

**ORDINANCE NUMBER 14  
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 the Township of Garfield, Kalkaska County, Michigan; to provide penalties for the violation of the said ordinance; and repeal all Ordinances or parts of Ordinances in conflict therewith.

**THE TOWNSHIP OF GARFIELD  
COUNTY OF KALKASKA  
STATE OF MICHIGAN  
ORDAINS**

**SECTION 1 TITLE**

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

**SECTION 2 DEFINITIONS**

**BURIAL SPACE-** A burial space shall consist of a land area five (5) feet wide and ten (10) feet long, sufficient to accommodate one (1) adult body and memorial marker.

**CEMETERY LOT-**

***Garfield Cemetery*** -A cemetery lot shall consist 8 burial spaces.

***Spencer Addition***- A cemetery lot shall consist of 6 burial spaces.

**CREMAINS-** The cremated remains of a deceased person.

**HEADSTONE** - A memorial stone at the head of a grave. It may be made of any durable material and cannot exceed the width of the burial space. (See section 7)

All headstones must be placed on the far western edge of the plot with the inscription facing east.

**PLOT-** A plot consists of one (1) burial space located within a lot.

**SECTION 3 PURCHASE PRICE**

A. Each burial lot shall consist of eight (8) plots. Burial lots will be sold in any increment up to 8 plots.

***Spencer Addition***-Each burial lot shall consist of six (6) plots. Burial lots will be sold in any increment up to 6 plots.

B. The cost of full lots and individual plots are subject to change. The Garfield Township Board, by resolution, may alter the forgoing fee to accommodate increased costs of cemetery maintenance and acquisition. This will not affect any lots or plots that have already been purchased and paid for.

C. There shall be different pricing for Garfield Township taxpayers and those who are non-taxpayers.

D. Cost of the lot or plot must be paid in full to the Township Clerk before interment a body or cremains.

#### **SECTION 4 SALE OF LOTS OR PLOTS**

- A. Sale of all lots or plots shall be at the discretion of the Township Clerk. All approved sales will receive a numbered deed of each plot purchased, which grants the right for burial only.
- B. No lots or plots may be sold to another person. You may sell your deed(s) back to the Township for the original purchase price. You have the right to transfer your deed(s) to another person as long as no money is exchanged. The Garfield Township Board has the right to revoke any deed(s) and right of burial if deed(s) are known to have been sold.

#### **SECTION 5 GRAVE OPENING CHARGES**

- A. The opening and closing of any burial space, prior to and following a burial therein, including the interment of ashes, shall be at a cost determined by resolution by the Garfield Township Board. These fees are payable to Garfield Township.
- B. No burial spaces shall be opened or closed except under the direction and supervision of the cemetery sexton. This provision shall not apply to removal or re-interment of bodies or remains which are under the supervision of the Kalkaska County Health Department.

#### **SECTION 6 INTERMENT REGULATIONS**

- A. Only one (1) body may be buried in a burial space with the following exceptions:
  - 1. Two (2) children buried at the same time
  - 2. One (1) adult and one (1) child buried at the same time
  - 3. One (1) body and one (1) cremains
  - 4. Two (2) cremains
- B. Not less than thirty six (36) hour notice shall be given in advanced of any funeral to allow for the opening of a burial space.
- C. The appropriate deed for said burial space and proper identification of the person to be buried shall be presented to the Township Clerk or sexton prior to interment. If a deed cannot be produced, the Township Clerk must be contacted prior to the interment to authorize the burial.
- D. Besides being subject to these rules and regulations, all interments and removals are made subject to the laws of the State of Michigan.
- E. There shall be no burials during winter months once the weather hampers the opening or closing of graves.

#### **SECTION 7 HEADSTONES**

- A. All headstones must be made of durable materials like stone, bronze or granite.
- B. Headstones must be located upon a foundation suitable to maintain a correct, upright position.

- C. Foundation shall be of concrete or similar material, and shall be laid flush with the ground. It shall extend at least four (4) inches beyond the perimeter of the headstone. It is highly recommended that the foundation be extended on each end to accommodate an urn for flowers.
- D. No more than two (2) markers or monuments shall be place on any one (1) burial space.

## **SECTION 8     GROUNDS MAINTENANCE**

- A. The general care of the cemetery is assumed by the Garfield Township Board and includes cutting of the grass at reasonable intervals and raking and cleaning of the grounds as necessary.
- B. The general care of the cemetery shall not include maintenance, repair or replacement of any headstone erected upon the grounds unless the damage is caused by employees of Garfield Township during regular maintenance or special work in the cemetery. Garfield Township in not responsible for any damage caused by Acts of God, erosion, weather or any other natural or manmade disaster.
- C. The Township will place U.S. flags upon the graves of veterans before Memorial Day each year. Flags in poor condition will be removed. Military markers are to be placed on the right side of the headstone, as per flag etiquette.
- D. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the sexton.
- E. No bushes shrubs or trees of any type shall be planted. If such items are planted, they will be removed by the maintenance crew.
- F. Planted flowers must be maintained and weeded on a regular basis. Any flowers that are not maintained will be removed by the maintenance crew without notice.
- G. The maintenance crew may, at any time, enter upon the lots or graves to keep them neat and to clear off the grass, weeds, wilted flowers and debris. The maintenance crew reserves the right to remove any artifacts and decorations from the grave, i.e. artificial flowers, stuffed animals, ribbons, dead plantings, benches, knick-knacks or statues which are determined to be unsightly or faded and present a detriment to the natural beauty of the Cemetery. The maintenance crew reserves the right to use their discretion to make this determination for ease of maintenance.
- H. If mementos want to be left at a grave site, they must be permanently attached to the headstone. Any loose items i.e. beer bottles, coins, knick-knacks, photos, etc., can be blown over by wind, rain and mowers. All flowers, planted or artificial, mementos, benches, statues, lights, shepherd hooks, etc., must be placed directly to either side and in line with the headstone; as not to interfere with the direct line of maintenance equipment. The maintenance crew will not be responsible for any lost, misplaced or damaged items.

- I. Mounds or curbing, which hinder the free use of lawn mowers or other gardening apparatus, are prohibited.
- J. Surfaces other than earth and sod are prohibited.
- K. All refuse of any kind, including flowers, wreathes, papers, flower containers, etc., must be deposited in containers located within cemetery or taken with you.
- L. Cemetery clean-up will take place in the fall. Any items described in section 8G that are left after November 1st will be removed and discarded by the maintenance crew. Items can be returned to the gravesites after May 15<sup>th</sup>.

#### **SECTION 9 BESTOWING OF LOTS OR PLOTS**

- A. Deed(s) may be transferred at any time. The original deed(s) needs to be presented to the Township Clerk and a new deed(s) will be issued. The original deed(s) becomes null and void at this time. The original owner of the deed(s) must be present for a transfer to take place. If the original owner is deceased, proof of right to deed(s) by kinship to the owner or proof that deed(s) were left to you in a will must be provided. A signed and notarized affidavit may be required. If no original deed(s) can be located, the Township Clerk, to the best of their ability, will research for the original owner. If the original owner cannot be located through records, no transfer may take place.
- B. Any plots that have at least 1 (one) body or cremains interred, or that have a headstone placed thereon, shall remain in the name of the original owner and cannot be transferred.

#### **SECTION 10 RECORDS**

The Township Clerk shall maintain all records concerning all deeds, burials and burial permits. Death records are not restricted documents in Michigan. The Townships records are open to public inspection by appointment.

#### **SECTION 11 GRAVE LINERS**

- A. All burials shall be within a standard concrete, steel or fiberglass vault or grave liner, installed or constructed in each burial space before interment.
- B. Cremains interred in a burial space shall be in an indestructible container such as concrete, marble or bronze. No cremains shall be interred in cardboard boxes, wooden boxes or plastic bags. Cremains are not allowed to be scattered in the cemetery, nor buried anywhere other than a burial space.

#### **SECTION 12 APPEALS**

Any party objecting to the decision of the Township Clerk regarding bestowal, sale or transfer of cemetery lots; or decision of the cemetery grounds keeper regarding cemetery or private landscaping, planting, removal of flowers, decorations, trees, shrubs or any other matter in which this ordinance grants them discretionary

authority, may appeal their decision, in writing, to the Garfield Township Board. After ascertaining the facts involved, the Board shall render a decision. Such decision will be considered binding and final.

### **SECTION 13 MICHIGAN LAW**

456.114 Use of firearms in cemetery; entering over fence; penalty.

Sec. 14.

No person shall use firearms upon the grounds of any cemetery owned and enclosed by any such corporation, nor hunt game therein. No person shall enter into such enclosed cemetery by climbing or leaping over or through any fence or wall around the same, nor direct or cause any animal to enter therein in any such manner. Any person offending against any of the provisions of this section shall be punished by a fine not exceeding 50 dollars or by imprisonment not exceeding 3 months, or by both, in the discretion of the court.

### **SECTION 14 ~~Municipal~~ (municipal was removed) Civil Infractions.**

Any person who shall violate any provision of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.

### **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 ~~October 9<sup>th</sup>, 2014.~~ (November 13, 2014) All ordinances or parts of ordinance in conflict herewith are hereby repealed.

THIS ORDINANCE IS DECLARED ADOPTED ON ~~September 11<sup>th</sup>, 2014,~~ (October 11, 2014) BY VOTE OF THE GARFIELD TOWNSHIP BOARD OF TRUSTEES.

Juanita Persons, Clerk for Garfield Township

Yeas 5, no nays, **Ordinance Declared Adopted**

### **CERTIFICATE OF ADOPTION AND PUBLICATION**

I, Juanita Persons, the duly elected Clerk of the Township of Garfield, Kalkaska County, MI, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Garfield on ~~September 11, 2014.~~ (October 11, 2014) That said meeting was conducted a public notice of said meeting was given pursuant to and in full compliance with the open meetings act, being Act 267 Public acts of Michigan, 1976 and the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on ~~October 1<sup>st</sup>, 2014~~ (November 5, 2014) in The Leader and Kalkaskian, a newspaper circulated in the Township of Garfield.

Juanita Persons, Clerk