

**BANKS TOWNSHIP
CEMETERY ORDINANCE AMENDMENT
Ordinance No. 1 of 2023**

**AN ORDINANCE TO AMEND THE BANKS TOWNSHIP CEMETERY
ORDINANCE (Ordinance No. 1 of 2021)**

THE TOWNSHIP OF BANKS ORDAINS:

Section 1. Amendment of Subsection 3(a).

Subsection 3(a) of the Banks Township Cemetery Ordinance is hereby amended to read in its entirety as follows:

- (a) A "burial space" shall consist of an area in a Township cemetery, including within a mausoleum, sufficient to accommodate one burial space for one deceased person.

Section 2. Amendment of Section 3.

Section 3 of the Banks Township Cemetery Ordinance is hereby amended to add a new subsection (m), which shall read in its entirety as follows:

- (m) "Mausoleum" means a building constructed of granite or marble for the interment of a deceased person above ground.

Section 3. Amendment of Section 7.

Section 7 of the Banks Township Cemetery Ordinance is hereby amended to read in its entirety as follows:

Section 7. Markers, Memorials, Monuments, and Mausoleums

- (a) All markers, memorials, and monuments must be comprised of stone or other equally durable composition and shall face the same direction as the markers, memorials, and monuments around them.
- (b) Except for markers, memorials, and monuments that existed in a Township cemetery before the effective date of this Ordinance, no monument larger than 36 inches wide, or 54 inches wide for a double marker on two adjoining burial spaces, will be allowed or erected in a cemetery. Only one (1) marker, memorial, or monument shall be permitted per burial space, or one marker, memorial, or monument in total where two adjoining spaces share that one marker, memorial, or monument with the exception of Veteran's markers that may be affixed to the back side of a regular marker or mounted flush with the ground if the family chooses to use both.

- (c) A concrete foundation with two (2) inch extension on each side of the marker, memorial, or monument is required.
- (d) Mausoleums shall only be permitted in the Atwood Cemetery and Ellsworth Cemetery. All mausoleums in those cemeteries shall be limited to 1-person or 2-person mausoleums. No mausoleum shall be placed in either cemetery without first obtaining written authorization from the cemetery sexton for such placement.
- (e) All mausoleums shall face the same direction as the markers and memorials around them.
- (f) No mausoleum shall have a height of more than 42 inches, measured from the ground to the highest point of the mausoleum.
- (g) A 1-person mausoleum shall be placed on a single burial space within the cemetery. A 2-person mausoleum shall be placed on adjacent burial spaces within the cemetery.
- (h) If more than one 2-person mausoleum or more than one 1-person mausoleum are placed in a cemetery at the same time, then the multiple mausoleums shall be placed as close together as possible to each other and on a single concrete foundation and shall be subject to the requirements of subsection (i) below.
- (i) A concrete foundation sufficient in design and size to support the weight of the mausoleum shall be required. Before construction of the foundation and the placement of the mausoleum in the cemetery, the individual who desires to place the mausoleum shall submit to the cemetery sexton the design and construction specifications for the mausoleum and foundation. The cemetery sexton shall have the right, at the sole expense of the individual who desires to place the mausoleum, to have the design and construction specifications for the mausoleum and foundation reviewed by an engineer or other qualified expert for the purpose of determining whether the proposed mausoleum complies with the requirements of this Ordinance and the proposed foundation is sufficient in design and size to support the weight of the mausoleum. The individual who desires to place the mausoleum shall reimburse the Township for all expenses incurred by the Township for such review before obtaining the burial permit or written authorization from the cemetery sexton for the placement of the mausoleum in the cemetery.
- (j) Except as provided herein, the maintenance, repair and upkeep of a mausoleum and a cemetery memorial, marker, urn or similar item is the responsibility of the heirs or family of the person interred at that location. A person who installs and/or constructs a mausoleum and/or a cemetery marker, memorial, monument, urn or similar item shall after the construction and/or installation restore the grounds on and surrounding the burial space on which the item was placed to the same or better condition as existed before such construction and/or installation. The Township has no responsibility or liability regarding the repair, maintenance, or

upkeep regarding any such mausoleum, marker, memorial, monument, urn, or similar item.

Section 4. Amendment of Section 10(a).

Section 10(a) of the Banks Township Cemetery Ordinance is hereby amended to read in its entirety as follows:

- (a) Except when the cremains urn is itself lined with concrete sufficient in strength to support the earth above the urn, cremains shall be buried in a concrete urn vault approved by the Cemetery Sexton in a burial space within a Township cemetery.

Section 5. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 6. Effective Date.

This Ordinance shall become effective the day following its publication in a newspaper of general circulation within the township.

Ordinance No. 1 of 2023 was adopted on the 29th day of March, 2023, by the Banks Township Board as follows:

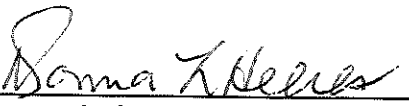
Motion by: Clerk Donna Heeres

Seconded by: Treasurer Katy Postmus

Yeas: Trustee Tom Cooper, Trustee David Rasmussen, Supervisor Alex Busman,
Treasurer Katy Postmus, Clerk Donna Heeres.

Nays: None.

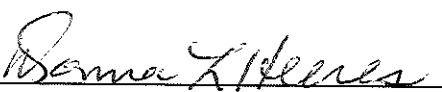
Absent: None.


Donna L. Heeres, Clerk


Alex Busman, Supervisor

I certify that this is a true copy of Ordinance No. 1 of 2023 that was adopted at a regular meeting of the Banks Township Board on March 29, 2023 and published in the Antrim Review on April 6, 2023.

Dated: March 29, 2023


Donna L. Heeres, Clerk