

CEMETERY ORDINANCE

**TOWNSHIP OF GRANT
COUNTY OF OCEANA, STATE OF MICHIGAN**

ORDINANCE NUMBER 2022-07-01

Adopted: 7-5-2022

Effective: 7-5-2022

GRANT TOWNSHIP CEMETERY ORDINANCE

An ordinance to preserve the peace, maintenance, use, records, interments, and disinterment's pursuant to MCL 750.377(a), MCL 750.160, and MCL 128.1, and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

**TOWNSHIP OF GRANT
Oceana County, Michigan**

ORDAINS:

**SECTION I
TITLE**

This Ordinance shall be known as the Grant Township Cemetery Ordinance.

**SECTION II
PURPOSE**

The purpose of this Ordinance is to promote and secure the public health, safety, and remains in the Township of Grant, by hereby establishing a Township Cemetery Ordinance, and rules regarding its operation and funding, and to prescribe the powers and duties of the Sexton.

**SECTION III
Definitions**

- **Burial Permit:** a legal document that accompanies the deceased to the place of interment.

- **Burial Right:** the right to be buried in the cemetery either through purchased ownership or granted permission from the burial rights owner.
- **Block:** a section of land in the cemetery containing lots.
- **Certificate of Cremation:** document issued by a funeral home or crematory that is presented to the cemetery personnel at the time of inurnment.
- **Disinterment:** exhuming of a deceased person from a plot.
- **Foundation:** a flat-surfaced slab of durable material, such as concrete, placed at the head of a plot and used to support memorials or other approved graveside memorialization.
- **Green Burial:** a form of natural burial that allows for decomposition of a dead body.
- **Immediate Family:** spouse, parents, grandparents, children, and siblings.
- **Inurnment:** placing of cremains in a plot.
- **Interment:** the burial of a deceased person in a plot.
- **Lot:** a section of land within a cemetery containing plots. One lot typically contains 4-6 plots.
- **Monument:** a large memorial used to indicate an area of several related plots.
- **Memorial:** a headstone made of durable material and used to identify the occupant interred in a plot or plots.
- **Owner:** the person who owns the burial rights to a plot, either through purchased or assignment.
- **Plaque:** a metal plate secured to a foundation or memorial.
- **Plot:** a piece of land in a cemetery with a lot where the deceased is buried. Typically there are 4-6 plots per lot.
- **Reinternment:** interment of a deceased person who has been disinterred.
- **Resident:** an individual person who resides within the Township. Proof of residency will be required at the time of purchase.

- **Sexton:** the person charged by the Township for opening and closing graves and placing memorials.
- **Vault:** a vessel made of concrete used to contain a coffin or cremation urn or box.

SECTION IV
Application of Article

The provisions of this article apply to all cemeteries owned and/or operated by the Township of Grant, Oceana County.

SECTION V
Permitted and Prohibited Interments

No interment of any person shall be made in any other place than within plots reserved for that purpose, nor shall the interment of anything other than human bodies be permitted therein.

SECTION VI
Burial Rights

Owners of the burial rights to any plot acquire the privilege or license to make interments in the plot. A plot shall not be used for any other purpose than a place for the dead.

SECTION VII
Purchase of Burial Rights

No burial right shall be considered sold or reserved until the Township has received payment. Prices per plot shall be determined yearly when wages and fees are set. The purchase of plots shall be limited to two plots unless circumstances involved require additional plots. The burial rights owner shall notify the Township of change of address. The Township will buy-back unused plots for the original purchase price. Resale of plot burial rights between private parties must first be approved by the Township and are subject the burial right transfer fees.

SECTION VIII
Forfeiture of Burial Rights

Effective for all burial rights acquire on or after 7-05, 2022, unused burial rights to a plot are effective for forty years from date of acquisition by purchase or transfer. The owner may renew said burial rights, after 40-years, without further charge by providing written notice to the Township 30-days prior to the expiration of their rights. If the owner does not make contact with the Township 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 if no written notice is received within 60-days after said notice. Upon forfeiture, the burial rights to said plot revert back to the Township.

SECTION IX
Standards for Foundations and Vaults

- a) **Foundations:** All foundations must be built of concrete and of the depth and size approved by the Sexton.
- b) **Vaults:** Full body interments must be within vaults constructed of standard concrete material. No vaults are required for burial of cremains. No green burials are allowed.

SECTION X
Burial Permits; Disinterment's

No interment, disinterment, entombment, or inurnment will be permitted, or dead body be received, without proper permits. Disinterments shall be performed in accordance with State Law.

SECTION XI
Maintenance

The Township is responsible for the general ground maintenance including (but not limited to) mowing, trimming, tree removal, tree planting, ground repair, leave removal and driveway plowing. The Township is not responsible for damage to memorials, flowers, urns, and graveside decorations caused during general maintenance work. If any trees or shrubbery situated on any plot, by means of their roots, branches or otherwise, become detrimental to the adjacent plots, or unsightly, or inconvenient to passers, it shall be the right of the Township to correct or remove. No plot or part thereof shall be enclosed by a fence, railing, coping, hedge, embankment, or ditch. Trees and stumps will be removed for necessary burials by the Township. If trees are desired to be removed by lot owners, but not necessarily for a burial, the removal shall be done by a licensed and insured tree serves at plot owner's expense.

SECTION XII
Vandalism

No person shall deface, damage, or write upon any marker, monument, headstone, fence, or structure within the cemetery. Nor shall any person damage or destroy, take or carry away any vases, flower pots, or other ornaments that may have been placed upon the graves by another person.

SECTION XIII

Grave Openings: Interment and Disinterment

- a) A minimum of 24-hours of advance notice is required for weekday grave openings and 48-hours' notice for weekend grave openings. The Sexton will set and adjust the cost for all grave openings.
- b) The number of interments for a single plot is limited to one full burial and one cremated remains or two cremated remains. A mother with newly born child is considered one full burial.
- c) No interment or disinterment shall be performed until all required permits and written authorizations are completed and delivered to the Sexton. All costs shall be paid prior to grave opening. This does not apply to grave openings in matters of a valid court order.

SECTION XIV

Winter Burials

Winter burials are performed at the discretion of the Sexton and are subject to winter burial charges.

SECTION XV

Cremains

The burial of cremains does not require a cremation vault but should be in a rigid container. The scattering of cremains is strictly prohibited. The burial of cremains without the direct supervision of the Sexton is strictly prohibited. The Sexton is authorized to unearth cremains suspected of having been buried without authorization of the Sexton.

SECTION XVI

Memorials

- a) Memorials must be made of solid stone material or other equally durable material approved by the Sexton. Unless prior approval from the Sexton is received for a larger memorial, a memorial on a single plot shall not be greater than 36-inches in length or 90-inches in length for two adjacent plots and no greater than 18-inches in width. No more than one (1) memorial per plot is allowed. Memorials shall remain in line with the head side of the plot.
- b) Memorials that are deemed to be a safety hazard are the responsibility of the owner or his/her heirs. When possible, notice will be given by the Sexton or Township to the owner or heirs to repair hazardous memorials by certified mail. If attempts to contact the owner or heirs fail or the memorial is not repaired within 30-days of notice, the memorial will be removed.
- c) Memorials replaced by upgrades or memorials on vacated plots must be removed from the cemetery by the owner or their designated agent.
- d) The Sexton is allowed to move or relocate memorials that interfere with graveside services or general ground maintenance.

- e) The unauthorized removal of any memorial, decoration, veteran markers, or flags is prohibited.

SECTION XVII
Veteran's Flags and Flag Holders

The Township shall furnish a suitable flag holder and the United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried within a Township cemetery including those that are church owned. Volunteers from local groups are permitted to assist the Township in placing the flag holders and United States flags.

SECTION XVIII
Graveside Decorations

- a) In addition to flowers, up to two decorations are allowed per gravesite. Flower arrangements that become unsightly may be disposed of by Township personnel. All spring/summer graveside decorations must be removed by October 15 or they will be disposed by Township personnel. Winter decorations are not allowed until after fall cleanup and need to be removed by April 1st.
- b) Decorations, flower vases or pots constructed of glass or ceramic materials are prohibited. Decorations that are deemed to be hazardous for any reason will be removed by Township personnel.
- c) The Township is not responsible for damage to graveside decorations caused by weather or wildlife.
- d) Flower urns should be constructed of stone, concrete or other durable material. Flower urns that are unused for three consecutive years will be removed by the Township.
- e) Planting of trees, shrubs, ground cover, or perennial plants by anyone other than authorized personnel is prohibited. Flower beds are permitted, but must stay within 12-inches of a memorial and must be maintained.

SECTION XIX
Cemetery Records

The Township shall be responsible for maintaining cemetery records.

SECTION XX
Prohibited Activities

All vehicles must remain on roadways unless authorized by cemetery personnel. Snowmobiles and other ORV's are not permitted. Loud music, boisterous or lewd behavior or harassment of other visitors in the cemetery is not permitted. Alcoholic beverages are prohibited. Unauthorized digging in the cemetery is prohibited. Pets are allowed; but, must be kept on a leash at all times and must be cleaned up after. No soliciting or placement of advertisement signage or littering is allowed.

SECTION XXI
Notification of Plot Owners/Heirs

This Ordinance shall be given to all lot purchasers at time of purchase, area funeral homes, known lot owners, next of kin, and made available on the Township website as well as in print by request at the Township Hall. Signs with abbreviated ordinance shall be posted at the entrance of Township Cemeteries.

SECTION XXII
Enforcement and Penalties

The Township has the authority to enforce the cemetery ordinance. Violation of any section of this ordinance is a municipal civil infraction and carries a civil fine as established pursuant to Section 2-404. If any part of the cemetery ordinance is deemed invalid by any court, only that section, or part of a section, will be affected and shall not invalidate any other part of the cemetery ordinance.

SECTION XXIII
State Law Reference

Malicious mischief, MCL 750.377(a) et seq.; Mutilation of dead bodies, MCL 750.160; General authority relative to cemeteries, MCL 128.1

SECTION XXIV
EFFECTIVE DATE

The ordinance shall take effect on July 5, 2022, 2022. All ordinances in conflict herewith are hereby repealed.

Ayes: 5
Nays: 0
Abstain: 0

Dated: 7/5/2022

Sharon Berkey
Clerk