

**TOWNSHIP OF GLADWIN  
GLADWIN COUNTY MICHIGAN  
CEMETERY ORDINANCE  
ORDINANCE NO. 2017-1**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATED TO THE OPERATION, CONTROL, AND MANAGEMENT OF CEMETERIES OWNED BY THE TOWNSHIP OF GLADWIN, GLADWIN COUNTY, MICHIGAN: AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE: AND REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

The township of Gladwin, County of Gladwin, Michigan Ordains:

**SECTION I: TITLE**

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

**SECTION II: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.**

- A. Cemetery shall mean any township or public cemetery owned or managed by Gladwin Township.
- B. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to four burial spaces.
- C. A burial space shall mean an area of land four (4) feet wide and eight (8) feet long except for those in the single space sections where they shall be ten (10) feet long and maintained for the interment of a human body or bodies and no other purpose.
- D. Ownership shall mean any person or persons owning or possessing the privilege, license, or right of interment in any burial space.

**SECTION III: SALE OF LOTS OR BURIAL SPACES AND SIGNED CERTIFICATE.**

- A. Cemetery lots and burial spaces may be sold to township residents, property owners, and non-residents for the purpose of burial. Sales shall be limited to four (4) burial spaces per purchaser. No sales shall be made to funeral directors for the purpose of resale. The Township Board shall set all prices.
- B. All such sales shall be made on a Certificate approved by the Township Board, which grants a rite of burial only and does not convey any other title to the lot or burial space sold. Such forms shall be executed by the Cemetery Administrator.
- C. The township shall have the right to correct any errors that may be made concerning interments, disinterment's, or in the description, transfer, or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involved the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.
- D. This ordinance has been read and understood by person or persons making burial arrangements and said person or persons will be responsible for any and all ornamentation, within Ordinance regulations, upon said burial lot or space.

**SECTION IV: CEMETERY LOT AND BURIAL SPACE REASSIGNMENT AND RESALE:**

A. If the owner of a cemetery lot or burial space desires to effectuate a lot owner name change or burial space assignment change(s) the owner must record the name change(s) on the back of the Cemetery Lot Certificate and notify the Cemetery Administrator of change(s) in writing. Burial spaces may not be used until said changes are recorded with the Cemetery Administrator.

**SECTION V: GRAVE OPENING CHARGES:**

A. No burial space shall be opened and closed except under the direction and control of the Cemetery Administrator. This provision shall apply to proceedings for removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

**SECTION VI: MARKERS OR MEMORIALS:**

A. It is preferable that all markers or memorials be made of stone or other equally durable material. If a marker or memorial is made from other materials, more subject to damage from nature or mechanical means, repairs to said markers or memorials shall be the responsibility of the owner or their designated representative.

B. Only one monument, marker or memorial shall be permitted per burial space except for Veterans who wish to have a Veterans marker and a personal marker.

C. The footings or foundation upon which any monument, marker or memorial is to be placed shall be constructed by the Cemetery Sexton at cost to the owner of the burial right. All markers in the singles sections shall not protrude above ground level.

D. All markers shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

**SECTION VII: INTERMENT REGULATIONS:**

A. The Township Board shall, from time to time, make such rules and regulations for the burial of the dead, care, improvements and protections of the grounds, and monuments pertinent to the cemeteries and the orderly conduct of persons visiting same as may be deemed necessary. The Township shall see that this chapter and all rules and regulations in respect to cemeteries are strictly enforced. The Cemetery Administrator shall cause to be kept a register of all interments made in any township cemetery in which shall appear the name of the deceased, the date and place of interment, and other such information as may be required.

B. The Cemetery Administrator or his/her designated assistance shall have full charge of all interments within any cemetery.

C. Only one (1) person shall be buried in a burial space except for two (2) children buried at the same time when approved by the Township. Further exception may be made for separate interments of no more than two (2) children or grandchildren of the same immediate family in a single grave providing caskets are not more than three (3) feet in length. In this instance only one (1) grave marker may be used for both. Only one (1) cremation is allowed with a current burial or two (2) cremations per lot. However, only (1) marker will be permitted. Burial stacking shall not be permitted.

D. The appropriate burial permit for burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Cemetery Administrator or Township Clerk prior to interment. Where such permit has been lost or destroyed the Cemetery Administrator must be satisfied, from his or her records, that the deceased person to be buried in the cemetery plot is an authorized and appropriate person for that space before any interment is commenced or completed.

E. A vault is optional for all full casket burials.

F. In the event that a burial consisting of a set of human remains, casket, and/or vault is too large for the cemetery lot, as defined in this Ordinance, more than one lot will need to be purchased for interment.

G. The Township shall be given not less than 48 hours' prior notice in advance of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Township.

H. The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved.

#### **SECTION VIII: GREEN BURIALS:**

A. Gladwin Township's Cemeteries are located in rural areas where wildlife exists. There is a history of animals digging in some cemetery grave sites. These conditions make it necessary to require all such burials, for the protection of the interred and security of their family, to be enclosed in a secure, and hopefully wildlife proof, container made of wood or another equally durable material.

B. All Green Burials shall be located at the North East corner of the Ridge Cemetery.

#### **SECTION IX: GROUNDS MAINTENANCE:**

A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the Cemetery Administrator.

B. No flowers, trees or vegetation of any type shall be planted without the approval of the Cemetery Administrator. Any of the foregoing items planted without such approval will be removed by the Cemetery Administrator.

C. The Township Board reserves the right to order removal or trimming of any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

D. Mounds, structures or other items which hinder free use of a lawn mower or other gardening apparatus are prohibited. (Examples: flower beds, landscape timbers, stones, rocks, mulches, fences, bushes, shrubs, hedges.)

E. The Cemetery Administrator shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, and a source of litter or a maintenance problem.

F. All refuse of any kind or nature including, among others, dried flowers, wreathes, papers and flower containers must be removed or disposed in a designated area within the cemetery.

#### **SECTION X: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES:**

Cemetery lots or burial spaces sold after the date of the original Cemetery Ordinance and remaining inactive for forty(40) years shall automatically revert to the Township upon occurrence of the following events:

A. Notice shall be sent by the Cemetery Administrator, by first class mail, to the last known address of the last owner of record informing them of the expiration of the forty (40) year period (effective 22 October 1987) and that all rights with respect to said lots or spaces will be forfeited if they do not affirmatively indicate in writing to the Cemetery Administrator within sixty (60) days from the date of mailing of written notice of their desire to retain said burial rights.

B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces is received by the Cemetery Administrator from the last owner of record of said lots or spaces of their heirs or legal representative within sixty (60) days from the date of mailing of said notice.

**SECTION XI: RECORDS**

The Cemetery Administrator shall maintain records concerning all burials and burial permits. Said records shall be open to public inspection at all reasonable hours.

**SECTION XII: PENALTIES**

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance shall be responsible for civil infraction.

**SECTION XIII: SEVERABILITY**

The provisions of this Ordinance are hereby declared severable and should any provision, section or part thereof to be declared to be 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 this Ordinance, which shall continue in full force and effect.

**SECTION XIV: EFFECTIVE DATE: CONFLICTS**

This ordinance shall become effective thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION XV: CLEAN-UP OF CEMETERIES**

**SPRING CLEANUP ----- May 1.....**

**SECTION XVI: DISINTERMENTS**

A. No disinterment or the digging up of an occupied grave shall occur until the Township receives a burial transit permit and a disinterment permit issued by the Township.

B. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses, and written authorizations required by law for such disinterment or digging up of an occupies grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township.

**SECTION XVIII: WINTER BURIALS**

A. The Township may charge additional fees for winter burials.

B. No Cremations shall take place between November 1 to May 1.

Will take effect \_\_\_\_\_

The above ordinance was offered for adoption by Township Board Member \_\_\_\_\_ and was supported by Township Board Member \_\_\_\_\_ the vote being as follows:

Yeas: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Nays: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED:

Kristie Simrau, Gladwin Township Clerk

Certification:

I HEREBY DECLARE THAT THE ABOVE IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE GLADWIN TOWNSHIP BOARD MEETING HELD ON \_\_\_\_\_, 2017 AT THE GLADWIN TOWNSHIP HALL, PURSUANT TO THE REQUIRED STATUTORY PROCEDURES.

DATED: \_\_\_\_\_, 2017

RESPECTFULLY SUBMITTED BY;  
KRISTIE SIMRAU, GLADWIN TOWNSHIP CLERK