

GERRISH TOWNSHIP CEMETERY ORDINANCE NO. XXV

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF THE CEMETERY OWNED BY THE TOWNSHIP OF GERRISH, ROSCOMMON 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 GERRISH, COUNTY OF ROSCOMMON, MICHIGAN ORDAINS:

Section 1: TITLE

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

Section 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. An adult burial space in a cemetery lot shall consist of a land area six (6) feet wide and twelve (12) feet in length.
- B. An infant or stillborn burial space in a cemetery lot shall consist of a land area three (3) feet wide and six (6) feet in length in areas set aside specifically for such burials.
- C. Niches in columbarium are twelve (12) inches high, twelve (12) inches long, and twelve (12) inches in depth. Containers shall be of a size such that the niche will accommodate two such containers. All niches shall hold a maximum of two (2) containers.

Section 3: SALE OF BURIAL RIGHTS

- A. Burial rights in cemetery lots or columbarium niches shall be sold to residents or taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. Persons who are not residents of the township may purchase burial rights at an increased cost to be determined from time to time by resolution of the township board. The township clerk is granted the authority to determine residency for this purpose. No sale shall be made to funeral directors.
- 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 space sold.

Such form shall be executed by the township clerk.

- C. Burial rights may only be transferred to heirs or next of kin of original purchasers, and may be effected only by request and approval of the township clerk. Upon verification of above requirements, the clerk shall issue a new burial permit to the assignee and shall cancel and terminate the original permit.

Section 4: PURCHASE PRICE AND TRANSFER FEES

- A. The purchase of a burial space, including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township. Such purchase must be made prior to internment.
- B. Any transfer of one or more burial rights from an original purchaser to a qualified assignee shall cost \$20.00.
- C. The above charges shall be paid to the township treasurer and shall be deposited in the cemetery fund.
- D. The township board, by resolution, may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- E. Owners of record of a burial space may upon payment of the \$20.00 transfer fee and approval of the clerk transfer their rights to burial in a burial space to ownership of a columbarium niche. The current price of the burial space at the time of transfer may be applied to the current price of the columbarium niche.

Section 5: GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the 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 or assistant sexton.

Section 6: MARKERS OR MEMORIALS

- A. All markers or memorials must be of granite or other equally durable composition.

- B. Any monuments must be located upon a foundation to maintain them in an erect position. The foundation shall be one inch above the ground and have a border of six inches around the base of the monument.
- C. The foundation upon which any marker or monument is placed shall be approved by the Township via a Foundation permit. Maximum size of the foundation shall be 36 inches by 72 inches. A Foundation permit shall be required, and no foundation may be placed until permit fees are paid to the township treasurer.
- D. Only one monument or marker shall be permitted per burial space, except where a government marker is also desired to honor a military veteran. Marker shall be placed with names facing center north/south road of the cemetery, at the head of burial space. A family name may be inscribed on the back side of marker. The maximum size of a monument shall be 60 inches in length, 24 inches in width and 60 inches tall.

Section 7: INTERMENT REGULATIONS

- A. Burial in a cemetery lot shall be limited to one adult human burial and one interment of cremains, except for a parent and infant or two or more children buried at the same time. A maximum of two cremains in one burial space shall be allowed. Columbarium niches shall contain a maximum of two (2) urns.
- B. No cemetery lot or columbarium niche shall be used for any other purpose than for the burial of the human dead.
- C. Not less than 48 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial space or niche. Chapel may be reserved with prior reasonable notice.
- D. Burial shall not be done, except as provided below, after frost is in the ground or if the accumulation of snow on the ground makes it difficult to locate the exact corners of the burial site.

The Sexton or Assistant Sexton shall be responsible for making a determination as to the presence of frost in the ground or the presence of too much snow to accurately locate the corners of the burial site. The Sexton's determination shall be final.

In the event there are only a few inches of frost, or the snow may be shoveled or plowed so the site may be located, the Sexton or Assistant Sexton may in his sole discretion agree to a burial for an additional fee to cover the extra services required.

Winter storage for persons not buried because of frost or snow shall be available.

- E. The appropriate burial permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is the authorized and appropriate one before any interment is commenced or completed.
- F. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Section 8: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the assistant sexton.
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the assistant sexton. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton.
- C. The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- D. Mounds which hinder the free use of a lawn mower or other gardening tool are prohibited.
- E. The cemetery sexton 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, a source of litter, or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited. No stone

or plastic edging allowed.

- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed at the close of the season. Winter decorations must be removed by May 1, and summer decorations by November 1.
- H. No advertisements of any kind shall be allowed on cemetery grounds.

Section 9: FORFEITURE OF BURIAL RIGHTS

Burial spaces remaining vacant 80 years from the date of their sale shall automatically revert 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 the expiration of the 80 year period and that all rights with respect to said spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.
- B. No written response to said notice indicating a desire to retain the cemetery burial spaces in question is received by the township clerk from the last owner of record of the spaces or his heirs or legal representative within 60 days from the date of mailing of the notice.

Section 10: REPURCHASE OF LOTS OR BURIAL SPACES

Resale of cemetery burial spaces is prohibited. The township will repurchase any cemetery burial space from the owner for the original price paid the township upon written request of the owner or his legal heirs or representatives.

Section 11: 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 12: OUTER BURIAL CONTAINER

All burials shall be within an outer burial container constructed of concrete, steel, or fiberglass, installed or constructed in each burial space before interment.

Section 13: PENALTIES

Any person, firm or corporation who violates any of the provisions of the Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 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 shall not prevent civil proceedings for abatement and termination of the prohibited activity.

Section 14: SEVERABILITY

The provisions of the Ordinance are declared to be severable and should any provision, section or part be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part involved in such decision and shall not affect or invalidate the remainder of the Ordinance which shall continue in full force and effect.

Section 15: EFFECTIVE DATE

This Ordinance shall take effect upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Roll call: Yes: Carlson, Mahalak, Carter, Lippert, Weatherly
No: None

Connie Mahalak, Clerk

TOWNSHIP OF GERRISH

Amended by the Board

June 10, 1997

Publication

Sunday, June 22, 1997
Roscommon County Herald News

Effective Date

June 22, 1997

Section 2, C amended April 14, 1998

Upon motion by Weatherly, supported by Boyle

On roll call vote:

Yes: Carlson, Boyle, Ragan, Lippert, Weatherly

No: None

Section 6, D amended January 12, 1999

Upon motion by Weatherly, supported by Boyle

On roll call vote:

Yes: Carlson, Boyle, Ragan, Lippert, Weatherly

No: None

D. Only one monument or marker shall be permitted per burial space, except where a government bronze flat marker is also desired to honor a military veteran. Marker shall be placed at the head of burial space. Family name may be inscribed on back side of marker.

Published January 17, 1999, in the Roscommon County Herald-News

Section 4, E, added December 12, 2000

Upon motion by Weatherly, supported by Lippert

On roll call vote:

Yes: Smith, Boyle, Ragan, Lippert, Weatherly

No: None

Published in the Roscommon Herald News, Sunday, December 17, 2000.

Section 9: FORFEITURE OF BURIAL RIGHTS

upon motion by Smith, supported by Weatherly

On roll call vote:

Yes: Smith, Boyle, Ragan, Lippert, Weatherly

No: None

Published in the Roscommon Herald News, Sunday, December 16, 2002.

Section 6: C and D Amended May 12, 2009

Upon motion by Tulgetske, supported by Homola

On roll call vote:

Roll call: Yes: Homola, Boyle, Tulgetske, Link, Long

No: None

Gerrish Township
Cemetery Ordinance No. XXV
Page 8 of 8

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Section 6: C and D Amended June 9, 2009

Upon motion by Trustee Link and second by Trustee Long
On roll call vote:

Roll call: Yes: Homola, Boyle, Tulgetske, Link, Long
No: None
Absent: None

Published in the Houghton Lake Resorter, Thursday, June 18, 2009