

**CHARTER TOWNSHIP OF WATERVLIET
BERRIEN COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF WATERVLIET, BERRIEN COUNTY, MICHIGAN AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a regular meeting of the Township Board conducted on August 22, 2016, and following a second reading, the Board duly moved and voted unanimously to adopt Cemetery Ordinance No. 83. Below is a true and complete copy of the adopted Ordinance.

**CEMETERY ORDINANCE
CHARTER TOWNSHIP OF WATERVLIET, MICHIGAN
ord. no. 83 eff. _____**

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 Charter Township of Watervliet, Berrien County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF WATERVLIET, BERRIEN COUNTY, MICHIGAN,
ORDAINS:

Sec. I. TITLE.

This Ordinance shall be known and cited as the Watervliet Charter Township Cemetery Ordinance No. 83.

(ord. no. 83 eff. _____)

Sec. II. SALE OF LOTS OR BURIAL SPACES.

Hereafter, cemetery lots or burial spaces shall be sold for the purposes 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 others than as heretofore set forth. All such 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 lot or burial space sold. Such form shall be executed by the Township Clerk. 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 effected only by endorsement of an assignment of such burial

permit upon the original burial permit form issued and approved by the Township Clerk, and entered upon the official records by the Township Clerk.

Upon such assignment, approval and record, the Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Any exceptions to the above requirements of this Section shall only be effected with the approval of the Watervliet Charter Township Board.

(ord. no. 83 eff. _____)

Sec. III. PURCHASE PRICE AND TRANSFER FEES.

Purchase prices and transfer fees shall be maintained in the Schedule of Fees appendix to this Ordinance. Burial costs may be made to the Cemetery Sexton. Cemetery lot or burial space purchases may be made through the Cemetery Sexton but made payable to Watervliet Charter Township or paid directly to the Township at the Township Hall.

The Township Board, by resolution, may periodically alter the fees from time to time to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisitions.

(ord. no. 83 eff. _____)

Sec. IV. GRAVE OPENING CHARGES.

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 and payable to the Township.

No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall also apply to proceedings for the removal and reinterment of bodies and remains.

(ord. no. 83 eff. _____)

Sec. V. MARKERS OR MEMORIALS.

Only one (1) upright marker or memorial shall be permitted per burial space and all marker footings and foundations which any monument, marker or memorial must be placed; shall be completed by the Sexton and paid for in advance. Any additional markers must be flush with the ground at the foot of the burial space.

(ord. no. 83 eff. _____)

Sec. VI. INTERMENT REGULATIONS.

Only one person may be buried in a burial space except for a mother and an infant or two children buried at the same time, or for the accommodation of two (2) cremation containers. Not

less than thirty six (36) hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

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 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 individual before any interment is commenced or completed.

(ord. no. 83 eff. _____)

Sec. VII. GROUND MAINTENANCE.

No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk. No trees or shrubs shall be planted or placed anywhere on or near a burial space. No fencing or enclosures shall be placed around a burial site and no rocks, mulch, glass or cans, of any kind, will be permitted to be placed on any burial space. Annual plants are allowed within one (1) foot of the marker, monument or memorial. Any of the foregoing prohibited items planted or placed will be removed by the Township or the Sexton. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited. 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 or a source of litter or a maintenance problem. Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and flower containers must be removed or deposited in containers located within the cemetery. Any and all herbicides may be applied only by the Cemetery Sexton.

(ord. no. 83 eff. _____)

Sec. VIII. REPURCHASE OF LOTS OR BURIAL SPACES.

The Township will repurchase any cemetery lots or burial space from the owner for the original price paid the Township upon written request of said owner or their legal heirs or representatives. The Cemetery Lot Certificate must be surrendered to the Township Clerk at the time of repurchase.

(ord. no. 83 eff. _____)

Sec. IX. RECORDS.

The Township Clerk 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 business hours.

(ord. no. 83 eff. _____)

Sec. X. VAULT.

All burials shall be within a standard concrete or steel vault capable of withstanding five thousand (5,000) pounds of pressure and shall be installed or constructed in each burial space before interment.

(ord. no. 83 eff. _____)

Sec. XI. CEMETERY HOURS.

The cemetery shall be open to the general public from dawn to dusk each day. 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 the Cemetery Sexton.

(ord. no. 83 eff. _____)

Sec. XII. PENALTIES.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to ninety (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.

(ord. no. 83 eff. _____)

Sec. XIII. 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 such ordinance which shall continue in full force and effect.

(ord. no. 83 eff. _____)

Sec. XIV. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

(ord. no. 83 eff. _____)

PLEASE TAKE FURTHER NOTICE that this Ordinance will become effective upon publication. Copies of this Ordinance are available at the Township Hall, 4959 M-140 Highway, Watervliet, MI. 49098, for purchase or inspection. Copies of the Ordinance may be mailed to

interested persons upon the reception of a \$2.50 fee. Inquiries may be directed to the Township Clerk at (269) 463-5113.

Patricia J. Bambrick, Clerk
Watervliet Charter Township

COPY

Affidavit of Publication

STATE OF MICHIGAN }
COUNTY OF BERRIEN } SS

CHARTER TOWNSHIP OF WATERVLIET
BERRIEN COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION

Katie Alti, being duly sworn, says:

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF WATERVLIET, BERRIEN COUNTY, MICHIGAN AND ALL OTHER INTERESTED PERSONS:

That she is Customer Service Clerk of the Herald Palladium, a Daily newspaper of general circulation, printed and published in St Joseph, Berrien County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:
September 13, 2016

PLEASE TAKE NOTICE that at a regular meeting of the Township Board conducted on August 22, 2016, and following a second reading, the Board duly moved and voted unanimously to adopt Cemetery Ordinance No. 83. Below is a true and complete copy of the adopted Ordinance.

CEMETERY ORDINANCE
CHARTER TOWNSHIP OF WATERVLIET, MICHIGAN
ord. no. 83 eff. _____

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(ord. no. 83 eff. _____)

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Publisher's Fee: \$ 294.92

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 13th day of September 2016.



Deborah Ann Shelton, Notary Public 8/1/2020

60000502 60775644

WATERVLIET CHARTER TOWNSHIP
4959 N M-140
WATERVLIET, MI 49098

(ord. no. 83 eff. _____)

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Patricia J. Bambrick, Clerk
Watervliet Charter Township