

ORDINANCE NO. _____

CEMETERY AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE SAUGATUCK TOWNSHIP CODE OF ORDINANCES BY AMENDING THE CEMETERY REGULATIONS IN ARTICLES II, III AND IV OF CHAPTER 12.

THE TOWNSHIP OF SAUGATUCK, COUNTY OF ALLEGAN, STATE OF MICHIGAN, ORDAINS:

Section 1. Cemetery Committee. Section 12-33 of Article II of Chapter 12 of the Saugatuck Township Code of Ordinances shall be eliminated in its entirety and reserved for future use.

Section 2. Fees and Charges. Section 12-35 of Article II of Chapter 12 of the Saugatuck Township Code of Ordinances shall be restated in its entirety as follows.

(a) *Purpose*. The fees and charges for the sale of cemetery certificates and the right to use cemetery grounds and lots, for the purpose of recovering the costs of acquisition, construction, reconstruction, maintenance and operation, shall be established, adopted and amended from time to time by resolution of the township board, upon recommendation of the township sexton.

(b) *Types*. Such fees and charges may be established for but are not limited to the sale of cemetery certificates and perpetual care of such lots, burials, removals, foundations, certificate issuance, certificate transfer, and operational and maintenance services as may be determined.

Section 3. Rights of Usage. Section 12-62 of Article III of Chapter 12 of the Saugatuck Township Code of Ordinances shall be restated as follows.

Burial in any cemetery burial lot or space shall be restricted to the certificate holder of such lot or space and the certificate holder's spouse, child or stepchild, parent or stepparent, or grandchild or stepgrandchild. In the event of unforeseen circumstances or questions of identity, the township sexton shall reach a determination for the right of usage taking into consideration any and all available evidence either written or oral. The determination of the township sexton is considered to be final unless appealed to the township board within 30 calendar days. Upon appeal the township board decision is conclusive and binding on all parties.

Rights of a cemetery certificate may revert to the township for any burial space that remains unused for a period of 50 years or more from a recorded date of purchase, transfer, or correspondence, whichever is later. Such lack of activity shall constitute failure and neglect of the certificate holder to care for and maintain the burial space. The rights of the cemetery

certificate holder may then be defaulted in accordance with the procedure in MCL 128.12 as amended or restated or superseded.

Section 4. Transferability. Section 12-63 of Article III of Chapter 12 of the Saugatuck Township Code of Ordinances shall be restated as follows.

(a) *Procedures*. Cemetery certificates are nontransferable except through the execution of an appropriate instrument of transfer issued by the township, upon surrender of the previous certificate and payment of a charge therefore.

(b) *Transferable relative defined*. Lots may be transferred to a transferable relative upon payment of a nominal charge for each certificate issued. For the purposes of this subsection, a transferable relative is defined as a spouse, child or stepchild, parent or stepparent, or grandchild or stepgrandchild.

(c) *Other than transferable relative*. Lots may be transferred to other than a transferable relative as defined in subsection (b) of this section by payment to the township of the difference between the original purchase price and the current prevailing applicable price.

Section 5. Force and Effect. Section 12-91 of Article IV of Chapter 12 of the Saugatuck Township Code of Ordinances shall be restated as follows.

The standards, rules and regulations promulgated by the township sexton to carry out the purposes of this chapter shall be adopted by resolution of the township board for full force and effect.

Section 6. Effective Date. This Ordinance amending the Saugatuck Township Code of Ordinances was approved and adopted by the Township Board of the Township of Saugatuck, Allegan County, Michigan, on _____, 20____, and it is ordered to take effect 30 days after publication in the _____, a newspaper having general circulation in the Township, pursuant to the provisions of Act No. 246 of the Public Acts of 1945, as amended.

William W. Wester,
Township Supervisor

Jane Wright,
Township Clerk

CERTIFICATE

I, the Clerk for the Township of Saugatuck, Allegan, County, Michigan, certify that the foregoing Saugatuck Township Cost Cemetery Ordinance was adopted at a regular meeting of the Township Board held on _____, 20___. The following members of the Township Board were present at that meeting: _____

_____.

The following members of the Township Board were absent: _____

_____.

The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board

_____ voting

in opposition. Notice of Adoption of the Ordinance was published in the _____

on _____, 20___.

Jane A. Wright,
Saugatuck Township Clerk