

**OSHTEMO CHARTER TOWNSHIP BOARD**  
**7275 West Main Street**  
**Kalamazoo, MI 49009**  
**269.375.4260**

**May 28, 2019**  
**BOARD WORK SESSION**  
**6:00 p.m.**  
**AGENDA**

- A. Call to Order
- B. Public Comment
- C. Presentation on Housing “Hope Through Navigation” - Gwendolyn Hooker
- D. Discussion on Township Board Policies – Purchasing, Township Board Meeting
- E. Discussion on Waste Hauling Services – Survey Results
- F. Update on Oshtemo Speed Limit Work
- G. Discussion on “Review of Factors Impacting Organizational Efficiency”
- H. Other Updates and Business

**REGULAR MEETING**  
**7:15 p.m.**  
**AGENDA**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes from May 14, 2019
  - b. Receipts & Disbursements Report
  - c. 2019 Township Board Meeting Date Amendments
- 5. Consideration of Agritourism Ordinance – Second Reading
- 6. Township Cemeteries
  - a. Consideration of General Ordinance 233.000 Cemetery Regulations Ordinance – Amendments – First Reading
  - b. Discussion on:
    - i. 2019 Fee Schedule Amendments
    - ii. Creation of Cemeteries Care Trust Fund
- 7. Other Township Business
- 8. Public Comment
- 9. Board Member Comments
- 10. Request to Enter into Closed Session to Discuss Attorney Opinion
- 11. Work Session (Reconvene for items not completed)
- 12. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Deb Everett	375-4260	<a href="mailto:deverett@oshtemo.org">deverett@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Ken Hudok	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

<b>Township Department Information</b>		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>		
Julie Johnston	216-5223	<a href="mailto:jjohnston@oshtemo.org">jjohnston@oshtemo.org</a>
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>

# OSHTEMO CHARTER TOWNSHIP

## PURCHASING POLICY

Restated: ~~November 13, 2018~~ May 28, 2019

### General Purpose:

The purpose of this purchasing policy is to ensure the efficient procurement of appropriate goods and services for use in the normal and routine operation of the Charter Township of Oshtemo. This policy ensures the accountability, transparency, and ethical behavior of Township purchasing representatives, yet supports an efficient process.

### Summary Statement of Policy:

The policy is designed to serve as a guide for all purchases by Township employees and elected officials on behalf of Oshtemo Township.

### Actual Policy as Written:

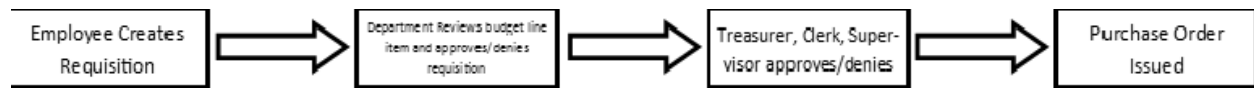
All purchases are ultimately the responsibility of the Township Supervisor and the Board of Trustees. Department Heads, and assigned employees shall be responsible for purchasing goods and services for their departments/area, such as for certain standard supplies and services. All purchases must be budgeted for, and properly documented, in accordance with this policy. Other than those specifically listed, ~~T~~this policy does not afford anyone the ability to make purchases in excess of what has been budgeted for their specific department budget. Purchasers shall not consider appropriations contained in the budget as a mandate to expend funds, nor does the budget constitute authorization to commit the Township to purchases, as such authorization originates from the provisions in this policy. This purchasing policy is based on dollar thresholds. The practice of separating the work of vendors into separate invoices to circumvent the policy is prohibited. The intention of this policy is to give Department Heads latitude to keep operations moving and for Department Heads to keep the Personnel Director apprised of operations and purchases.

Purchases should be awarded to the lowest responsible bidder. Consideration shall be given to: quality of goods/services; conformity with specifications; suitability to the requirements of the township; delivery of goods; and past performance of vendor. The Township shall attempt to purchase the highest quality goods and services in the best interest of the Township. In this process, the Township shall serve as an equal opportunity purchaser, favoring local vendors only when all other factors are equal.

Department Heads ~~and~~ shall conduct monthly review of funds assigned to them and is responsible for reporting any variance to the Supervisor or his or her designee. ~~They shall provide a summary to the Supervisor as to the financial position and any variances of their department.~~

### Non-Discrimination Requirements:

In accordance with the requirements of 1976 P.A. 453 (Michigan Civil Rights Act) and 1976 P.A. 220 (Michigan Handicapped Rights Act) and the Oshtemo Charter Township Non-Discrimination Ordinance No. 549 adopted August 27, 2013, to the greatest extent possible, the Township will do business with vendors of goods and services which “do not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status, citizenship, gender identity, sexual orientation, genetic information, or because of a physical or mental disability/handicap that is unrelated to the person's ability to perform the duties of a particular job or position. Any vendor found to not comply with these requirements shall be ineligible to do business with the Township.



### Authorization to Purchase:

Purchasers are authorized and required to make purchases of goods or services through the formal requisition process using the purchase order program. Employees must get the following requisition authorization depending on the type of purchase they are requesting. Note: Supervisor, Treasurer or Clerk may determine any particular item can be presented for information to the Township Board. Department Heads will review budget monthly and submit reports, ~~revisions~~ and request amendments (using electronic Budget Amendment ~~Journal Correcting~~ Form – T Drive) to the Township Supervisor. Corrections will be submitted to the Township Clerk (using electronic Journal Correction Form – T Drive). The Supervisor, Clerk and Treasurer will review the budget quarterly to verify purchases are being made in accordance with purchasing policy and annual budget.

- 1) *Purchases that have been budgeted for in the annual budget \$2,000 or less:* Purchaser initiates requisition using purchase order program, and Township Officials (or their designee) ~~and~~ Department Heads shall monitor sum of purchases for adherence to annual budget. The Township Supervisor, Treasurer, or Clerk must then review and approve the requisition.
- 2) *Purchases that have been budgeted for in the annual budget for operations (no maximum) or for capital items \$2,000 - \$10,000:* Purchaser initiates requisition using purchase order program, and Township Officials (or their designee) ~~and~~ Department Heads shall monitor

sum of purchases for adherence to annual budget. The Township Supervisor, Treasurer, or Clerk must then review and approve the requisition. The Department Head must report this purchase to the Township Clerk requesting that the purchase be placed on the receipts and disbursements summary report issued monthly to the Township Board.

- 3) *Purchases that have been budgeted for in the annual budget for capital items >\$10,000:* Capital purchases that have been budgeted for in the annual budget, including but not limited to large capital items such as vehicle purchases, road construction, water construction, and sewer construction, shall not require further Township Board approval. These capital items will be detailed to the Township Board during the annual budget meeting process. These items will be included in the annual budget in the blue detail line items within each General Ledger category. Department Heads will provide a written update on the consent agenda or presentation at the meeting will be provided to the Board on the purchasing process used and the selected vendor or contractor.
- 4) *Purchases that have not been budgeted for in the annual budget, less than or equal to \$2,000:* Purchaser must first receive authorization from their Department Head and Supervisor, Clerk or Treasurer. Department Head ~~/Supervisor~~ and Township Official shall identify source of fund from the annual budget. Upon authorization, purchaser shall make requisition request using the purchase order program. The Township Board will be informed via receipts and disbursements reports, and the Board will make budget, ~~line item,~~ adjustments-amendments for all such purchases no less than quarterly.
- 5) *Purchases that have not been detailed in the annual budget greater than \$2,000, or purchases that end up costing more than the detailed amount in the annual budget:* Purchaser must first receive recommendation from their Department Head and the Township Supervisor. The Township Board must then both approve the requisition and amend the annual budget. Purchaser then creates requisition in the purchase order program.

Using the above guidelines, a purchase order must be generated before the purchase is made.

There are three means by which the Township selects a service provider or material product. These are: a) sealed bids, b) informal quotes, and c) sole source purchasing. Refer to detail on each, below. It is the practice of Oshtemo Township to provide vendors with fair and equal opportunities to compete for work. Summaries shall state method used. Department Heads will review the method of procurement for vendor or service providers with the Township Supervisor.

### **Selecting Vendors/Service Providers:**

#### **A. Sealed Bid Procedure:**

Sealed bids may be obtained using a request for proposal (RFP), a set of detailed specifications, or contract documents (plans and specifications). Publication or communication of proper notice of the need for bids shall be arranged for in the manner which will bring the information to the attention of appropriate professionals, contractors, or vendors. A minimum of three bids are

recommended for all purchases over \$10,000. Employees may choose to seek multiple bids for purchases less than or equal to \$10,000 as well. The Township may choose to forego the bidding procedure due to circumstances that would result in a savings to the Township and if the quality of services provided will not be diminished due to the lack of bidding.

All bids received by the Township will be time/date stamped when received. All bids must be sealed when received; unsealed bids will not be accepted. Bids will be opened by the Township Supervisor or personnel appointed by the Supervisor at the place and time described in the bid advertisement and shall be open to the public. Once the bid opening process is complete, staff will prepare a written purchase recommendation. If approved, staff will inform the winning bidder. The Township reserves the right to reject any and all bids and is not required to accept the lowest bid. In general, the Township works in accordance with the Qualifications-Based Selection (QBS)\*.

(\*From online: “Qualifications-Based Selection (QBS) is a procurement process established by the United States Congress as a part of the Brooks Act[1] (Public Law 92-582; see also 40 USC 1101 et. seq.)[2] and further developed as a process for public agencies to use for the selection of architectural and engineering services for public construction projects. It is a competitive contract procurement process whereby consulting firms submit qualifications to a procuring entity (owner) who evaluates and selects the most qualified firm, and then negotiates the project scope of work, schedule, budget, and consultant fee.” Additional information on QBS in Michigan is available at [www.qbs-mi.org](http://www.qbs-mi.org)).

## **B. Quoting Procedure:**

**Quotes may be obtained by means of discussion and/or written outline scope of services request.** A minimum of three quotes from professionals, contractors, or vendors is recommended for substantive purchases. The Township may choose to forego the quoting procedure due to circumstances that would result in a savings to the Township and if the quality of services provided will not be diminished due to the lack of quoting.

All quotes received by the Supervisor’s Office or designee will be time/date stamped when received. Quotes do not need to be sealed. Quotes may be opened at the time they are received. The approving party must approve or deny all purchases that have been quoted according to purchasing standards previously stated. The Township reserves the right to reject any and all quotes and is not required to accept the lowest quote. In general, the Township works in accordance with the quality based selection on all quotes.

## **C. Sole Source Purchasing:**

In recognition that certain products and services are clearly superior and/or compatible with township operations, the approving party may determine that a specific product or vendor be the sole source of purchasing for the Township. In doing so, the items will be purchased without a formal bidding process. Examples of sole source purchasing include engineering, information technology, insurances, and auditing services.

Purchaser will periodically evaluate composite billings and compare sole source vendor with other vendors, for comparison of pricing and quality, and provide summary of review and decision. Suggested review period is every three years.

## **Methods of Payment**

### **Petty Cash:**

Miscellaneous purchases under \$25 may be made using the petty cash fund in accordance with this policy. Petty cash is maintained by the Treasurer. Receipts must be submitted to the Treasurer for reimbursement. The Treasurer shall keep petty cash in his/her office and may designate additional areas in which petty cash may kept; e.g., in the Fire Department.

The Treasurer will review petty cash disbursements prior to replenishing the fund. Records of petty cash distribution will be kept in the Treasurer's office and are available at all times for review.

### **Checks:**

Checks are the standard form of payment from the Township. A check will be issued through the purchase order process, unless another form of payment is requested.

### **Credit Cards (for employee use):**

When no other payment method is available, Township credit cards may be used to make purchases from vendors where credit terms are not available (such as travel) as well as for one time non routine items. Treasurer manages credit card availability to employees. **Please see the Township's Credit Card Policy. Purchaser must submit detailed receipt to Clerk's office.**

Purchases made on credit cards are subject to transaction and credit limits established for each individual card. A minimum transaction of five dollars (\$5) is required for all credit card transactions.

### **Contracts:**

In general, all contracts are approved through the Township Supervisor who by law is the purchasing agent for the Township. The Supervisor signs the contracts and may do so if signature aligns with purchasing policy herein (budget) and state law. The Treasurer and Clerk co-sign the payments.

### **Education and Training:**

The employee's Department Head shall approve all requests for continuing education, conferences, and external training, prior to registration. Department Head shall approve based on annual budgeted education/training line item and shall not exceed the annual appropriated amount without budget amendment per previous guidelines.

### **Cooperative Government Contracts:**

Should the Township be able to secure quality products at favorable prices by joining with other local units of government, or participating in a State of Michigan or federal government purchasing program, the Township Supervisor may waive the formal bidding process.

### **Emergency Purchases:**

Emergency purchases can be authorized only when health, safety, and/or welfare of Township residents or their property are endangered through unexpected circumstances, when normal operations of the Township would be severely hampered by a long delay, or when Township property or employees are endangered through unexpected circumstances. Normal purchasing procedures outlined in this policy may be suspended when such circumstances exist. In the case of an emergency situation, the Township Supervisor, Treasurer, Clerk, Fire Chief, or Maintenance Director can authorize the immediate purchase of any materials, supplies, equipment, or services needed to resolve the emergency situation. The Supervisor will report all emergency purchases to the Township Board at its next scheduled meeting.

### **Change Orders (Within Annual Budget Detail):**

Staff & Supervisor are expected to document all change orders through the purchase order program in excess of 10% of the original contracted price. Approval is subject to Supervisor review and approval and availability of funds.

### **Change Orders: (Outside Annual Budget Detail):**

Supervisor or Staff will include up to an additional 10% of contract or specified lump sum amount in all project budgets for capital projects when submitting request to Township Board to award contract. Request will identify source of payment funds. As with any other budget approval, Board approval shall be subject to monies availability in either annual budget or in Township reserves. Subsequently, Supervisor can approve change orders within the additional approved budget amount. Supervisor shall work in consultation with consultants and/or Staff to make determination.



**Tax Exempt Status:**

Section 4 of the General Sales Tax Act, MCL 205.54(5); MSA 7.524(5) and Michigan Sales and Use Tax Rule, 1979 AC, R205.79, provide that sales to the United States Government, the State of Michigan and their political subdivisions, departments and institutions are not taxable when ordered and paid for by warrant on government funds. In the alternative, the government may claim exemption at the time of purchase by providing the seller with a signed statement to the effect that the purchaser is a governmental entity. Statement is available upon request from the Clerk's office.

**Forms:**

Every Township vendor is required to complete an IRS W-9 form or have this form on record prior to the release of payment for goods and services.

**Documentation:**

When a purchase order is requested all supporting documentation should be attached to the requisition within the purchase order program (bids, board resolution, etc.). Once a purchase order requisition is approved, all invoices for goods and services will be attached in the accounts payable program.

This policy will be in effect upon adoption by the Township Board and will remain in effect until rescinded by the Township Board. Revisions or amendments must be approved by the Township Board, and must be recorded in writing and maintained with this original policy by the Township Clerk. This policy, and all subsequent amendments, will be provided by the Clerk to all Township Board members, Department Heads, and employees.

A motion was made by Zak Ford, seconded by Nancy Culp, to adopt the restatement of the Purchasing Policy.

Upon the call for a vote, the following voted "Aye":

Elizabeth Heiny-Cogswell, Dusty Farmer, Nancy Culp,  
Dave Bushouse, Deborah Everett, Zak Ford and Ken Hudok

The following voted "Nay":                   None

The following "Abstained":               None

The following were Absent:               None

The Supervisor declared that the motion has been adopted.

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DUSTY FARMER, Clerk  
Oshtemo Charter Township

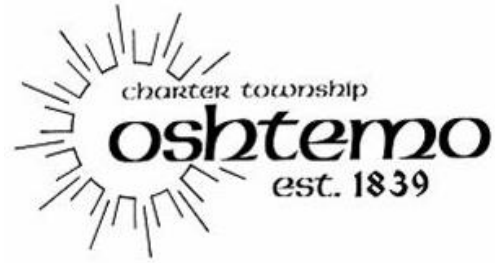
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CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on November 13, 2018, at which meeting all members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

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DUSTY FARMER, Township Clerk



# Memorandum

**Date:** May 21, 2019  
**To:** Township Board  
**From:** Deb Everett, Supervisor's Office  
**Subject:** Budget Calendar

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**Objective:** Amend 2019 Township Board meeting schedule in order to align with the 2020 budget development.

**Background:** The board meets with and receives input from each department in the form of Accomplishments met for the previous year, Goals for the current year, and Vision for the next year. Supervisor, Clerk and Treasurer also provide budget needs for their respective offices. To provide time for meaningful board discussion, four budget work sessions are scheduled.

**Attachments:** Proposed 2019 Oshtemo Township Board Meeting Date Amendments Calendar for 2020 Budget Development

## 2019 Oshtemo Township Board Meeting Dates

*All meetings begin at 6pm with a Work Session. and at 7:15pm for the Regular Meeting. unless noted otherwise.*

January 8

January 22 – IT Work Session with Other Business – 6 pm

February 12

February 26

March 12

March 26

April 9

**April 16th – Board Meeting – Joint Boards – 6 pm**

April 23 – IT Work Session with Other Business – 6 pm

May 14

May 28th

June 11 – **Budget Work Session & Other Business – 6:00 p.m.**

June 24 – Budget Workshop 8:00 am

June 25

July 9

July 23 – ~~IT Work Session~~ **Budget Work Session & Other Business – 6 pm**

August 13

August 26 – Budget Work Session – **1:00 pm**

August 27

September 10 – ~~Budget Work Session – 5 pm~~ & Regular Meeting 7:15 pm

September 24 – ~~Budget Work Session & Other Business – 4:00 pm~~

October 8

**October 15th – Board Meeting - Joint Boards – 6 pm**

October 22

November 12

November 26 – IT Work Session with Other Business – 6 pm

December 10

## 2019 Oshtemo Township Board Meeting Dates

(As amended May 28, 2019)

All meetings begin at 6pm with a Work Session and at 7:15pm for the Regular Meeting. unless noted otherwise.

January 8

January 22 – IT Work Session with Other Business – 6pm

February 12

February 26

March 12

March 26

April 9

**April 16th – Board Meeting – Joint Boards – 6 pm**

April 23 – IT Work Session with Other Business – 6pm

May 14

May 28th

June 11 – Budget Work Session & Other Business – 6:00 p.m.

June 24 – Budget Workshop 8:00 am

June 25

July 9

July 23 – Budget Work Session & Other Business – 6 pm

August 13

August 26 – Budget Work Session – 1:00 pm

August 27

September 10

September 24

October 8

**October 15th – Board Meeting - Joint Boards – 6 pm**

October 22

November 12

November 26 – IT Work Session with Other Business – 6pm

December 10

Oshtemo Charter Township  
**Calendar for 2020 Budget Development**  
 May 23, 2019

May – Aug. 2019	Capital Improvement Plan - updates
June 3 <sup>rd</sup> (week)	Notification to committees/departments/staff of 2020 budget process and schedule Supervisor & Clerk distribute budget calendar, worksheets, GL online access
June	Assessor & Treasurer provide revenue information to Supervisor
May – June 11th	Departments develop “2018 Accomplishments, 2019 Goals, 2020 Vision” (“AGV” one-page summaries)
<b>June 11<sup>th</sup> – 6:00 p.m.</b>	<b>First Budget Meeting</b> - Departments present AGV summaries at Township Board meetings; Board Prioritization Discussion
<b>June 24<sup>th</sup> – 8:00 a.m.</b>	<b>Second Budget Meeting</b> - Departments present AGV summaries at Township Board meetings; Board Prioritization Discussion
July 18th	DDA develops proposed budget and submits to Township Supervisor (Sept. 1 <sup>st</sup> deadline)
June - July	SoDA develops proposed budget and submits to Township Supervisor (Aug 1 <sup>st</sup> deadline)
June 1 <sup>st</sup> – June 28th	Offices, Departments & Boards create Requested Budget in respective GL
June 1 <sup>st</sup> – Aug 13th	Supervisor reviews with Departments & CPA, and creates Recommended Budget in GL
<b>July 23<sup>rd</sup> – 6:00 p.m.</b>	<b>Third Budget Meeting</b> - Planning, Assessing, Parks, Ordinance Enforcement & Police
<b>Aug. 26<sup>th</sup> – 1:00 p.m.</b>	<b>Fourth Budget Meeting</b> – Fire, Maintenance, Public Works, Capital Improvement Plan
By Sept. 30th	Assessor & Treasurer submit L-4029 millage levy to County
Sept. 10th	Township Board sets Public Hearing; Township Board considers SMBA budget
Sept. 12 <sup>th</sup> (Friday)	Supervisor provides budget information to attorney’s office for notice prep
Oct. 24th	Township sends Notice of Public Hearing for publication in community newspaper
Oct. 24th	Budgets are available for public inspection (at least ten days before hearing)
Oct. 31st	Notice of Township Public Hearing published in community newspaper (published on home delivery day)
Nov. 12 <sup>th</sup> (Tues., 7:15 pm)	<b><i>Township Board Public Hearing on 2020 General and Special Revenue Funds Budget</i></b>
Nov. 21st	DDA adopts 2020 Budget
Nov. (TBD)	SoDA adopts 2020 Budget

OFFICES: SUPERVISOR, CLERK, TREASURER, TRUSTEES

DEPARTMENTS: PLANNING, ASSESSING, LEGAL, FIRE, MAINTENANCE, POLICE (PROTECTION CONTRACT; PARKING ENF; ORD ENF), PUBLIC WORKS

BOARDS: DDA, SODA

T: Drive\SUPERVISOR SHARED\township board\budget\2020 Budget\2019 5-23 FINAL calendar for 2020 budget development.docx

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: May 22, 2019  
Mtg Date: May 28, 2019  
Subject: Agritourism Ordinance – Second Reading

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## **OBJECTIVE**

Consideration of the Agribusiness/Agritourism Ordinance for second reading and final approval.

## **BACKGROUND**

The Township Board held a public hearing for the Agribusiness/Agritourism Ordinance on May 14, 2019. No members of the audience spoke at the meeting. The Ordinance was approved unanimously (one absent) for second reading with the inclusion of a definition for Retail Special Event, which has been added.

The Agribusiness/Agritourism Ordinance is the first of its kind for Oshtemo Township, offering more opportunities and flexibility for properties zoned Agricultural and Rural Residential. It is designed to provide those who either produce an agricultural product or live in the rural area and meet certain criteria the prospect of generating some supplementary revenue from their property. The objective is to offer additional options for these property owners without impeding the enjoyment of the area's rural character. It is not the objective of the ordinance to allow commercial operations within the rural area of the Township and therefore, some uses, like special events, have been limited.

It is also the intent that this ordinance will assist in implementing the Township's Master Plan. During the public meetings of the 2017 Master Plan Update, residents in the rural areas indicated a desire to preserve property, but needed a revenue source to assist with this preservation. In addition, those that produced an agricultural product wanted other opportunities that would help to support their farming operations. In response to these requests, the Rural Character Preservation Strategy chapter includes a goal to recognize, preserve, protect, and expand the study area's important and valued agricultural lands and enterprises. The following action strategy was developed related to this goal, as follows:

*Action Strategy AG-1: Review and amend the zoning ordinance, as necessary, to allow agritourism and agribusiness within the AG and/or RR Districts, with appropriate development restrictions to ensure compatibility with adjacent land uses and available public services.*

The development of the Agribusiness/Agritourism Ordinance is in response to this strategy.

The Planning Commission began working on this Ordinance in April of 2018. On December 13, 2018, they held a public input session to garner resident concerns prior to the required public hearing. The Planning Commission heard from several local agricultural producers and due to their input, made changes to the proposed Ordinance in January and February of 2019. The statutory public hearing was held on March 28, 2019 where a motion to recommend approval to the Township Board was unanimously accepted.

After moving the Ordinance to the Township Board, two work sessions were held on April 9<sup>th</sup> and 23<sup>rd</sup>, prior to first reading on May 14<sup>th</sup>. At this time, staff is requesting final approval of the proposed Ordinance.

#### **INFORMATION PROVIDED**

- Agritourism Ordinance



OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance to address agribusiness/agritourism to provide definitions related to agribusiness/agritourism, select those zoning districts in which to locate agribusinesses and agritourism facilities and to classify these uses as permitted and/or as a special use, establish conditions to be applied to permitted uses for agribusiness and agritourism Category 1 facilities and establish conditions for special uses for agritourism, Category 2 and Category 3 facilities. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20 DEFINITIONS. Article 2: Construction of Language and Definitions, Section 2.20 Definitions is hereby amended to add the following definitions to read as follows:

ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

**Section 2.20 Definitions**

**Agribusiness:** Any business catering exclusively to agricultural production, which may include, but is not limited to, supplying services or goods (such as feed or supplies) to producers of marketable agricultural products like greenhouses, nurseries, and farm cooperatives.

**Agriculture:** The science, art, or occupation of cultivating land, raising crops, and feeding, breeding, and raising livestock.

**Agriculture building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly accessory to the agricultural activity on site.

**Agriculture operation:** The production, harvesting, and storage of farm products including the land, plants, animals, buildings, structures, ponds, machinery, equipment, and other appurtenances used in the production of farm goods as a source of income.

**Agricultural products:** Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.);

floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Agricultural special event (Agritourism Category 2): A planned and organized education, entertainment, or recreation occasion or activity that brings the public to the agricultural operation, whether or not the participant paid to take part in the special event, provided said event is solely provided by the agritourism property owner.

Agriculturally related products: Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream-based desserts and beverages, jams, honey, food stuffs, and other items promoting the farm and on-site production.

Agriculturally related uses: Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

Agritourism: An agriculturally based operation or activity that brings public to a working farm for the purpose of enjoyment, education, or active involvement in the farm operation. Agritourism enterprises are further classified as follows:

- a. Agritourism, Category 1: An agritourism enterprise limited to u-pick fruits and vegetable operations, direct on-farm product sales, and farm markets.
- b. Agritourism, Category 2: An agritourism enterprise that includes education, entertainment, agricultural related uses and products, and limited non-agricultural related uses and products including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; and, other similar uses.
- c. Agritourism, Category 3: An agritourism enterprise that utilizes the rural character or agricultural buildings on site for nonresidential special events or activities, including: educational tours, classes, lectures, and seminars; celebratory gatherings such as weddings; retail events such as farm markets, barn markets, and agricultural sales; day camps; and, other similar special events or activities.

Farm market: The sale of agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land. This definition includes farm stands and roadside stands.

Holiday events/festivals (Agritourism Category 2 and 3): Nationally recognized or official public holidays, and/or observation of cultural traditions.

Non-agriculturally related products: Items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

Non-agriculturally related uses: Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related uses include amusement rides, concerts, special events, etc.

Retail special event (Agritourism Category 2 and 3): A planned retail sales activity which brings the public to the property to allow vendors to sell their products for a set period of time.

Seasonal: A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

U-Pick: A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

Wedding/Celebratory event (Agritourism Category 2 and 3): observation of a special social occasion such as a wedding, birthday, cultural traditions, etc., where people meet to commemorate and revel.

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 4: AG: AGRICULTURAL DISTRICT, SECTION 4.30 PERMITTED USES WITH CONDITIONS. Article 4: AGRICULTURAL DISTRICT, Section 4.30 PERMITTED USES WITH CONDITIONS is hereby amended to add the following paragraphs to read as follows:

ARTICLE 4: AG: AGRICULTURAL DISTRICT

**4.30 PERMITTED USES WITH CONDITIONS**

- C. Agribusiness
- D. Agritourism, Category 1

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 4: AG: AGRICULTURAL DISTRICT, SECTION 4.40 SPECIAL USES. Article 4: AGRICULTURAL DISTRICT, Section 4.40 SPECIAL USES is hereby amended to add the following paragraphs to read as follows:

ARTICLE 4: AG: AGRICULTURAL DISTRICT

**4.40 SPECIAL USES**

- J. Agritourism, Category 2
- K. Agritourism, Category 3

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT, SECTION 5.30 PERMITTED USES WITH CONDITIONS. Article 5: RR – RURAL RESIDENTIAL DISTRICT, Section 5.30 PERMITTED USES WITH CONDITIONS is hereby amended to add the following paragraphs to read as follows:

ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT

**5.30 PERMITTED USES WITH CONDITIONS**

- D. Agribusiness
- E. Agritourism, Category 1

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT, SECTION 5.40 SPECIAL USES. Article 5: RR – RURAL RESIDENTIAL DISTRICT, Section 5.40 SPECIAL USES is hereby amended to add the following paragraphs to read as follows:

ARTICLE 5: RR – RURAL RESIDENTIAL DISTRICT

**5.40 SPECIAL USES**

- N. Agritourism, Category 2
- O. Agritourism, Category 3

SECTION VI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 48: CONDITIONS FOR

SPECIFIC PERMITTED USES, BY ADDITION OF NEW SECTION 48.10. Article 48:

CONDITIONS FOR SPECIFIC PERMITTED USES, Section 48.10 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 48: CONDITIONS FOR SPECIFIC PERMITTED USES

**48.10 AGRIBUSINESS**

1. Application Narrative. A written narrative will be provided with any application describing the use in detail, including all the types of items, goods and merchandise that are proposed to be sold; the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.
2. Exemptions. Generally recognized agricultural operations, which are not involved with the retail sales of goods to other agricultural producers, are exempt from these standards.
3. Building Floor Area.
  - a. Total building floor area for the agribusiness shall not exceed 2,000 square feet.
  - b. The maximum portion of any building used for agribusiness sales shall not exceed 600 square feet.
4. Outdoor Storage. Outdoor storage of agribusiness materials shall be limited to 1,000 square feet and shall be located in the rear yard only.
5. Road Access. Access to an agribusiness use must be from the County primary road or State highway, unless approved by the Planning Commission.
6. Parking. On-site vehicle parking shall be provided on agribusiness property as follows:
  - a. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the total building floor area, plus one space for every two employees. This shall not include areas dedicated to agricultural production.
  - b. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
  - c. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
  - d. Parking and driveway surfaces may be pervious or hard surface.
7. Education-Oriented Activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are permitted if they meet the following criteria:

- i. Are limited to a one-day event no more than five times throughout a 12-month period.
  - ii. Have not more than 50 participants on the property at any one time during the one-day event.
8. **Impact.** If the proposed agribusiness use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, or if the size of the agribusiness exceeds the maximums allowed herein, review and approval by the Planning Commission as a Special Use shall be required.

SECTION VII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 48: CONDITIONS FOR SPECIFIC PERMITTED USES, BY ADDITION OF NEW SECTION 48.20. Article 48:

CONDITIONS FOR SPECIFIC PERMITTED USES, Section 48.20 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 48: CONDITIONS FOR SPECIFIC PERMITTED USES

**48.20 AGRITOURISM, CATEGORY 1**

1. **Application Narrative.** A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.
2. **Exemptions.**
  - a. Generally recognized agricultural operations, which are not involved with the retail sales of goods to the public, are exempt from these standards.
  - b. Farm markets with a sales area of 200 square feet or less, seasonal in nature, and where no permanent structure exists, are exempt from this ordinance.
3. **Floor Area, Building and Outdoor Storage.** The maximum area for farm markets shall be 3,000 square feet, which includes both the floor area of the building and the outdoor storage/display. Farm markets larger than 3,000 square feet shall be a Special Use reviewed and approved by the Planning Commission.
4. **Setbacks.** Farm market buildings equal to or less than 200 square feet in size shall be located not closer than 15 feet from the road right-of-way line or 25 feet from the edge of pavement, whichever is greater. Farm market buildings greater than 200 square feet in size shall comply with the minimum required setback distances for the district in which such building is located.
5. **Retail Sales.**
  - a. At least 75 percent of the products marketed and offered for sale (measured as an average over the farm's marketing season) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.

- b. The remainder 25 percent of products sold must be agriculturally related products as defined by Section 11: Definitions.
  - c. For purposes of determining the percentage of products being marketed, the primary measure will be retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used.
6. Education-Oriented Activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are permitted if they meet the following criteria:
- i. Are limited to a one-day event no more than five times throughout a 12-month period.
  - ii. Have not more than 50 participants on the property at any one time during the one-day event.
7. Road Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
8. Parking. On-site vehicle parking shall be provided on agritourism property as follows:
- a. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
  - b. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
  - c. Parking and driveway surfaces may be pervious or hard surface.
9. Impacts. If the proposed agritourism use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, review and approval by the Planning Commission as a Special Use shall be required.

SECTION VIII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49: REQUIREMENTS FOR SPECIAL USES, BY ADDITION OF NEW SECTION 49.10. Article 49: REQUIREMENTS FOR SPECIAL USES, Section 49.10 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 49: REQUIREMENTS FOR SPECIAL USES

**49.10 AGRITOURISM, CATEGORY 2**

- 1. Application Narrative. A written narrative describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Planning Commission in determining whether the application meets the Special Use requirements.
- 2. Exemption. Generally recognized agricultural operations, which are not involved with the retail sales of goods or any public activities, are exempt from these standards.

### 3. General Standards.

- a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.
- b. Maximum floor area. The maximum floor area for all buildings related to the agritourism use shall be 10,000 square feet. Clusters of smaller, architecturally appropriate structures are encouraged to maintain rural character of the agritourism use. This maximum floor area does not include greenhouses.
- c. Outdoor storage/display. The maximum area for the storage/display of agricultural products for sale shall be one acre. This requirement does not apply to u-pick operations.
- d. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.
- e. New uses and buildings. New uses and buildings shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Non-agricultural uses should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.
- f. Use and product percentages. Agricultural products produced on site, agriculturally related products and uses, and non-agriculturally related products and uses are permitted based on the following percentages:
  - i. At least 50 percent of the products (measured as an average over the farm's marketing season) and uses marketed and offered must be grown or produced on and by or have a direct relationship with the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
  - ii. A maximum of 30 percent of the products and uses marketed and offered may be other agriculturally related products and uses as defined by Section 11: Definitions.
  - iii. A maximum of 20 percent of the products and uses marketed and offered may be non-agriculturally related products and uses as defined by Section 11: Definitions.
  - iv. For purposes of determining the percentage of products and uses being marketed and offered, the primary measure will be square footage of space used for each individual product or use. If measurement of retail space during the marketing season is not feasible to determine percentage of product, then the percent of the gross sales dollars will be used.
- g. Parking. On-site vehicle parking shall be provided on agribusiness property as follows:
  - i. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. This shall not include areas dedicated to agricultural production.
  - ii. 24-foot two-way or 20-foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.

- iii. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
  - iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
  - v. Parking and driveway surfaces may be pervious or hard surface.
  - vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
  - vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the Agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
  - h. Lighting. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of Section 78.720: Outdoor Lighting Standards.
  - i. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
  - j. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
  - k. Restroom facilities. Public restroom facilities, temporary or permanent, shall be provided on site in compliance with the Americans with Disabilities Act of 1990, utilizing the most current accessibility standards.
  - l. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum occupant capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
  - m. Hours of operation. Hours of operation must be provided by the applicant. The Planning Commission may alter the requested hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation.
  - n. Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
  - o. Livestock. The keeping of livestock for agritourism purposes shall be subject to the provisions of Section 78.400: Keeping of poultry, swine, horses, or livestock.
4. Agritourism Special Events.
- a. The following table outlines the type and number of Agritourism Special Events allowed throughout a typical calendar year, beginning on January 1<sup>st</sup>.



Event Type	Event Size (persons)	Number of Consecutive Days	Days between any Event*	Total Number of Events per Year
Educational classes, lectures, seminars, and day camps	1-20	5	2	15
	21-50	3	4	10
	Over 50 (max 100)	2	10	5
Retail events	N/A	2	30	3
Holiday events/festivals	N/A	2	60	3

\*Must follow the maximum number of days between events.

- b. The agritourism operator/property owner shall submit the annual list of the special events to the Planning Commission for review within 30-days of the first requested event. The Planning Commission may eliminate a special event if said event would be unduly disruptive to the general peace and enjoyment of the rural and/or residential character of the surrounding area.
  - c. The special event must be related to and enhance the primary agritourism use of the property.
  - d. A reserved parking area shall be provided on-site to be utilized for special events. If the agritourism use intends to hold special events, this reserved area must be displayed on a site plan.
  - e. The reserved parking area must be of adequate size to accommodate the anticipated additional traffic of the special event. The size of the reserved parking area shall be reviewed and approved by the Planning Commission.
  - f. For special events lasting more than one day and with an expected daily attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
5. Education-oriented activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are exempt from the Agritourism Special Event standards if they meet the following criteria:
- a. Are limited to a one-day event no more than five times throughout a 12-month period.
  - b. Have not more than 50 participants on the property at any one time during the one-day event.
6. Prohibited Uses.
- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
  - b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.

SECTION IX. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49: REQUIREMENTS FOR SPECIAL USES, BY ADDITION OF NEW SECTION 49.20. Article 49: REQUIREMENTS FOR SPECIAL USES, Section 49.20 is hereby amended to add the following paragraphs to read as follows and to renumber the subsequent paragraphs:

ARTICLE 49: REQUIREMENTS FOR SPECIAL USES

**49.20 AGRITOURISM, CATEGORY 3**

1. Intent. The intent of the Category 3 Agritourism option is to allow opportunities for limited nonresidential events or activities that make use of existing rural character and agricultural buildings.
2. Application Narrative. A written narrative describing the events or activities, including proposed hours of operation; expected attendance; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the events or activities which will assist the Planning Commission in determining whether the application meets the Special Use requirements.
3. Events or Activities.
  - a. The following table outlines the type and number of events or activities allowed throughout a typical calendar year, beginning on January 1<sup>st</sup>.

Event Type	Event Size (persons)	Number of Consecutive Days	Days between any Event*	Total Number of Events per Year
Educational classes, lectures, seminars, and day camps	1-20	5	2	15
	21-50	3	4	10
	Over 50 (max 100)	2	10	5
Retail events	N/A	2	30	3
Weddings and celebratory gatherings	1-50	1	7	20
	51-150	1	20	15
	151-300 (max)	1	27	10
Holiday events/festivals	N/A	2	60	3

\*Must follow the maximum number of days between events.

- b. For events with an expected attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
  - c. Hours of operation. Hours of operation for the event or activities must be provided by the applicant. The Planning Commission may alter the requested hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation.
4. General Standards:
  - a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.

- b. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.
- c. Road Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
- d. Parking. On-site vehicle parking shall be provided on the agritourism property as follows:
  - i. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. This shall not include areas dedicated to agricultural production.
  - ii. 24-foot two-way or 20-foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.
  - iii. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
  - iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
  - v. Parking and driveway surfaces may be pervious or hard surface.
  - vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
  - vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
- e. Lighting. Any exterior lighting installed related to an agritourism event or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of Section 78.720: Outdoor Lighting Standards.
- f. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
- g. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
- h. Restroom facilities. Public restroom facilities, temporary or permanent, shall be provided on site in compliance with the Americans with Disabilities Act of 1990, utilizing the most current accessibility standards.
- i. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum capacity for special activities or events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.

5. Prohibited Uses.

- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
- b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.

SECTION X. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP

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# Memorandum

**Date:** May 10, 2019  
**To:** Township Board  
**From:** Dusty Farmer, Clerk  
**Subject:** Cemetery Ordinance Amendments and Cemetery Pricing

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**Objective:**

To update the Cemetery Ordinance to reflect the changes in the approved Cemetery Master Plan, to update the Township pricing structure for burial rights purchase and interment/disinterment, and to establish a Cemetery Maintenance Fund.

**Background:**

In February 2019, the Board adopted the Cemeteries Master Plan that outlines the vision of how the three cemeteries in Oshtemo will develop in the future. The plan includes burial options that meet the needs of the community, strategies to reduce maintenance costs, raising fees so that cemeteries can be sustained without additional general fund dollars, and creating spaces that are visually appealing to community members who visit memorials or stop at a cemetery as part of a non-motorized trail.

To begin implementation of the Cemeteries Master Plan, ordinance changes are necessary. These initial changes were shared with the Board earlier this year, along with a spreadsheet of local and statewide pricing structures.

**Highlights of Changes:**

- Burial Rights replace lots or spaces- this clarifies that property is not being purchased, but rather the right to bury.
- Definitions have been added to add consistency to word usage (Monument is general structure, memorial is a headstone), and to introduce new services for residents and non-residents (green burial, columbarium, cenotaph).
- Expansion of burial rights purchase for green burial to non-residents.
- Forfeiture of burial rights
- Memorial design standards
- Green burial
- Restrictions to decorations

**Attachments:**

- Mark-up Cemetery Ordinance Amendments
- Clean Cemetery Ordinance Amendments
- Burial Rights Form
- Burial Rights Transfer Form

## PART 233

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### 233.000 - CEMETERY REGULATIONS

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Ord. No. 203 Adopted: November 1, 1983

#### Contents:

- 233.001 - Authority.
- 233.002 - Definitions ~~of cemetery lots and burial spaces.~~
- 233.003 - Sale of ~~lots or~~ burial ~~spaces~~rights.
- 233.004 - Purchase price and transfer fees.
- 233.005 - Repurchase of ~~lots or~~ burial ~~spaces~~rights.
- 233.006 - Forfeiture of burial rights
- 233.0076 - Grave opening charges.
- 233.0087 - Memorials and Monuments ~~Markers or memorials.~~
- 233.0098 - Interment regulations.
- 233.0109 - ~~Ground m~~ Maintenance.
- 233.0110 - Records.
- 233.0121 - Vault.
- 233.013 - Expansion of existing and establishment of new cemeteries
- 233.0142 - Cemetery hours.
- 233.0153 - Penalties.
- 233.0164 - Repeal and effective date.

#### 233.001 - Authority.

##### Sec. 1.

The following cemetery regulations are adopted by ordinance pursuant to authority granted the Township by 1915 PA 313, as amended, 1931 PA 46, as amended, 1909 PA 95, as amended, and 1937 PA 215, as amended.

#### 233.002 - Definitions ~~of cemetery lots and burial spaces.~~

##### Sec. 2. The following words and phrases used in this ordinance are defined as follows:

~~A cemetery lot shall consist of burial spaces sufficient to accommodate from 1 to 6 burial spaces.~~

~~A burial space shall consist of a land area four feet wide and ten feet in length.~~

~~A cremation space shall consist of a land area three feet wide by three feet in length.~~

- a) Burial Right is the right to be buried in a burial space in the cemetery either through purchased ownership or granted written permission from the burial rights owner.

- b) Burial Space is the area for which burial rights have been purchased. Size is determined by the type of burial.
- c) Cenotaph is a monument for someone who is buried elsewhere in the cemetery.
- d) Columbarium is a structure for funeral urns to be stored.
- e) Cremains are the remains of a person after cremation.
- f) Lawn burial is an in-ground grave with a casket and vault.
- g) Green burial is an in-ground grave that allows natural decomposition.
- h) Memorial is a headstone made of durable material used to identify the occupant interred in a burial space.
- i) Monument is a large memorial used to indicate several burials.
- j) Qualified person is a person who either lives in or owns property in the Township.
- a)k) Vault is a vessel made of concrete used to contain a casket or cremains container.

**233.003 - Sale of ~~lots or~~ burial spaces rights.**

**Sec. 3.**

<u>Type of interment</u>	<u>Type of Monument</u>	<u>Type of Burial</u>	<u>Vault? Yes or No</u>	<u>Township Residency Required?</u>
<u>Full body</u>	<u>Above ground memorial for one person</u>	<u>Lawn burial, single plot,</u>	<u>Yes</u>	<u>Yes</u>
<u>Full body</u>	<u>Above ground memorial for two people</u>	<u>Lawn burial, side by side plots</u>	<u>Yes</u>	<u>Yes</u>
<u>Full body</u>	<u>Cenotaph monument obelisk, engraved with name and birth/death date</u>	<u>Green burial (Prairie Reconstruction Area), single plot burial space, biodegradable casket or shroud.</u>	<u>No</u>	<u>No</u>
<u>Full body</u>	<u>Cenotaph monument obelisk, engraved with names and birth/death dates that are grouped together.</u>	<u>Green burial (Prairie Reconstruction Area, side by side plots) burial space, biodegradable casket or shroud.</u>	<u>No</u>	<u>No</u>
<u>Cremains</u>	<u>Above ground memorial for one to three person</u>	<u>Lawn burial, single plot burial space, up to three cremains in urns</u>	<u>No</u>	<u>Yes</u>
<u>Cremains</u>	<u>Name and birth/death date on plaque on columbarium</u>	<u>Columbarium niche in court or wall, cremains in urn</u>	<u>No</u>	<u>No</u>
<u>Cremains</u>	<u>Cenotaph monument obelisk engraved with name and birth/death date</u>	<u>Green burial (Prairie Reconstruction area), single cremains plot burial space, biodegradable urn or no urn</u>	<u>No</u>	<u>No</u>

<u>Cremaains</u>	<u>Cenotaph monument obelisk, both names and birth/death dates are grouped</u>	<u>Green burial, (Prairie Reconstruction area), companion cremains plot, biodegradable urn or no urn</u>	<u>No</u>	<u>No</u>
<u>Cremaains</u>	<u>Flush memorial</u>	<u>Lawn burial, cremains section</u>	<u>No</u>	<u>Yes</u>

~~A. Hereafter, Cemetery lots or burial spaces burial rights shall be sold according to the chart in 233.02. Lawn burial rights shall be sold to qualified persons only. A qualified person is one who either lives in the Township or owns property in the Township, to only residents or taxpayers of the Township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin, hereinafter defined as "qualified persons." No sale shall be made to funeral directors or others than as heretofore set forth. Green burial rights shall be sold to the general public.~~

~~A.B. The Township Clerk of the Township Board, however, is hereby granted the authority to vary the any aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township, relationship to persons interred therein, or other adequate reason disclosing such personal interest.~~

~~B.C. 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 right sold. Such form shall be executed by the Clerk of the Township Clerk.~~

~~C.D. Burial rights, with the exception of green burials, may only be transferred to a qualified person with and may be effected only by the execution of an assignment a form issued by the Township Clerk of the Township Board, After approval and processing, ed by said the Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit-rights form to the assignee and shall cancel and terminate upon such records, the original form. permit thus assigned.~~

(Amended: Ord. No. 480, 8-28-2007)

#### **233.004 - Purchase price and transfer fees.**

##### **Sec. 4.**

- A. Purchase price of burial rightsspaces shall be at a cost determined ~~from time to time~~ by the Township Board and will be available in the Clerk's office.
- B. Transfer of ~~one or more~~ burial rightsspaces from an original purchaser to ~~a qualified person as assignee another~~ shall be at a cost determined ~~from time to time~~ by the Township Board.
- ~~C. The foregoing charges shall be paid to the Township. Treasurer and shall be deposited in the cemetery fund.~~



C. (Amended: Ord. No. 480, 8-28-2007)

**233.005 - Repurchase of ~~lots or~~ burial ~~spaces~~rights.**

**Sec. 5.**

The Township will repurchase any ~~cemetery lot or~~ burial ~~rights~~space from the owner for the original price paid to the Township upon the written request of said owner or ~~his or her~~his legal heirs or representatives.

**233.006 - Forfeiture of burial rights**

**Sec. 6.**

Effective for all burial rights acquired on or after July 1, 2019, unused burial rights to a plot are effective for forty years from the date of acquisition by purchase or transfer. The owner may renew said burial rights without further charge by providing written notice to the Township of their wishes to retain the burial rights to said vacant plot. If the owner does not initiate contact to renew said rights, the Township shall notify the owner by certified mail, using the last address of record, that the burial rights shall expire in 60 days if no written notice is received.

**233.007~~6~~ - Grave opening charges.**

**Sec. ~~76~~.**

- A. The opening and closing of any burial space, for either interment or disinterment 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 Township Board, payable to the Township of Oshtemo.
- B. No burial spaces shall be opened and closed except under the direction and control of the Township Clerk.

(Amended: Ord. No. 480, 8-28-2007)

**233.008~~7~~ - ~~Markers~~Memorials**

**Sec. ~~87~~.**

- A. All memorials must be of stone or other equally durable composition.
- B. All memorials must be located upon a suitable solid foundation. The Foundation shall be constructed by the Township. All foundation costs must be paid in full prior to installation. ~~to maintain the same in an erect position.~~
- C. Only ~~one~~ monument, memorial shall be permitted per burial space right, except for flush military memorials or flush memorials at the foot of the grave site to identify buried cremains.
- ~~D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at cost to the owner of the burial right.~~
- D. Within the cremation section, a memorial not to exceed 24 inches in length and 12 inches in width shall be permitted on each cremation space. If one memorial is placed to identify two adjacent cremation spaces, the size of the memorial may be increased but not to exceed 36 inches in length and 14 inches in width. All markers shall be four inches or less in thickness and shall be placed flush with the ground.

E. All green burial cenotaphs will be installed and engraved by the Township, with names grouped by location.

F. Markers shall be proportional to the size of the burial right-space upon which they are located and shall never extend beyond the burial-right(s) space for which they are placed.

G. Marker width shall be determined by number of burial spaces side-by-side for which burial rights have been purchased.~~burial rights owned.~~

(1) Single burial rightspace marker~~memorial~~ maximum width shall be forty-two (42) inches.

(2) Two to three (2-3) burial rightspace marker~~monument~~memorial maximum width shall be sixty (60) inches.

(3) Four to five (4-5) burial right-space marker~~memorial~~ maximum width shall be eighty-four (84) inches.

(4) No marker~~memorial~~ shall exceed eighty-four (84) inches in width.

(H) Marker~~Memorial~~ height shall not exceed forty-eight (48) inches.

(I) Marker~~Memorial~~ thickness shall not exceed sixteen (16) inches.

(J) Marker~~Memorial~~ shall be centered on individual gravesburial space or centered on the combined space, and located one (1) foot into the plotburial space at the common plotburial space line.

~~E.~~

(Amended: Ord. No. 480, 8-28-2007)

### **233.00~~98~~ - Interment regulations.**

#### **Sec. ~~98~~.**

~~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.~~

~~B.A.~~ Not less than 36 hours' notice shall be given in advance of the time of any funeral to allow for the opening of the burial space, and the Township will use its best efforts to accommodate spiritual or religious preferences of the family.

~~C.B.~~ 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 the Township Clerk ~~of the Township Board~~ prior to interment. 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~~person.

~~D.C.~~ All gravesburial spaces shall be ~~located~~kept in an orderly and neat appearing manner, within the confines of the burial space involved.

~~D.~~ One casket and one cremain may be buried in one lawn burial space. ~~3-cremation interments may be placed in one burial space.~~

~~E.~~ Three (3) cremains may be placed in one lawn or green burial space.

E. All materials for a green burial must be natural and biodegradable, with the exception of non-biodegradable medical implants not required by law to be removed prior to burial. Conventionally embalmed bodies are prohibited.

~~F.~~ (Amended: Ord. No. 480, 8-28-2007)

**233.01009 - Ground Maintenance.**

**Sec. 109.**

- A. No grading, leveling or excavating upon a burial space shall be allowed ~~without the permission of the Township Clerk.~~
- B. ~~No shrubs, trees or evergreen shall be plantings shall be allowed. ed without the approval of the Township Clerk.~~ Flowers must be placed within one foot of the front of the marker memorial for lawn burials. ~~Upon a cremation space only, no plants or evergreens shall be permitted.~~ One underground container for cut flowers will be permitted per cremation burial space. Glass containers are not permitted on any burial space.
- C. The Township 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. Mounds which~~ Decorations or flowers which hinder the free use of a lawn mower or other gardening apparatus are prohibited and will be removed.
- ~~D.E.~~ Other than the marker memorial and seasonal decorations, no structures shall be permitted.
- ~~E.F.~~ The Township shall have the right and authority to remove any and all flowers, emblems, or displays that are or become unsightly. Spring/summer decorations must be removed by October 15 or they will be removed by the Township. Winter decorations are allowed after November 1 and must be removed by April 1 or they will be removed by the Township. Pursuant to State of Michigan law, the Township places flags on Veteran burial spaces prior to November 11.
- ~~F. G. Surfaces other than earth or sod are prohibited.~~ Burial space shall be either lawn or prairie, per the Cemetery Master Plan, unless constructed by the Township. Other surfaces prohibited.
- G. For green burial sections, after short prairie/savannah reconstruction, the landscape will be minimally maintained. A rough, unpaved walkway through sections will be minimally maintained for use by burial equipment, passenger vehicles, and pedestrians.
- ~~G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.~~

(Amended: Ord. No. 480, 8-28-2007)

**233.01110 - Records.**

**Sec. 110.**

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

(Amended: Ord. No. 480, 8-28-2007)

**233.0121 - Vault.**

**Sec. 121.**

A. ~~A. Lawn~~ All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. ~~Cremation ashes shall be placed within a burial container which will not degrade.~~

B. ~~B. Green~~ burials shall not have a vault and shall be interred according to the Interment regulation section of this ordinance.

(Amended: Ord. No. 480, 8-28-2007)

### **233.013 - Expanding existing and establishing new township cemeteries.**

#### **Sec. 13.**

(a) When it considers it desirable and necessary, by Resolution the Board may provide for enlargement of an existing cemetery or establishment of one (1) or more new cemeteries.

(b) A Board Resolution to enlarge or establish a cemetery shall be subject to:

(1) Providing the County health department with a land description and two (2) copies of a plat for the division of the enlarged or new cemetery; and,

(2) County health department approval of a plat for the enlarged or new cemetery.

### **233.0142 - Cemetery hours.**

#### **Sec. 142.**

A. The cemetery shall be open to the general public from sunrise to sunset of 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 Clerk.

(Amended: Ord. No. 480, 8-28-2007)

### **233.0153 - Penalties.**

#### **Sec. 153.**

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction.

Upon determination of responsibility, the person, corporation, firm or other entity shall pay a fine according to the following schedule:

- First offense .....\$75.00
- Second offense within three years of first offense .....150.00
- Third offense within three-year period .....325.00
- Fourth and each subsequent offense within three-year period are each .....500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

Each day during which a violation continues shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

Nothing herein contained shall prevent the Township Board, public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance.

(Amended: Ord. No. 309, 9-6-1994)

**233.016 - Repeal and effective date.**

**Sec. 15.**

These Regulations shall take effect 30 days after publication. All regulations or parts of regulations in conflict herewith are hereby repealed.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend Oshtemo Charter Township Ordinance No. 203, as amended, entitled the Oshtemo Charter Township Cemetery Regulations," specifically Compiled Sections 233.002 through 233.016, and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I. AMENDMENT TO COMPILED SECTION 233.002 DEFINITIONS OF CEMETERY LOTS

AND BURIAL SPACES AND RETITLED. Compiled Section 233.002 is hereby amended and retitled to read as follows:

**233.002 – Definitions.**

**Sec. 2. The following words and phrases used in this ordinance are defined as follows:**

- (a) Burial Right is the right to be buried in a burial space in the cemetery either through purchased ownership or granted written permission from the burial rights owner.
- (b) Burial Space is the area for which burial rights have been purchased. Size is determined by the type of burial.
- (c) Cenotaph is a monument for someone who is buried elsewhere in the cemetery.
- (d) Columbarium is a structure for funeral urns to be stored.
- (e) Remains are the remains of a person after cremation.
- (f) Lawn burial is an in-ground grave with a casket and vault.
- (g) Green burial is an in-ground grave that allows natural decomposition.

- (h) Memorial is a headstone made of durable material used to identify the occupant interred in a burial space.
- (i) Monument is a large memorial used to indicate several burials.
- (j) Qualified person is a person who either lives in or owns property in the Township.
- (k) Vault is a vessel made of concrete used to contain a casket or cremains container.

SECTION II. AMENDMENT TO COMPILED SECTION 233.003 SALE OF LOTS OR BURIAL SPACES

AND RETITLED. Compiled Section 233.003 is hereby amended and retitled to

read as follows:

**233.003 – Sale of burial rights.**

**Sec. 3.**

Type of interment	Type of Monument	Type of Burial	Vault? Yes or No	Township Residency Required?
Full body	Above ground memorial for one person	Lawn burial, single plot,	Yes	Yes
Full body	Above ground memorial for two people	Lawn burial, side by side plots	Yes	Yes
Full body	Cenotaph monument obelisk, engraved with name and birth/death date	Green burial (Prairie Reconstruction Area), single burial space, biodegradable casket or shroud.	No	No
Full body	Cenotaph monument obelisk, engraved with names and birth/death dates that are grouped together.	Green burial (Prairie Reconstruction Area, side by side burial space, biodegradable casket or shroud.	No	No
Cremains	Above ground memorial for one to three person	Lawn burial, single burial space, up to three cremains	No	Yes
Cremains	Name and birth/death date on plaque on columbarium	Columbarium niche in court or wall, cremains in urn	No	No
Cremains	Cenotaph monument obelisk engraved with name and birth/death date	Green burial (Prairie Reconstruction area), single cremains burial space, biodegradable urn or no urn	No	No
Cremains	Cenotaph monument obelisk, both names and birth/death dates are grouped	Green burial, (Prairie Reconstruction area), companion cremains plot, biodegradable urn or no urn	No	No
Cremains	Flush memorial	Lawn burial, cremains section	No	Yes

- A. Cemetery burial rights shall be sold according to the chart in 233.02. Lawn burial rights shall be sold to qualified persons only. No sale shall be made to funeral directors. Green burial rights may be sold to the general public.
- B. The Township Clerk is hereby granted the authority to vary any restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township, relationship to persons interred therein, or other adequate reason disclosing such personal interest.
- C. 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 burial right sold. Such form shall be executed by the Township Clerk.
- D. Burial rights, with the exception of green burials, may only be transferred to a qualified person with a form issued by the Township. After approval and processing, the Clerk, shall issue a new burial rights form to the assignee and shall cancel and terminate the original form.

SECTION III. AMENDMENT TO COMPILED SECTION 233.004 PURCHASE PRICE AND TRANSFER

FEES. Compiled Section 233.004 is hereby amended to read as follows:

**233.004 – Purchase price and transfer fees.**

**Sec. 4.**

- A. Purchase price of burial rights shall be at a cost determined by the Township Board and will be available in the Clerk's office.
- B. Transfer of burial rights from an original purchaser to another shall be at a cost determined by the Township Board.
- C. The foregoing charges shall be paid to the Township.

SECTION IV. AMENDMENT TO COMPILED SECTION 233.005 REPURCHASE OF LOTS OR

BURIAL SPACES AND RETITLED. Compiled Section 233.005 is hereby amended

and retitled to read as follows:

**233.005 – Repurchase of burial rights.**

**Sec. 5.**

The Township will repurchase any burial right from the owner for the original price paid to the Township upon the written request of said owner or his or her legal heirs or representatives.



SECTION V. ADDITION OF COMPILED SECTION 233.006 FORFEITURE OF BURIAL RIGHTS.

Compiled Section 233.006 is hereby added to read as follows:

**233.006 – Forfeiture of burial rights.**

**Sec. 6.**

Effective for all burial rights acquired on or after July 1, 2019, unused burial rights to a plot are effective for forty years from the date of acquisition by purchase or transfer. The owner may renew said burial rights without further charge by providing written notice to the Township of their wishes to retain the burial rights to said vacant plot. If the owner does not initiate contact to renew said rights, the Township shall notify the owner by certified mail, using the last address of record, that the burial rights shall expire in 60 days if no written notice is received.

SECTION VI. AMENDMENT COMPILED SECTION 233.006 GRAVE OPENING CHARGES AND RENUMBERED. Compiled Section 233.006 is hereby amended and renumbered

as Compiled Section 233.007 to read as follows:

**233.007 – Grave opening charges.**

**Sec. 7.**

- A. The opening and closing of any burial space, for either interment or disinterment, shall be at a cost to be determined by the Township Board, payable to the Township of Oshtemo.
- B. No burial spaces shall be opened and closed except under the direction and control of the Township Clerk.

SECTION VII. AMENDMENT COMPILED SECTION 233.007 MARKERS OR MEMORIALS.

RETITLED AND RENUMBERED. Compiled Section 233.007 is hereby amended, retitled and renumbered as Compiled Section 233.008 to read as follows:

**233.008 – Memorials.**

**Sec. 8.**

- A. All memorials must be of stone or other equally durable composition.
- B. All memorials must be located upon a suitable solid foundation. The Foundation shall be constructed by the Township. All foundation costs must be paid in full prior to installation.
- C. Only one memorial shall be permitted per burial space, except for flush military memorials or flush memorials at the foot of the grave site to identify buried remains.
- D. Within the cremation section, a memorial not to exceed 24 inches in length and 12 inches in width shall be permitted on each cremation space. If one memorial is placed to identify two adjacent cremation spaces, the size of the memorial may be increased but not to exceed 36 inches in length and 14 inches in width. All markers shall be four inches or less in thickness and shall be placed flush with the ground.

- E. All green burial cenotaphs will be installed and engraved by the Township, with names grouped by location.
- F. Markers shall be proportional to the size of the burial space upon which they are located and shall never extend beyond the burial space for which they are placed.
- G. Marker width shall be determined by number of burial spaces side-by-side for which burial rights have been purchased.
  - (1) Single burial space memorial maximum width shall be forty-two (42) inches.
  - (2) Two to three (2-3) burial space memorial maximum width shall be sixty (60) inches.
  - (3) Four to five (4-5) burial space memorial maximum width shall be eighty-four (84) inches.
  - (4) No memorial shall exceed eighty-four (84) inches in width.
- H. Memorial height shall not exceed forty-eight (48) inches.
- I. Memorial thickness shall not exceed sixteen (16) inches.
- J. Memorial shall be centered on individual burial space or centered on the combined space and located one (1) foot into the burial space at the common burial space line.

SECTION VIII. AMENDMENT COMPILED SECTION 233.008 INTERMENT REGULATIONS AND RENUMBERED. Compiled Section 233.008 is hereby amended and renumbered as Compiled Section 233.009 to read as follows:

**233.009 – Interment regulations.**

**Sec. 9.**

- A. Not less than 36 hours' notice shall be given in advance of the time of any funeral to allow for the opening of the burial space, and the Township will use its best efforts to accommodate spiritual or religious preferences of the family.
- B. 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 the Township Clerk prior to interment. 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 person.
- C. All burial spaces shall be kept in an orderly and neat appearing manner.
- D. One casket and one cremain may be buried in one lawn burial space.
- E. Three (3) cremains may be placed in one lawn or green burial space. All materials for a green burial must be natural and biodegradable, with the exception of non-biodegradable medical implants not required by law to be removed prior to burial. Conventionally embalmed bodies are prohibited.

SECTION IX. AMENDMENT COMPILED SECTION 233.009 GROUND MAINTENANCE, RETITLED

AND RENUMBERED. Compiled Section 233.009 is hereby amended, retitled and renumbered as Compiled Section 233.010 to read as follows:

**233.010 – Maintenance.**

**Sec. 10.**

- A. No grading, leveling or excavating upon a burial space shall be allowed.
- B. No plantings shall be allowed. Flowers must be placed within one foot of the front of the memorial for lawn burials. One underground container for cut flowers will be permitted per cremation burial space. Glass containers are not permitted on any burial space.
- C. The Township 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. Decorations or flowers which hinder the free use of a lawn mower or other gardening apparatus are prohibited and will be removed.
- E. Other than the memorial and seasonal decorations, no structures shall be permitted.
- F. The Township shall have the right and authority to remove any and all flowers, emblems, or displays that are or become unsightly. Spring/summer decorations must be removed by October 15 or they will be removed by the Township. Winter decorations are allowed after November 1 and must be removed by April 1 or they will be removed by the Township. Pursuant to State of Michigan law, the Township places flags on Veteran burial spaces prior to November 11.
- G. Burial space shall be either lawn or prairie, per the Cemetery Master Plan, unless constructed by the Township. Other surfaces prohibited.
- H. For green burial sections, after short prairie/savannah reconstruction, the landscape will be minimally maintained. A rough, unpaved walkway through sections will be minimally maintained for use by burial equipment, passenger vehicles, and pedestrians.

SECTION X. AMENDMENT COMPILED SECTION 233.010 RECORDS AND RENUMBERED.

Compiled Section 233.010 is hereby amended and renumbered as Compiled Section 233.011 to read as follows:

**233.011 – Records.**

**Sec. 11.**

The Township Clerk shall maintain records concerning all burials and issuance of burial rights, 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 XI. AMENDMENT COMPILED SECTION 233.011 VAULT AND RENUMBERED.

Compiled Section 233.011 is hereby amended and renumbered as Compiled

Section 233.012 to read as follows:

**233.012 – Vault.**

**Sec. 12.**

- A. Lawn burials shall be within a standard concrete vault installed or constructed in each burial space before interment.
- B. Green burials shall not have a vault and shall be interred according to the Interment regulation section of this ordinance.

SECTION XII. ADDITION OF COMPILED SECTION 233.013 EXPANDING EXISTING AND

ESTABLISHING NEW TOWNSHIP CEMETERIES. Compiled Section 233.013 is

hereby added to read as follows:

**233.013 – Expanding Existing and Establishing New Township Cemeteries.**

**Sec. 13.**

- A. When it considers it desirable and necessary, by Resolution the Board may provide for enlargement of an existing cemetery or establishment of one (1) or more new cemeteries.
- B. A Board Resolution to enlarge or establish a cemetery shall be subject to:
  - 1. Providing the Kalamazoo County Health and Community Services Department with a land description and two (2) copies of a plat for the division of the enlarged or new cemetery; and,
  - 2. Kalamazoo County Health and Community Services Department approval of a plat for the enlarged or new cemetery.

SECTION XIII. RENUMBERING OF COMPILED SECTIONS 233.012 CEMETERY HOURS AND

233.013 PENALTIES. Compiled Section 233.012 is renumbered as Compiled

Section 233.014, and Compiled Section 233.013 is renumbered as Compiled

Section 233.015.

SECTION XIV. AMENDMENT TO COMPILED SECTION 233.014 REPEAL AND EFFECTIVE DATE

AND RENUMBERED. Compiled Section 233.014 is hereby amended and

renumbered as Compiled Section 233.016 to read as follows:

**294.016 Repeal and effective date.**

**Sec. 16.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect upon publication.

DUSTY FARMER, CLERK  
OSHEMO CHARTER TOWNSHIP

*Cemetery Lot Certificate*

**OSHTEMO CHARTER TOWNSHIP**  
KALAMAZOO COUNTY, MICHIGAN

Permit No. \_\_\_\_\_

~~KNOW ALL MEN BY THESE PRESENTS That~~ In consideration of the sum \_\_\_\_\_,  
receipt of which is hereby acknowledged, the Township Board of Oshtemo Charter Township,  
Kalamazoo County, Michigan, hereby issues and grants to \_\_\_\_\_,  
his, her, or their heirs, representatives and assigns, the right of the interment and burial in and to  
burial space(s) \_\_\_\_\_, in Lot \_\_\_\_\_, Section \_\_\_\_\_, in the  
Genessee Prairie Cemetery of the Charter Township of Oshtemo, in Kalamazoo  
County, Michigan, according to the Plat thereof on file with the Clerk of the Board of said  
Township; subject, however, to all rules and regulations now existing or which might thereafter be  
adopted by the Township Board, or its successor or assigns, concerning the same.

This Burial Permit and the rights herein granted shall only be transferred by completion and  
endorsement of an Assignment and the acceptance and approval of the same for recording by the  
Clerk of the Township Board.

IN WITNESS WHEREOF, The Township Board has caused this instrument to be executed by the  
Clerk of said Board, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Oshtemo Charter Township Board

By \_\_\_\_\_  
Amanda McMillon, Deputy Its Clerk

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email address

*Cemetery Lot Transfer Certificate*

**OSHTEMO CHARTER TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN**

Previous Permit No. \_\_\_\_\_

New Permit No. \_\_\_\_\_

~~KNOW ALL MEN BY THESE PRESENTS That~~ In consideration of the sum of \$5.00 per grave, receipt of which is hereby acknowledged, the Township Board of Oshtemo Charter Township, Kalamazoo County, Michigan, hereby transfers to \_\_\_\_\_, his, her, or their heirs, representatives and assigns, the right of the interment and burial in and to burial space(s) \_\_\_\_\_, in Lot \_\_\_\_\_, Section \_\_\_\_\_, in the \_\_\_\_\_ Hill \_\_\_\_\_ Cemetery of the Charter Township of Oshtemo, in Kalamazoo County, Michigan, according to the Plat thereof on file with the Clerk of the Board of said Township; subject, however, to all rules and regulations now existing or which might thereafter be adopted by the Township Board, or its succes-sor or assigns, concerning the same.

This Burial Permit and the rights herein granted shall only be transferred by completion and endorsement of an Assignment and the acceptance and approval of the same for recording by the Clerk of the Township Board.

IN WITNESS WHEREOF, The Township Board has caused this instrument to be executed by the Clerk of said Board, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Oshtemo Charter Township Board

By \_\_\_\_\_  
Its Clerk

By \_\_\_\_\_  
Previous Owner

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email address

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CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**Resolution Establishing a Cemetery Perpetual Care and Maintenance Fund  
For Oshtemo Charter Township**

**May 28, 2019**

WHEREAS, the Township has authority to own, operate and maintain cemeteries within the Township pursuant to Public Act 113 of 1915, Public Act 46 of 1931, Public Act 95 of 1909 and Public Act 215 of 1937; and

WHEREAS, the Township currently operates three cemeteries in the Township, to-wit: Genessee Prairie Cemetery, Hill Cemetery and West Oshtemo Cemetery; and

WHEREAS, the Township has exercised its authority to own, operate and maintain cemeteries within the Township pursuant to Ordinance No. 203 adopted November 1, 1983; and

WHEREAS, the Township has and will continue to operate and maintain its cemeteries at the highest level in order to serve the welfare of its residents; and

WHEREAS, the Board wishes to plan for the continuing operation and maintenance of its cemeteries by establishing a perpetual care fund pursuant to Section 1 of Public Act 215 of 1937.

NOW, THEREFORE, IT US HEREBY RESOLVED that Oshtemo Charter Township shall establish the Oshtemo Charter Township Cemetery Perpetual Care and Maintenance Fund. The Oshtemo Charter Township Cemetery Perpetual Care and Maintenance Fund shall be established with an initial funding of \$\_\_\_\_\_. The interest of the Cemetery Perpetual Care and Maintenance Fund will be used solely for the care and maintenance of the Township's cemeteries. Monies may be added to the Cemetery Perpetual Care and Maintenance Fund from the General Fund as deemed advisable by the Township Board. In addition, the Cemetery



Perpetual Care and Maintenance Fund may receive bequests, donations and gifts from the public for the benefit of the Township cemeteries.

A motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the above-referenced Resolution.

Upon a roll call vote, the following voted "Aye":

The following voted "Nay":

The following "Abstained":

The Supervisor declared that the Resolution has been adopted.

\_\_\_\_\_  
Dusty Farmer, Clerk  
Oshtemo Charter Township

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CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on May 28, 2019, at which meeting \_\_\_\_ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

\_\_\_\_\_  
Dusty Farmer, Township Clerk