

**CEMETERY ORDINANCE**

**GARFIELD TOWNSHIP MEMORIAL  
CEMETERY**

**NEWAYGO COUNTY, MICHIGAN**

**Revised 1/1/2011**

# **Cemetery Ordinance**

## **Garfield Township Cemetery Ordinance Sections**

An ordinance to protect the public health, safety, and general welfare by establishing regulations to the operation, control, and management of cemeteries owned by the Township of Garfield, Newaygo County, Michigan; to provide penalties for violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict herewith.

**Section 1: Definitions for Qualifications of Ownership**

**Section 2: Definitions (General)**

**Section 3: Sale of Lots and Burial Spaces**

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**Section 1: Definitions for Qualification of Ownership**

**Property Owner:**

A person and their immediate family owning property within the Township.

**Resident:**

A person with residence in Garfield Township.

**Non Resident Property Owner:**

A person and their immediate family who are non-residents but own property at the time the service is requested.

**Non-Resident/Non-Property Owner:**

Persons and their immediate family who do not reside in or own property in Garfield Township.

**Immediate Family:**

An immediate family shall consist of a person’s parents, parent-in-laws, step-parents, spouse, children, or step-children, brother, sister, step-brother, or step-sister.

**Section 2: Definitions (General)**

- Cemetery:** Land area owned by the Township and platted for cemetery use on Bingham Road North of Garfield Township Hall.
- Cemetery Board:** Township residents appointed by the Garfield Township Board invested by law with the duty of managing or controlling the cemetery designated by Garfield Township.
- Township:** Garfield Township, Newaygo County.
- Clerk:** Garfield Township clerk or his/her deputy who is responsible for the records and the sale of lots or parts of lots within the cemetery.
- Decorations:** All structures, ornaments, plantings, or embellishments (with the exception of monuments or markers), which are placed on cemetery lots with the intention of improving their appearance.
- Disinterment:** To uncover and exhume.

- Gravesite:** A one eighth lot, (6' x 12') which is of a size to bury one adult and intended for interment of human bodies.
- Interment:** To excavate a gravesite, place the human remains therein, and cover with earth.
- Lot (full):** Eight gravesites adjacent to one another as platted.
- Lot (half):** Four gravesites adjacent to one another.
- Lot (quarter):** Two gravesites.
- Marker:** A stone listing the name, date of birth, death, and other information about the person buried at the gravesite.
- Monument:** A memorial to a family or individual within the gravesite, that meets the size and material type listed in Section 8.
- Owner of Gravesite:** Any person or persons owning or possessing the privilege, license, or right of interment in any gravesite.
- Sale:** The issuing of a trust for lots or gravesites from the Township to an individual, or the individual to the Township for the sum of money that is established within the Rules and Regulations.
- Sexton:** An employee of the Township with a job description which includes the responsibility for the care and maintenance of the Cemetery and the enforcement of these regulations and the laws of the State of Michigan with regard to the operations of cemeteries and the burial of human remains.
- Transfer:** The transfer of a trust for lots or gravesites to another individual in accordance with the Rules and Regulations

### **Section 3: Sale of Lots and Burial Spaces**

The sale of lots or parts of lots and burials shall be permitted as follows:

On or after August 2009 the Township may sell trusts for lots to a person for their use or the use of a member of their immediate family prior to death. In addition, the Township may sell a trust for a gravesite to a person or firm for the burial of an individual within 96 hours of purchase. The sale price shall be determined in part by age, residency, and whether the person to be buried is a property taxpayer of the Township. A price list setting the purchase price of a gravesite and any other gravesite charges, are to be maintained by the Cemetery Sexton and are available for review upon request of the public. Any Garfield Township cemetery fee changes are subject to approval by the Township Board.

## **Section 4: Repurchase and Transfer of Lots or Burial Spaces**

- A. A person having a trust to lots, or parts of lots, may sell the lots or parts of lots back to the Township for the original purchase price.
- B. Transfer of lots, or parts of lots, may only be done in accordance with the Trust, which states that the buyer's heirs, executors, administrators, and assignees may receive a trust to the lots subject to the regulations of this Cemetery Ordinance. The heir, executor, and/or assignees must show written proof of such, which is to be provided by the Township Clerk upon the purchase of the burial lot, and the Clerk shall complete the transfer and charge an appropriate fee for said service. While living, an owner may not transfer the Trust to a person who is not an immediate family member, but may sell the lots or parts of lots back to the Township at the original purchase price and the Township will re-sell the lots or parts of lots to the person(s) desired at the current sale price.

## **Section 5: Interment and Disinterment Regulations**

- A. No person shall be buried unless he/she is the owner of a Gravesite or is an immediate family member of the owner of the gravesite. A Gravesite may be purchased in the name of a deceased person. Residency rules apply for the deceased person.
- B. No person shall be recognized as the owner unless so recorded in the Township office.
- C. No disinterment will be allowed except by authority of the person owning the lot in which the interment is made, except by order of the court, when proper receipt for the remains must be given. Graves shall not be opened for inspection except for official investigations or court order. Interment and disinterment may be made only by employees of the Township under the supervision of the Sexton. The Township shall provide reasonable care but shall not be responsible for damage to any casket, burial case, urn, or marker in making the removal. The owner shall remove markers or monuments designating the location of an interment at the time of disinterment.
- D. The person requesting interment and disinterment must provide the Township with a minimum of 24 hours advance notice as to when the opening of a gravesite is required.
- E. An appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, be presented to the Sexton of the township cemetery.

## **Section 6: Arrangement for Lot Care**

- A. General Maintenance, which is defined as the improvement of the over-all appearance and condition of the cemetery, shall be the responsibility of the Township. This includes upkeep of the drives, buildings, waterlines and fences, spring cleanup, periodic cutting of grass, raking of leaves, trimming of trees and shrubs, refilling sunken graves, and initial seeding of a gravesite after burial.
- B. Watering urns is the responsibility of the family of the deceased buried at a given gravesite.

## **Section 7.1: Decorations of 6'x12' Gravesites**

- A. Copings, fences, curbs, benches, steps, wood structures, or other equally perishable material are prohibited.
- B. No elevated mound shall be built over graves and no lot shall be filled above the grade established by the Township.
- C. Receptacles for cut or artificial flowers will be permitted if installed flush with the surface of the lawn, adjacent to and on either the right or left side of the marker. Use of glass receptacles is prohibited.
- D. Winter decorations may be maintained on graves between September 30 of one year and May 1 of the next year. If such decorations are not removed by May 1, they shall be considered abandoned and may be disposed of by the Township.
- E. Urns shall be permitted only if installed to the immediate left or right of a marker. The Sexton shall relocate any urn to the left or right of the marker if not installed in the proper location and shall not be responsible for damage.
- F. Shepard hooks for hanging baskets are permitted if positioned adjacent to marker, with the basket over the marker, during the period of April 1 to November 30 of any given year. If left after November 30, they shall be considered abandoned and may be removed by the Sexton.
- G. Toys, balloons, and other non-conforming objects will not be permitted as grave decorations and if used shall be removed by the Sexton without notice.
- H. Plantings outside of urns shall not be permitted.
- I. The planting of hedges is strictly prohibited.     unsightly or dangerous.
- J. Trees may only be removed, planted, or pruned under the direction and consent of the Sexton.
- K. Cement covered graves or ledger monuments above ground are not permitted.
- L. The Township, prior to Memorial Day, will supply suitable United States flags once a year. One flag holder will be permitted for the grave of each veteran whose last service was honorable
- M. In the event that a decoration or other type of structure or object for the intended purpose of beautifying a gravesite is not mentioned in this section, then it is understood that such shall not be permitted unless

approved by the Cemetery Board.

## **Section 7.2 Decoration of 3'x3' Cremation Gravesites**

Above ground decorations are not allowed on Cremation gravesites. Appropriate military markings may be used during memorial week.

\*\* Garfield Township is exempt from the provisions contained in this section of the ordinance and may make any changes or improvements that are deemed to be necessary for the wellbeing of the cemetery.

## **Section 8: Markers & Monuments**

The approval of the Sexton must be obtained before purchasing a monument. The Sexton shall consider the monument size, weight, material, and foundations appearance, empty gravesites near the proposed monument location, and transport of the monument over other lots to the proposed site. The Sexton may refuse placement of a monument based upon the preceding considerations. No memorials, other than grave markers, will be set on any section so designated.

1. **Single grave markers** shall be a minimum of 24 inches in length, up to 48 inches in length, 16 inches in width, and up to 48 inches in height.
2. **Double grave markers** may be up to 60 inches in length, 16 inches in width, and up to 48 inches in height.
3. **Three-grave markers** may be up to 72 inches in length, 16 inches in width, and up to 48 inches in height.
4. **Single grave monument** shall be standard size, 48 inches in length, 48 inches in height by 16 inches in width.
5. **Double Grave Monument** may be up to 60 inches in length, 48 inches in height by 16 inches in width.
6. **Triple Grave Monument** may be up to 72 inches in length, 48 inches in height by 16 inches in width.
7. **Location of Markers on a Lot.** Markers shall be placed at the head of a grave as platted. No more than one marker shall be placed on any grave (except for Markers issued to members of the military). No marker shall embrace two or more graves, except on a two or three-grave lot where a double or triple-grave marker is permitted. No marker or monument shall be set unless first approved by the Sexton and the grave space is paid for in full.
8. **Monument and Marker Material.** No material except granite or good grade white marble from recognized monument quarries should be used for monuments or upright markers. Bronze may be used on monuments and upright markers if firmly attached to granite or marble base. Only granite, marble, or standard bronze shall be used for flush markers. Flush markers of granite shall not be less than 4 inches in

depth. Field stone markers may be used if they meet size specifications and are approved by the Township Cemetery Board.

9. **Marker and Monument Inscriptions.** Inscriptions on all markers shall read from the same direction as adjacent markers in the same row. If there is a question with regard to this item, the Sexton shall provide the proper decision. All inscriptions and designs on flush markers shall either be sunk or raised not more than three-sixteenths of an inch from the surface, flush markers with raised letters shall be protected with a raised border at least one inch in width.
10. **Monuments and Marker Foundations.** All monuments and markers shall be placed on a foundation of a depth and size and of a material deemed adequate by the Sexton of the Cemetery. The Township Sexton shall install foundations.
11. **Installation of Monuments and Markers.** Those persons/firms engaged in placing monuments and markers shall provide planking adequate to protect turf and shall remove materials and equipment immediately upon completion of work. The site shall be left in a clean orderly condition. Delivery of markers and monuments will not be permitted to lots, until a proper order for a foundation installation has been placed with the Sexton. If markers or monuments are delivered before a footing is installed, the Township will not set the marker or monument on the footing (except flush markers). It is in the best interest of all parties that monuments and markers are delivered at a time when they can be installed. The Township is not responsible for the storage or installation of monuments or markers.
12. Only flush ground marker plates or monuments no longer than 18" are to be used on cremation sites.

## **Section 9: Cremations**

Cremations – Burial of cremated remains is permitted in a casket gravesite alongside, or above, the casket. Cremation and casket sites may hold up to four cremations. A casket burial cannot result in the movement of existing cremation placements or relocation of a monument or marker.

## **Section 10: General Provisions**

- A. Only human remains shall be buried within the Cemetery.
- B. No more than four immediate family members' cremated remains may share one gravesite, and no more than one casket can be placed at a given gravesite, and where a casket is placed in a given gravesite, no more than 3 immediate family members' cremated remains may share one gravesite.
- C. Cement vaults are required for all caskets.
- D. All casket graves shall be opened to five feet (60") depth.

## **Section 11: Cemetery Hours**



The Cemetery is open from dawn to dusk. No one is permitted in the cemetery after dark.

## **Section 12: Amendments**

All rules, regulations, and pricing are subject to amendment by majority vote of the Garfield Township Board at any regular meeting.

## **Section 13: Severability of Gravesite Ownership Upon Death**

A Gravesite can only be purchased in the name of a surviving person, for the duration of their life. Upon the death of a person owning and not having used a gravesite purchased in Garfield Township Cemetery, the gravesite will then revert back to the ownership of Garfield Township, after compliance with the notice requirements contained in Section 14 of this Cemetery Ordinance.

## **Section 14: 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:

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/her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate, in writing to the Township Clerk, within 60 days from the date of mailing of the notice, expressing his/her desire to retain said burial rights.

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, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.

## **Section 15: Records**

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, 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 16: Penalties**

Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$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 17: Effective Date**

This ordinance shall take effect on \_\_\_\_\_ . All ordinances or parts of ordinances in conflict herewith are hereby repealed.