

## CEMETERY ORDINANCE NO. 20

Adopted: February 27, 1995  
Effective: March 30, 1995  
Amendments: 3/27/1995 & 4/27/1998  
10/25/2010 & 7/1/2017

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL AND MANAGEMENT OF THE CEMETERY OWNED BY THE TOWNSHIP OF GARFIELD, CLARE COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATIONS OF SAID ORDINANCE.

TOWNSHIP OF GARFIELD, COUNTY OF CLARE, MICHIGAN ORDAINS:

### SECTION 1: TITLE

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

### SECTION 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- B. A burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.

### SECTION 3: SALE OF LOTS OR BURIAL SPACES

- A. Cemetery lots or burial spaces shall be sold only to 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. No sale shall be made to funeral directors or others than as heretofore set forth. The township clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through relationship to persons interred therein.
- B. All such sales shall be made on a form approved by the township board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the township clerk.
- C. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the township clerk, approved by said clerk, and entered upon the official records of said clerk. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

### SECTION 4: PURCHASE PRICE AND TRANSFER FEES

- A. Each burial space shall cost the sum of \$50.00.
- B. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost \$10.00.
- C. The foregoing charges shall be payable to the township clerk and shall be deposited in the cemetery fund.
- D. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

#### SECTION 5: GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township.
- B. No burial spaces shall be opened or closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, when matters are under the supervision of the health department.
- C. Burial opening and closing shall be \$200.00 during Summer (May 1 to October 30) and \$250.00 with \$25.00 going to township for added costs in the Winter (November 1 to April 30). \$150.00 storage if ground is frozen (2") and grave cannot be dug. If burial is insisted there will be an additional cost of \$100.00 per each inch of frost with a maximum of 6". Sunday burials will be an extra \$50.00 both summer and winter.

#### AMENDMENT 3/27/1995

Correct a typing error for Storage. Should be \$250 instead of \$150.

#### AMENDMENT 10/25/2010

Modify the burial ordinance to add Saturday and holidays to Sundays adding an extra \$50 to the fees.

#### AMENDMENT 07/01/2017

Modify the burial ordinance to change the lot price to \$100 per grave site.

Modify the Summer Full Burial Opening/Closing to \$300 and the Winter Full Burial Opening/Closing to \$400 to be split between the township and sexton. The \$50 extra fee, amended on 10/25/2010 for holidays and weekends to be paid to the sexton.

- D. AMENDMENT 4/27/1998 Infant and cremation burials will be \$50.00 each. Anything larger than 3'6" will be \$100.00 extra in the winter.

## SECTION 6: MARKERS, MEMORIALS AND FOUNDATIONS

- A. All markers or memorials must be of stone or other equally durable composition.
- B. Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the township at the cost to the owner of the burial right.
- E. AMENDMENT 7/27/1998 All markers will face the East when put on foundation.

## SECTION 7: INTERMENT REGULATIONS

- A. Only one person may be buried in a burial space except for a mother and infant, two children buried at the same time or cremation.
- B. Not less than 48 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces. After excavation is made, no change of location of grave shall be made except at the expense of the lot owner.
- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or 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 authorized and appropriate on or before any interment is commenced or completed.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

## SECTION 8: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed. No trees or shrubs growing on any lot shall be trimmed or removed without the permission of the cemetery sexton or the township clerk.
- B. All persons are strictly prohibited from plucking any flowers, either wild or cultivated, breaking any trees, shrubs or plants, writing or injuring any monument, fence or structure within the cemetery.
- C. The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

- D. The use of unsightly jars, jugs, bottles, etc. for cut flowers is discouraged. All containers for flowers should be set behind and to the side of the headstone and be set flush with the ground.
- E. Metal flower urns, other than bronze, must be kept painted. Growing flowers in urns do not come under the perpetual care of the cemetery, but this courtesy in the care and watering of the flowers will be extended as much as possible.
- F. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.
- H. Surfaces other than earth or sod are prohibited.
- I. 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.

#### SECTION 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

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

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

#### SECTION 10: REPURCHASE OF LOTS OR BURIAL SPACES

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

#### SECTION 11: RECORDS

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

## SECTION 12: VAULT

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

## SECTION 13: CEMETERY HOURS

- A. The cemetery shall be open to the general public from the hours of 8 a.m. to 8 p.m. each day.
- B. No person shall be permitted in the township cemetery at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.
- C. All vehicles shall be restricted to the established roads except authorized vehicles.
- D. No alcohol shall be allowed at any time in the cemetery.

## SECTION 14: PENALTIES

Anyone who violates any of the provisions of the within Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

## SECTION 15: SEVERABILITY

The provisions of the within Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

## SECTION 16: EFFECTIVE DATE

This Ordinance shall take effect on March 30, 1995.

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Florence Mowery, Clerk  
Garfield Township

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William J. Scott, Supervisor  
Garfield Township

## AMENDMENT 3/27/1995

SECTION 5 (C): Correct a typing error for Storage. Should be \$250 instead of \$150.

AMENDMENT 4/27/1998

SECTION 5: Infant and cremation burials will be \$50.00 each. Anything larger than 3'6" will be \$100.00 extra in the winter.

AMENDMENT 7/27/1998

SECTION 6: All markers will face the East when put on foundation.

AMENDMENT 10/25/2010

SECTION 5 (C): Modify the burial ordinance to add Saturday and holidays to Sundays adding an extra \$50 to the fees.