

**TOWNSHIP OF OLIVE**  
**County of Ottawa, State of Michigan**

**OLIVE TOWNSHIP CEMETERY RESTATED ORDINANCE**

**Ordinance No. 2017-03**  
**Adopted: November 16, 2017**  
**Effective: December 24, 2017**

AN ORDINANCE TO RESTATE THE OLIVE TOWNSHIP CEMETERY ORDINANCE, AS AMENDED, 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 OLIVE, OTTAWA COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF OLIVE, OTTAWA COUNTY, MICHIGAN, ORDAINS AS FOLLOWS.

**Section 1      TITLE**

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

**Section 2      DEFINITIONS**

- A.    Adult Burial Space – shall consist of a land area four (4) feet wide and ten (10) feet in length.
- B.    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 or one (1) human body and one (1) cremains, or two (2) cremains.
- C.    Cemetery Lot – shall consist of Burial Spaces in a cemetery sufficient to accommodate from one (1) to four (4) Burial Spaces.

**Section 3      CEMETERY LOCATIONS**

The following cemeteries (i.e., Township Cemeteries) are subject to this Ordinance:

- A.    Olive Township Cemetery – Parcel 70-12-10-200-008 and located at 8780 116<sup>th</sup> Avenue, West Olive, Michigan (on Taylor Street and 116<sup>th</sup> Avenue); and
- B.    West Olive Cemetery – Parcel 70-12-05-300-003 and located at 0 136<sup>th</sup> Avenue, West Olive, Michigan (on 136<sup>th</sup> Avenue).

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**Section 4      SALE OF LOTS OR BURIAL SPACES**

A. Cemetery Lots or Burial Spaces within the Olive Township Cemetery shall be conveyed only to residents of the Township or individuals who own real property within the Township and shall be used only for the purpose of the burial of the purchaser or the purchaser's spouse, parents, children, or grandchildren. No conveyance shall be made to funeral directors or others not allowed by this subsection.

Cemetery Lots or Burial Spaces within the West Olive Cemetery shall be conveyed only to residents of the Township or Port Sheldon Township or individuals who own real property within either Township and shall be used only for the purpose of the burial of the purchaser or the purchaser's spouse, parents, children, or grandchildren or any other relative or unrelated person. No conveyance shall be made to funeral directors or others not allowed by this subsection.

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 Cemetery Lot or Burial Space sold. The form shall be executed by the Township Clerk in order to make a conveyance. The burial right shall exist for a period of eighty (80) years, after which it will lapse and terminate according to the terms of this Ordinance.

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 Clerk. The assignment shall be subject to approval of the Township Clerk, and the approval shall be entered upon the official records of the Township Clerk. The assignment shall convey the burial rights given originally. Upon such assignment, approval, and record, the Township Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon Township records the original permit. The term of the assigned burial right shall be for the remaining amount left on the then-current eighty (80) year burial right, after which the burial right will lapse and terminate according to the terms of this Ordinance.

**Section 5      PURCHASE AND TRANSFER FEES**

A. Purchase fees are listed on the Fee Structure approved by resolution of the Township Board and amended from time to time.

B. Any transfer of one (1) or more Burial Spaces from an original purchaser to a qualified assignee shall cost a fee as listed on the Fee Structure.

C. The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the Township's General Fund.



- D. Nothing in this Ordinance shall be deemed to require the Township to provide for the perpetual care and maintenance of any Burial Space sold or transferred in the Township Cemeteries.

**Section 6 GRAVE OPENINGS**

No Burial Spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. The Cemetery Sexton must be present at all grave openings and closings unless that presence is waived by the Cemetery Sexton.

**Section 7 MARKERS OR MEMORIALS**

- A. All markers or memorials must be of stone or other equally durable composition that is approved by the Cemetery Sexton. Memorials or markers shall not be made of limestone due to the tendency of such material to deteriorate from rain and other elements.
- B. Only one (1) marker or memorial shall be permitted per Burial Space for each person interred. Only one (1) monument shall be permitted per Cemetery Lot. All monuments, markers, and memorials shall be placed on the Burial Space as determined by the Cemetery Sexton.
- C. All markers or memorials must have a precast base, adequate to provide support to keep the marker or memorial in an upright condition, subject to the approval of the Cemetery Sexton or other person appointed by the Township Supervisor.
- D. No marker or memorial used in the Township Cemeteries shall be larger than forty-eight (48) inches in length by sixteen (16) inches in width by thirty-six (36) inches in height. A memorial or marker may only be located upon the Burial Space in which the body of the individual listed on the memorial or marker is interred unless one (1) memorial or marker is intended for marking the interment location of individuals interred in more than one (1) Burial Space. In such event, the memorial or marker shall be placed straddling the Burial Spaces for which it is intended.
- E. No cement, brick, stone, or other type borders are allowed on any Burial Spaces, and no gravel shall be placed on any Burial Spaces. Burial Spaces in in Blocks A, B, and C of the Olive Township Cemetery which do not comply with this section may remain as they are, as long as they are properly maintained by the family of the person interred in the Burial Space or the owner of the Burial Space and remain in an upright condition. When the Cemetery Sexton or other person appointed by the Township Supervisor concludes they are no longer properly maintained by the family of the person interred in the Burial Space or the owner of the Burial Space or kept in an upright condition, they will be removed by the Township.
- F. All veteran markers or memorials shall only be placed on Burial Spaces by the Cemetery Sexton.

- G. All memorials and markers and their foundations shall be maintained and kept in an upright position or level with the ground by the family of the person interred in the Burial Space or the owner of the Burial Space. There shall be no responsibility on the part of the Township to maintain any memorials or markers or their foundations.
- H. All foundations shall extend three (3) inches beyond all sides of any marker or memorial for which they provide a foundation, although the Cemetery Sexton may allow a slight deviation for a precast base. All foundations shall be at least one (1) inch but no greater than two (2) inches above the surface of the ground.
- I. All monuments are subject to the approval of the Cemetery Sexton or other person appointed by the Township Supervisor.

**Section 8 INTERMENT REGULATIONS**

- A. In the event more than one (1) person is interred in a Burial Space, the bodies shall be interred side-by-side, not on top of each other.
- B. Not less than thirty-six (36) hours' notice shall be given in advance of any funeral to allow for the opening of a Burial Space. In the event of snow or frost in the ground or other similar conditions, interments of bodies shall be delayed by the Township at its discretion until the conditions allow interment. There shall be an extra cost for those delayed interments and opening of graves as established by the Fee Structure.
- C. The appropriate permit for the Burial Space involved, together with appropriate identification of the person to be buried therein, 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 must be satisfied, from appropriate documentation, that the person to be buried in the Burial Space is an authorized and appropriate person for any such interment before interment is commenced or completed.
- D. All Burial Spaces shall be maintained in an orderly and neat appearance without exceeding their boundaries. Silk flowers and live flowers only are allowed on a Burial Space if placed in a single green cemetery pail, with a floral liner for live flowers, and if placed in a manner to not interfere with the maintenance of the cemetery. Flowers placed from May 1 through September 31 shall be allowed to remain during that time period, if in compliance with this Ordinance, and those placed during other time periods may be removed and disposed of by the Cemetery Sexton or other person appointed by the Township Supervisor. However, concrete flowerpots placed on a Burial Space prior to the 2017 restatement of this Ordinance may remain while they are in good condition and properly maintained.
- E. Interments are prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Eve, and Christmas Day.



**Section 9      GROUND MAINTENANCE**

- A. No grading, leveling, or excavating upon a Burial Space shall be allowed without the permission of the Cemetery Sexton or the Township Supervisor.
- B. No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the Cemetery Sexton or the Township Supervisor. Any of the foregoing items planted without such approval may be removed by the Cemetery Sexton or other person appointed by the Township Supervisor.
- C. The Township reserves the right to remove or trim any tree, plant, or shrub located within the Township Cemeteries in the interest of maintaining their proper appearance and use.
- D. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited in any Burial Space.
- 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 of this Ordinance.
- F. Surfaces other than earth or sod are prohibited in Township Cemeteries.
- G. All refuse of any kind or nature, including among others dried flowers, wreaths, papers, and flower containers, must be removed or deposited in containers located within the Township Cemeteries.
- H. The Cemetery Sexton shall have the authority to remove and dispose of any and all markers or memorials that have deteriorated such that they are broken or in pieces or have otherwise become unsightly, a maintenance problem, or a safety threat.
- I. All openings and closings for grave sites shall be done only by such individuals as are specifically authorized by the Cemetery Sexton. All costs incurred by the Township over and above the fees found within the Fee Structure shall be paid by the person requesting the interment.

**Section 10      FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES**

- A. Cemetery Lots or Burial Spaces sold after November 2, 2000 shall, after eighty (80) years from the date of sale, automatically revert to the Township if they remain unused at that time.
- B. Notice shall be sent by the Township Clerk by first class mail to the last known address of the last individual possessing the right of interment in a Burial Space, informing the person of the expiration of the eighty (80) year period and that all rights with the respect to the

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Cemetery Lot or Burial Space will be forfeited if the person does not respond in accordance with subsection C below prior to the expiration of the eight (80) years or within twenty-eight (28) days of the notice from the Township Clerk, whichever occurs last.

- C. Any individual possessing the right of interment of a human body in a Burial Space or Cemetery Lot within the last year of the eighty (80) year period or within twenty-eight (28) days of the notice from the Township Clerk, whichever occurs last, may renew the right to own the Burial Space or Cemetery Lot and right of interment for an additional eighty (80) years under the same terms and circumstances and conditions as specified in this Ordinance as amended in the future by contacting the Township in writing and paying any additional amount as the Township shall have determined by the Fee Structure. In no event shall the amount be less than the original purchase price of the Cemetery Lot or Burial Space. In the event there is no renewal of such right of interment, all right of interment shall revert to the Township to be disposed of in such a manner as determined by the Township Board in its sole discretion.

#### **Section 11      REPURCHASE OF CEMETERY LOTS OR BURIAL SPACES**

The owner of a Burial Space or a Cemetery Lot may request that the Township repurchase the Cemetery Lot or the Burial Space by contacting the Township Clerk in writing. The Township Board in its discretion shall determine whether it wishes to purchase the Cemetery Lot or the Burial Space at such amount as the Township Board determines is reasonable.

#### **Section 12      RECORDS**

The Township Clerk shall maintain records concerning all burials and issuance of burial permits separate and apart from any other records of the Township. These records shall be open to public inspection in accordance with the Freedom of Information Act.

#### **Section 13      VAULT**

All vault burials in the Township Cemeteries shall be within a standard concrete vault installed and constructed in each Burial Space before interment. Burial vaults constructed of other materials of equal durability may be approved according to the discretion of the Cemetery Sexton.

#### **Section 14      CEMETERY HOURS**

The Township Cemeteries shall be open to the general public from dawn to dusk, unless alternative hours are established by the Township Board.

#### **Section 15      PENALTIES**

Any individual person, firm, partnership, company, corporation, or other entity who or which violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be

subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for up to ninety (90) days in jail or both 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 under this Ordinance shall not prevent civil proceedings for abatement and termination of any complained of activity.

**Section 16 SEVERABILITY**

The provisions of this Ordinance are severable. Should any provision, section, or part of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, that decision shall only affect the particular provision, section, or part; the decision shall not affect or invalidate the remainder of this Ordinance which shall continue in full force and effect.

**Section 17 EFFECTIVE DATE**

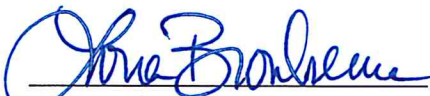
This Ordinance was approved and adopted by the Township Board of the Township of Olive, Ottawa County, Michigan, on November 16, 2017. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township.



Lona Bronkema  
Olive Township Clerk

**CERTIFICATE**

I, Lona Bronkema, Clerk for the Township of Olive, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Township Board held on November 16, 2017. The Ordinance was adopted by the Township Board with members of the Board Bronkema, A. Nienhuis, M. Nienhuis, Vander Zwaag, and Wolters voting in favor and no members of the Board voting in opposition. The Ordinance or a summary was published in the Holland Sentinel on November 23, 2017.



Lona Bronkema  
Olive Township Clerk