

**TOWNSHIP BOARD
ADA TOWNSHIP
KENT COUNTY, MICHIGAN**

ORDINANCE NO. O-060925-2

Board Member Trustee Proos moved, and Board Member Trustee Damstra supported, the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE IV, ENTITLED “ADA TOWNSHIP CEMETERY ORDINANCE” OF THE ADA TOWNSHIP CODE OF ORDINANCES

THE TOWNSHIP OF ADA ORDAINS:

Section 1. Amendment of Chapter 22, Article IV. That Chapter 22, Article IV of the Code of Ordinances, Ada Township, Michigan, is hereby amended to read in its entirety as follows:

22-171. – Title.

This article shall be known and cited as the “Ada Township Cemetery Ordinance.”

22-172. – Definitions of cemetery lots and burial units.

Burial unit shall mean either of the following:

- (1) A land area four feet wide and eight feet in length, sufficient to accommodate burial for one deceased person or the cremated remains of two individuals; or
- (2) A land area three feet wide and three and one-half feet in length in areas set aside for infant or stillborn burials, as authorized by the township clerk.

Cemetery Lot shall consist of eight burial units.

22-173. – Sale of lots or burial units.

- (a) After the effective date of this Ordinance, cemetery lots or burial units shall be sold only to residents of the township for the purpose of the burial of the purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others, except as set forth in this article. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or relationship to persons interred in the township cemetery involved.
- (b) The sale or transfer of a cemetery lot or burial unit grants a right of burial only and does not convey any other title or right to the cemetery lot or burial unit sold or transferred to

the recipient. Cemetery lots and burial units are nontransferable without prior written approval by the township.

- (c) All sales or transfers shall be made on a form approved by the township board, which includes the township clerk. Such form shall be authorized and executed by the township clerk and shall constitute a permit when approved. Records of all cemetery lot and burial unit sales will be maintained in the township clerk's office. At the time of purchase from the township, the township clerk or his or her designee may request from the purchaser the name of each individual to be buried in each burial unit.
- (d) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial units within the township or to such individuals' legal heirs or next of kin. A transfer may be effected only by endorsement of an assignment (a legal will) of such burial permit upon the original burial permit form issued by the township clerk that was previously approved and entered upon the official records of said clerk. Upon such assignment, approval and record, the township clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records the original permit thus assigned. A "Record of Burial Unit Transfer" form to record legal transfer shall be executed by the township clerk and shall be maintained in the township record book.

22-174. – Purchase price and transfer fees.

- (a) The township clerk shall submit all fee updates to the township board for approval. Upon the township board's approval of the fee changes, the township clerk or authorized agent of said clerk shall add the approved fee changes to the township charges and fees schedule resolution. A full fee schedule shall be listed on the township website for public availability and shall be made available at the township clerk's office.
- (b) The aforementioned fees shall be paid to the township treasurer and shall be deposited as designated by the township clerk into the appropriate general fund account for the sale or transfer. Upon the request of the township clerk, the township board, by resolution, may periodically revise the aforementioned fees to accommodate increased costs and needed reserve funds for cemetery care, maintenance, and acquisition.

22-175. – Grave opening charges.

- (a) The township may charge reasonable fees for the opening and closing of any burial unit, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set or changed from time to time by resolution of the township board, upon the request of the township clerk, payable to the township.
- (b) No burial units shall be opened or closed except under the direction and control of the township clerk or upon authorization by said clerk. 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.

- (c) November 1st through April 30th burials may be restricted to areas set aside for such burials as authorized by the township clerk, and burials during this period are subject to additional fees. All additional costs for said burials will be incurred by the requester.

22-176. – Markers or memorials.

- (a) All markers, headstones, and/or memorials must be comprised of stone, granite, or marble. Any large upright monuments must be placed upon a foundation constructed by the township and/or contractors designated by the township, to ensure that the marker, headstone, or memorial complies with standards to secure and maintain a stable and erect position. The monument also must be placed so that the gravesite and headstone conform to the cemetery grounds layout. The township shall define the permissible dimensions of markers, headstones, and memorials. Only one monument, marker, headstone, or memorial shall be permitted per burial unit. The footing or foundation upon which any monument, marker, or memorial is placed shall be constructed by an outside contractor per township requirements, at a cost to the owner of the burial unit.
- (b) Should any monument or memorial become unsightly, broken, moved off its proper site, dilapidated, or a safety hazard, the township shall have the right, at the expense of the owner of the burial unit, to correct the condition or remove the same. The township shall make reasonable attempts to contact the owner of the burial unit prior to the commencement of any such work.
- (c) The maintenance, repair, and upkeep of a marker, headstone, monument, memorial, urn, or similar item is the responsibility of the family or heirs of the person buried at that location. The township has no responsibility or liability regarding the repair, maintenance, or upkeep of any such item.

22-177. – Interment regulations.

- (a) Only one person may be buried in a burial unit except in the case of:
 - (1) A mother and infant;
 - (2) Two children buried at the same time;
 - (3) One-person burial and one of cremains; or
 - (4) Cremains of two individuals.
- (b) Not less than 48 hours' notice shall be given in advance to the township office to prepare and allow for a timely opening of a burial unit to accommodate funeral arrangements.
- (c) The appropriate permit for the burial unit involved, together with legal identification of the person to be buried therein, shall be presented to the township clerk or an authorized representative of said clerk prior to interment. Where such permit has been lost or destroyed, the township clerk will refer to and rely upon township records to confirm the

authenticity of both the burial unit and the person(s) to be interred there before beginning or completing interment.

Sec. 22-178. – Ground maintenance.

- (a) Grading, leveling, and/or excavating upon burial units or any land within the cemetery will be provided exclusively by the township. Any attempted or actual commencement of noted groundwork by persons other than designated township officials will be considered a violation of this ordinance and subject to legal penalty.
- (b) Urns or metal baskets may be placed at the end of the headstone.
- (c) Holiday wreaths may be placed and remain at a burial unit from December 1 through January 31.
- (d) Veteran flags will be placed by the township in mid-May and remain through Veteran's Day, at which time the township will remove them.
- (e) Artificial flowers may be placed within one foot of the headstone or in the metal urn or basket.
- (f) All fresh flower containers or artificial flower placements must be removed by October 1st. Authorized township grounds staff will remove and dispose of all gravesite decorations after the first week in October.
- (g) No benches placed by the public will be allowed.
- (h) Planting of trees or shrubbery by the public is prohibited.
- (i) Any substance or structure that impairs the ongoing township ground maintenance—required work (e.g., fencing, railings, wood, loose stones or gravel surrounding the headstone) is prohibited and will be removed by the designated township staff.
- (j) Landscape lighting is prohibited.
- (k) Signage or artwork is prohibited.
- (l) Placement of anything within the public walkway or on hanging tree branches is prohibited.
- (m) All refuse must be removed and placed in trash containers located within the cemetery.
- (n) Surfaces other than earth or sod are strictly prohibited.
- (o) Maintenance of all burial units shall be kept in compliance with township rules and regulations addendum, which will be communicated to all purchasers of burial units and columbarium niches.

22-179. – Forfeiture of vacant cemetery lots of burial units.

- (a) If any cemetery lots or burial units sold after the effective date of this Ordinance remain vacant for 30 years from the date of their original sale, the township clerk shall send notice

to the last known address of the last owner of record (or his or her designated legal representative) for each such cemetery lot or burial unit(s). The notice shall inform the owner of the expiration of the 30-year period and that all rights with respect to said lots or units will be forfeited if the owner does not affirmatively respond and indicate their intentions in writing (either via mail or email) to the township clerk within 60 days from the date of mailing of said notice.

- (b) If no written response to the notice referenced in subsection (a) above is received within 60 days, ownership of the cemetery lot and/or burial unit(s) will automatically revert back to the township. The township may offer the forfeited cemetery lot and/or burial unit(s) for sale to township residents seeking the purchase of a burial unit.
- (c) The township clerk's office shall conduct an annual review of records to complete the ownership review process in January of each new year.

22-180. – Repurchase of lots or burial units.

If the original owner(s) or designated legal heir or representative of a cemetery lot or burial unit(s) responds to the township clerk expressing that they do not wish to maintain ownership of said cemetery lot or burial unit(s), the township will repurchase said lot or unit(s) from the owner(s) for the original price paid to the township upon receiving written notification from the original owner(s). Notice sent to the original owner(s) shall contain definitive language indicating said notice must be responded to within the designated time frame and that owner(s), their legal heirs or representatives will forfeit any and all claim of ownership of the cemetery lot or burial unit(s) to the township if all requirements are not met.

22-181. – Records.

The township clerk shall maintain all records concerning burials, issuance of burial permits, ownership records, and repurchase and/or forfeiture records, separate and apart from any other records of the township. Such records shall be open to public inspection during the township's regular business hours.

22-182. – Vault.

All regular casket burials shall, at minimum, be within a standard concrete vault to be installed or constructed in each burial unit before interment. No casket burial shall take place without said vault. Cremains shall be in a container approved by the township.

22-183. – Cemetery hours.

The Ada and Findlay Cemeteries will be open to the general public seven (7) days per week, including holidays, from dawn to dusk. Except for authorized township staff, no person shall be permitted in the township cemeteries at any time other than the stated timeframe. Cemetery hours will be posted on site at the township's cemeteries, as well as on the township website.

22-184. – Penalties

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be guilty of a municipal civil infraction as defined in Ordinance 092500-1 and shall be subject to the penalties defined and determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any prosecutions hereunder shall not prevent separate civil proceedings for abatement and termination of the violation.

Section 2. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall become effective 30 days after publication in a newspaper of general circulation in the Township.

AYES: _____

NAYS: _____

ABSENT: _____

Ordinance No. O-060925-2 declared adopted.

Jo DeMarco, Ada Township Clerk

CERTIFICATION

I, the duly qualified Clerk of Ada Township, hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Ada Township Board at a regular meeting held on July 9, 2025 and, that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including, in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Jo DeMarco, Ada Township Clerk