

## **LYONS TOWNSHIP ORDINANCE NO 3**

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

### **THE TOWNSHIP OF LYONS, COUNTY OF IONIA, MICHIGAN ORDAINS;**

#### **SECTION 1: TITLE**

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

#### **SECTION 2: Definitions of Cemetery Lots and Burial Spaces**

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to ten burial spaces in the Crawford Addition and to twelve in the Bradt and Burger Additions.

- A. An adult burial space shall consist of a land area four feet (48 inches) wide and ten (10) feet in length in the Crawford Addition and three and one third (3 1/3) feet wide and ten (10) feet in length in the Bradt and Burger Additions.
- B. An infant or stillborn burial space shall consist of a land area three and one third (3 1/3) feet wide and five (5) feet in length in areas set aside specifically for such burials.
- C. Cremains may be placed two (2) on a grave. Purchase must be made in whole grave spaces only. Only one head stone will be allowed on the grave. Burial must be made under the supervision of the township sexton.
- D. One cremains container may be placed on an occupied burial space.

#### **SECTION 3: Sale of Lots or Burial Spaces**

- A. Hereafter, cemetery lots of burial spaces shall be sold only 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 others than as heretofore set forth. The sexton, 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 therein.
- B. 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 sexton.
- 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 form issued by the sexton, approved by said clerk, and entered upon the official records of said sexton. Upon such assignment, approval and record, said sexton shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

#### **Section 4: Purchase Price and Transfer Fees**

- A. See special pricing sheet attached.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost ten dollars (\$10.00).
- C. The foregoing charges shall be paid to the sexton and shall be deposited in the general fund for the particular cemetery involved in the sale or transfer.
- D. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### **Section 5: Grave Opening Charges**

- A. 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 the sexton, payable to the 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 reinterment of bodies and remains, which matters are under the supervision of the local health department.

#### **Section 6: Markers or Memorials**

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments.
- C. Only one monument, marker or memorial shall be permitted per burial space. If a situation arises where Cremains are placed on an occupied grave, the township will not require a marker.
- D. The footing or foundation upon which any monument, marker or memorial must be placed, shall be constructed by the township sexton, at a cost set by the sexton. See special pricing sheet attached. All foundations must have a three (3) inch border on all sides.

- E. Foundations will not be poured or monuments, markers or memorials will not be set for a period of 12 months after burial, giving the ground a chance to settle. Monuments, memorials or markers may be placed on a temporary foundation until this period has passed.
- F. No marker or monument will be placed until the foundation has been paid for.

### **Section 7: Internment Regulations**

- A. Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time, and with the exception of Cremains.
- B. Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space.
- C. 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 cemetery sexton prior to internment. 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 and appropriate one before any internment is commenced or completed.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

### **Section 8: Ground Maintenance**

- A. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the cemetery sexton.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without approval of the cemetery sexton. Any of the foregoing items planted without such approval may be removed by the cemetery sexton.
- 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. The Township Board reserve the right to order the removal of any icon or statue that does not conform in the interest of maintaining proper appearance and the use of the cemetery.
- E. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that, through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.

- F. Surfaces, other than sod, are prohibited.
- G. Any old refuse of any kind or nature including, among others, dried flowers, wreaths, grave blankets, papers, or flower containers, must be removed or disposed of, two (2) weeks after the cemetery opens.
- H. No pets shall be allowed in the cemetery, except on a leash, and the pet owner shall clean up after his/her pet.

### **Section 9: Forfeiture of Vacant Cemetery Lots or Burial Spaces**

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

- A. Notice shall be sent by the cemetery sexton by first class mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.
- B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the cemetery sexton from the last owner of record of said lots or spaces, or his heirs or legal representatives, within 60 days from the date of mailing of said notice.

### **Section 10: 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 his legal heirs or representatives.

### **Section 11: Records**

The cemetery sexton shall maintain records concerning all burials, and issuance of burial permits, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

### **Section 12: Vault**

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

### **Section 13: Cemetery Hours**

- A. The cemetery shall be open to the general public from the hours of 9:30am – 9:30pm each day.
- B. No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.
- C. Winter closing to the public and to burials will be from January 1 to April 1 each year.
- D. Burials during the time from January 1 to April 1 will be at the discretion of the sexton.

### **Section 14: Penalties**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 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.

### **Section 15: 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 or 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 16: Effective Date**

This ordinance shall take effect on December 4, 1997. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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Julia Heckman, Township Clerk  
Lyons Township

First Reading: October 3, 1997  
Second Reading: November 3, 1997  
Publication: November 10, 1997  
Amended: November 5, 2001  
Amended: July 6, 2004  
Amended: April 28, 2009  
Amended: September 8, 2009  
Amended: May 8, 2014  
Amended: May 5, 2025

**Lyons Township Cemetery  
Cemetery Services**

**LOT PRICES**

Resident \$200

Non-Resident \$300

**Wickham Cemetery Care  
Sexton Services**

Full Burial	\$700
Cremation	\$200
Weekend Service	Additional \$100
Holiday Service	Additional \$100
Winter Service (Dec 1-April 1)	Additional \$100
Foundations	\$0.50 per square inch

Prices Effective May 5, 2025