

## **GARFIELD TOWNSHIP CEMETERY ORDINANCE**

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

TOWNSHIP OF GARFIELD, COUNTY OF BAY, STATE OF MICHIGAN ORDAINS:

### **SECTION 1. TITLE**

- A. 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 in the New Section of the Cemetery are made up of Two(2), Four(4) or Six(6) burial plots and Eight(8) Burial Plots in the Old Section of the Cemetery.
- B. An Adult Burial Plot shall consist of a land area of four (4) feet wide and ten (10) feet in length.

### **SECTION 3. SALE OF PLOTS (BURIAL SPACES)**

- A. Hereafter, Cemetery Plots and Burial Spaces shall be sold to Garfield Township residents/landowners only with a limit of four (4) burial plots per resident or landowner. No sale shall be made to any party for the purpose of resale or assignment in the conduct of their business. The Garfield Township Board, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial with the Township through previous relationship to Persons interred therein. The price of said sales is set by the Garfield Township Board.
- B. All 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 Plot 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 plots or burial spaces within the Township boundaries

and entered upon the official records of said Clerk, or; as a qualified Assignee, with written approval from Surviving Heirs of Original Purchaser, to be buried there. Upon such assignment, approval and record, said Clerk shall issue a new Cemetery Lot Certificate to the Assignee.

#### **SECTION 4. PURCHASE PRICE AND TRANSFER FEES**

- A. Each Cemetery Plot shall be sold individually at a price set by the Garfield Township Board
- B. The Garfield Township Board, by resolution, may periodically alter the forgoing fees to accommodate increased costs.

#### **SECTION 5. GRAVE OPENING/CLOSING AND MONUMENT SETTING CHARGES**

- A. The opening and closing of any burial plot, 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 Garfield Township Board, payable to the Township.
- B. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the Removal and Reinterment of bodies and remains, which matters are under the supervision of the local Health Department.
- C. Concrete Footings for Monuments can be set by individuals but must comply with Township Restrictions, or they will be replaced at Owners Cost.
- D. Charges for the Cemetery Sexton to install foundations will be set by the Township Board, with the Opening and Closing costs. The fee to be paid to the Township.

#### **SECTION 6. MARKERS OR MEMORIALS**

- A. All markers or memorials must be of stone or other equally durable composition. A height of four (4) feet to be the limit for headstones or grave markers.
- B. Any monument or marker must be placed on a concrete footing according to the specifications of the Township Board. Footings shall have at least a 3 inch border on all sides of the monument. Depth of the footings will be 8-10 inches deep for small monuments and 12-16 inches deep for large monuments. Depth shall be adequate for the size of the monument and will be determined by the Sexton.

- C. No more than two monuments, markers or memorials shall be permitted for each burial plot, including Veterans who wish to have a Veterans Marker and a Personal Marker.
- D. All monuments, markers or memorials shall be centered on the foundation and parallel to lot lines, headstones will be placed at Head or Foot only to keep a uniformed look in the Cemetery.

## **SECTION 7. INTERMENT REGULATIONS**

- A. Only one (1) person may be buried in a burial plot (space) except for a Mother and Infant or two children buried at the same time. Unless Sexton and Clerk are notified at first burial, only one casket will be allowed on a burial plot (space). If Sexton and Clerk are notified at first burial, a second casket can be buried on top of the first.

No more than four (4) cremations or one (1) casket and three (3) cremations in a burial plot (space).

The New Section of the Cemetery has a portion specifically plotted for cremation burials.

- B. Not less than 36 hour notices shall be given to the Sexton in advance of any time of any funeral to allow for opening of the burial space.
- 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 the Sexton and/or Township Clerk prior to Interment. Where such permit has been lost or destroyed, the Garfield Township Board shall be satisfied, from his or her records, that the person to be buried in the burial plot (space) is an authorized and appropriate one 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 plot (space) involved.

## **SECTION 8. GROUND MAINTENANCE**

- A. No shrubs or trees of any type shall be planted without approval of the Garfield Township Board. Any of the foregoing items planted without such approval will be removed by order of the Township Board.

- B. The Township Board reserves the right to remove or trim any tree, plant, shrub within the Cemetery in the interest of maintaining proper appearance and use of the Cemetery.
- C. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- D. The Groundkeeper shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore, that through decay, deterioration, damage, or otherwise become unsightly, a source of litter, or a maintenance problem. All urns, plant material, decorations, etc. must be in line with the headstone.
- E. All artificial arrangements must be removed before April 15 for spring cleanup and again before October 15 for fall cleanup. Such time may be adjusted by the Township Board.

## **SECTION 9. GENERAL RULES**

- A. Persons visiting the Cemetery or attending funerals are prohibited from picking flowers (wild or cultivated) breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fence or other structure within the Cemetery grounds.
- B. Motor cars and vehicles must be kept under complete control and stay on designated roadways. Only maintenance or service vehicles are permitted elsewhere within the Cemetery.
- C. No hunting, trapping or fishing will be allowed in the Cemetery. No firearms except for a Military escort accompanying a Veteran's Funeral or attending memorial service.
- D. Only licensed street legal vehicles are allowed on designated roadways in Cemetery.
- E. Animals are not permitted on the grounds or in the buildings.
- F. Children under the age of ten years are not permitted within the Cemetery unless accompanied by adults in charge.
- G. Throwing or depositing rubbish on any part of the cemetery grounds is prohibited.

- H. The Township Board hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section paragraph or sentence in these Rules and Regulations, at any time. Sufficient notice will be given by the Township Board of any rule change that will create expense, hardship, or inconvenience to plot owners or other individuals having business with the Cemetery. No plot owner shall have any vested right in the provision of this ordinance.

#### **SECTION 10. FORFEITURE OF VACANT CEMETERY PLOTS (SPACES)**

Cemetery plots (spaces) sold after the effective date of the Ordinance and remaining vacant forty (40) years from the date of their sale shall automatically revert back 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 her of the expiration of the forty (40) year period and that all rights with respect to said plots (spaces) will be forfeited if He or She does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of the written notice his or her desire to retain said burial rights.
- B. No written response to said notice indicating a desire to retain the cemetery plots(spaces) in question is received by the Township Clerk from the last owner of record of said plots(spaces) or his or her legal representative within sixty (60) days from the ate of mailing said notice.

#### **SECTION 11. RECORDS**

The Township Clerk and Sexton shall maintain records concerning all burials, issuance of burial permits 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. VAULTS**

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

#### **SECTION 13. CEMETERY HOURS**

The Township Board reserves the right to set Cemetery hours as the need arises.

#### **SECTION 14. 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 ninety (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**

- A. This Ordinance shall take **effect** All Ordinances or parts in conflict herewith are hereby repealed.

BY ORDER OF THE GARFIELD TOWNSHIP BOARD

Connie Fantozzi  
Garfield Township Clerk

This Garfield Township Cemetery Ordinance was presented at a regular meeting of the Garfield Township Board, held August 2017 at the Garfield Township Hall.

James Dubay, Supervisor  
Connie Fantozzi, Clerk  
Karen Snyder, Treasurer  
Gerald Rivard, Trustee  
Leroy Day, Trustee