Sunday or a Monday) you will be charged the extra fee. You may have a burial on a regular Saturday at no extra cost.

#### **Section 5: MARKERS OR MEMORIALS**

- A. Only one monument, marker, or memorial shall be permitted per burial space.
- B. Monuments, markers or memorials may require a footing or foundation. If required, said footing or foundation must be constructed by the Sexton. Costs of footing or foundation will be charged to the owner of the burial plot. Contact the Supervisor or Sexton for current cost per square inch. Size of footing or foundation shall be 4" larger than memorial on all sides and 6" deep.
- C. Lot owner is responsible for having marker or headstone set if purchased on internet. Any marker or headstone not purchased through a local monument company will be lot owner's responsibility for receiving and placing said marker/headstone on foundation provided by Sexton.

#### **Section 6: INTERMENT REGULATIONS**

- A. Only one person per burial space unless cremated then two can be in one space. Also one vault and one cremation is allowed.
- B. Funeral Directors, not family members, will coordinate interment with the Sexton or Supervisor. At least 48 hours notice must be given to ensure the burial space, lot deed and workers are available for interment.
- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein shall be presented to the Supervisor prior to interment. Where such permit has been lost or destroyed, the Township Supervisor shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

#### **Section 7: GROUND MAINTENANCE**

- A. No grading, leveling, or excavating without permission of the Sexton.
- B. No shrubs or trees shall be planted. Flowers may be planted with permission or in urns only. The township or cemetery sexton may remove any of the foregoing items planted.
- 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.
- E. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers therefore that through decay, deterioration, damage, or otherwise become unsightly, a source of litter or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in container located within the cemetery.
- H. No lot fences or barriers, no stone on graves, no glass containers.

#### **Section 8: RE- PURCHASE OF LOTS OR BURIAL SPACES**

The township will re-purchase any cemetery lot or burial space from the owner, for the current resident purchase price paid the township at the time they were sold to owner upon written request of said owner or legal heirs or representatives.

**Section 9: RECORDS**

The Township Supervisor shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable times with appointment.

**Section 10: VAULT**

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment except for cremations.

**Section 11: CEMETERY HOURS**

- A. The cemetery shall be open to the general public from 6:00 A.M. to 10:00 P.M.
- B. No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the township board or sexton of the cemetery.

**Section 12: 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 13: EFFECTIVE DATE**

This Ordinance shall take effect on July 13, 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Amended on March 27, 1999.

Amended on July 8, 2010.

Amended on September 9, 2021.

**Signed by order of Otto Township Board**

**Clerk Pat Budde** \_\_\_\_\_

**Supervisor Walt Brimmer** \_\_\_\_\_

**Treasurer Charlene Martin** \_\_\_\_\_

**Trustee Mary Justian-Murray** \_\_\_\_\_

**Trustee Kathy Eichenburg** \_\_\_\_\_

**Dated** \_\_\_\_\_