

Township Cemetery Ordinance

BROOKS TOWNSHIP NEWAYGO COUNTY, MICHIGAN (Ordinance No. 2023-100)

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROHIBITING CEMETERIES; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF BROOKS (“Township”), COUNTY OF NEWAYGO, MICHIGAN, ORDAINS:

Section 1. Title.

This Ordinance shall be known and may be cited as the “Brooks Township Cemetery Ordinance.”

Section 2. Purpose and Intent.

The Township Board finds that this Ordinance is essential for the health, safety and welfare of Brooks Township property owners, residents and visitors. In the past, cemeteries elsewhere have taken up large amounts of sometimes otherwise productive land. Cemetery landscaping, grass cutting, monument repair and upkeep costs have increased dramatically over time. The problems associated with abandoned or “orphan” cemeteries has increased throughout Michigan, and citizens look to the local municipal government (townships, cities or villages) to take over abandoned or orphan cemeteries. There currently are no known cemeteries in Brooks Township. The Township Board also finds that there is sufficient space and vacant plots available in existing cemeteries within a 50-mile radius of Brooks Township to satisfy any demand for burials.

Section 3. Definition.

For purposes of this Ordinance, the following word shall mean as follows:

Cemetery – Shall mean a burial ground or graveyard for dead people or pets, or a place where dead people or cremains are buried or interred. A cemetery can also be a designated place or area where the remains of people or pets who have died are buried or laid to rest. A cemetery shall include, but not necessarily be limited to, any conventional cemetery, green cemetery, conservation cemetery, burial forest or forest cemetery. This definition shall not include the noncommercial burial of a dead pet animal owned by the owner(s) of the property involved.

Section 4. Prohibition on New Cemeteries.

Cemeteries are expressly prohibited and banned within Brooks Township. No person shall construct, create or promote any cemetery within Brooks Township. No cemetery shall be created or utilized within Brooks Township.

Section 5. Penalties.

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100) for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense. A violation of this Ordinance is also a nuisance *per se*. In addition to or in lieu of issuing a municipal civil infraction, the Township may pursue a declaratory judgment, nuisance or abatement lawsuit regarding or to abate any violation of this Ordinance in the Newaygo County Circuit Court or successor court.

Section 6. Township Officials Who Can Enforce this Ordinance.

Unless otherwise specified by the Township Board by Resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

- Township Supervisor
- Township Clerk
- Township Zoning Administrator
- Township Ordinance Enforcement Officer
- Any deputy of the Newaygo County Sheriff's department
- Any State Police officer

Section 7. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be 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 this Ordinance, which shall continue in full force and effect.

Section 8. Effective Date; Conflicts.

This Ordinance shall become effective upon the expiration of thirty (30) days after a copy of this Ordinance (or a summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Nelson and was seconded by Township Board Member Schultz, the vote being as follows:

YEAS: Nelson, Badgero, Miller, Schultz, Hummel _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Brooks Township Board at a regular meeting held on June 20, 2023, at the Brooks Township Hall, pursuant to the required statutory procedures.

Respectfully submitted,

By:  _____
Jennifer Badgero
Brooks Township Clerk