

**TOWNSHIP OF GOODAR  
OGEMAW COUNTY, MICHIGAN  
ORDINANCE # 10-18-2005  
AS REVISED 9-18-2007**

**CEMETERY ORDINANCE**

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of the cemetery commonly known as Oak Grove Cemetery, owned by the Township of Goodar, Ogemaw 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 GOODAR  
COUNTY OF OGEMAW, MICHIGAN  
ORDAINS:  
SECTION I  
TITLE**

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

**SECTION II  
GENERAL PROVISIONS**

- A. Municipal cemeteries are hereby declared to be Public Burial grounds for the remains of human bodies only. The ownership of all lots will remain with the Township and the Township reserves the right to enter upon any such lot to provide for its care and upkeep.
- B. Vehicle traffic shall not exceed ten miles per hour. All persons shall be excluded from the cemetery during hours of darkness.
- C. All pets on cemetery property shall be attended on a leash.

**MANAGEMENT**

- A. A Cemetery Board shall consist of the Township Clerk, the Sexton, and three (3) residents. These terms shall be for a period of 2 years and the Township Supervisor with the approval of the Township Board shall appoint the Cemetery Board members. The Cemetery Board shall select a chairperson and a secretary for conducting business and shall meet not less than once a year prior to the township budget hearing to review issues pertaining to the cemetery.
- B. The cemetery sexton shall be appointed by the Township Board and shall be responsible for

carrying out the policies and procedures established herein.

C. There shall be a burial designation at the time of site purchase. Amendment #3-15-2006, There shall be a limitation of ownership to eight (8) usable sites. The Township Clerk shall prepare certificates of burial right for each grave site that is purchased. The ownership of burial rights shall not be further transferred, sold nor traded without the approval of the Township Board in compliance with this ordinance. Burial sites may be sold back to Goodar Township at a rate of \$50.00 per site.

D. To assure current Goodar Township records, owners of deeds and/or certificates of burial must notify the Township Clerk within three (3) months after a change of address occurs. A failure to comply with this requirement may result in the inability of the township to communicate changes in this ordinance and/or other issues pertaining to ownership of burial sites.

E. The Township Clerk shall administer the transfer of ownership of cemetery lots and replace lost and/or destroyed certificates when the claimant can determine adequate proof of ownership. An administrative fee of \$10.00 (ten dollars) will be charged for each reissued certificate.

F. A copy of this ordinance shall be attached to each certificate that is issued to the purchaser of a cemetery lot/site.

G. Transfers of burial rights from resident ownership to non-residents will be approved on the condition that the non-resident is the Mother, Father, Brother, Sister, Grandchild, Daughter, Son, Daughter-in-law, or Son-in-law of the resident site owner. The Goodar Township Board may approve transfer of burial rights to relatives other than those listed above.

H. Under any and all circumstances, resident owners of certificates wishing to transfer burial rights to nonresidents who are not included in "G" above will be charged the difference between the resident and nonresident purchase price at the time of transfer.

## **DEFINITIONS**

A "resident" as used herein, shall mean a person whom, at the time of designation owns property or resides in Goodar Township.

Decorative memorials as used herein, shall mean a pot, urn, vase, shepherds hook, statue, shadow box, flowers or any other decorative adornment.

## **POLICIES AND PROCEDURES**

- A. The Goodar Township Clerk shall record the sale and use of all burial sites within the Goodar Township Oak Grove Cemetery.
- B. At 10 year intervals from the date of purchase, letters of notification shall be sent to all certificate owners of unused burial sites, requesting the intent of the owner to retain ownership of their burial site(s). Without the expressed written intent or evidence of use of a purchased burial site, the ownership of the site shall revert back to the township.
- C. When purchasing a burial site, the purchaser must supply the name and address of a contact person other than the owner for record keeping purposes.

## **UNLAWFUL ACTS**

- A. It shall be unlawful for the owner of any burial site to allow interment to be made in the Goodar Township Cemetery for remuneration.
- B. It shall be unlawful for any person to deface, injure, disturb, mark or write on any marker, monument or headstone, except under the supervision of the sexton to improve or stabilize these objects.
- C. No person shall create any improper noise, disorderly conduct, carelessness, or any other activity, which destroys the peace, tranquility and attractiveness of the cemetery and its sacred devotion to the interment and respect of the dead.
- D. There shall be no loitering in the cemetery.
- E. There shall be no hunting in the cemetery.
- F. There shall be no skiing, sledding or snow mobile use in the cemetery.

## **FUNERALS, INTERMENTS AND DISINTERMENTS**

- A. All grave openings and closures shall be under the direction of the Sexton.
- B. Undertakers shall give the Sexton a 48-hour advance notice of a scheduled interment.

- C. The appropriate permit for a burial, together with appropriate identification of the person to be buried therein, and the certificate or deed of ownership of the burial site shall be presented to the Sexton or his/her designee prior to interment. The interment of a person other than the

owner of record for a burial site shall require a notarized affidavit granting permission by the owner for the burial. In the absence of proof of ownership, the persons requesting burial rights must sign the hold harmless agreement established by the Goodar Township Board.

D. Disinterment of a body once properly interred shall not be made without a properly executed disinterment/re-interment permit and administered by a licensed funeral director. Graves to be opened for inspection for official investigation shall require an order signed by a court of competent jurisdiction. Any markers or monuments designating the location of an interment shall be removed at the time of disinterment is made.

E. The Township Board shall establish the fees charged for burial and the price of burial sites. These fees and charges will be reviewed from time to time by the cemetery board and may be changed by resolution of the Goodar Township Board. Fees are payable to Goodar Township. Burial sites purchased for internment shall require payment by certified check, cash or money order.

F. The burial of more than one person in a single casket is prohibited, except at the discretion of the funeral director an adult and a child, or in the case of babies, more than one may be buried in the same casket.

G. The ashes from human cremation appropriately contained may, at the discretion of the Sexton, be placed in an occupied burial lot if the remains are those of the lot owner, or with written permission of the lot owner(s) or their heirs.

H. When there is a delay in the time of burial, the sexton must receive a two (2) hour notice from the funeral director. Due to unforeseen hazardous conditions caused by weather or other acts of God, the sexton and funeral director may determine that the final interment services be conducted at the funeral home.

I. The burial of more than one appropriately contained ashes from human cremation in an unoccupied burial site shall be limited by a space measuring not less than 24 inches by 24 inches for each cremation remains and shall be at the discretion of the Sexton. Only one headstone is permitted per grave site.

## **GRAVE SITE MEMORIALS AND DECORATIONS**

A. The cemetery sexton reserves the right, and has the full discretion to remove funeral designs and floral pieces as soon as they become unsightly.

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B. Copings, fences, curbs, benches, steps, structures of wood or other material used as grave lot borders or coverings are prohibited. These structures or enclosures established on any lot previous to the adoption of this ordinance which have, in the judgement of the Sexton and/or Township Board, become unsightly by reason of neglect or age shall be removed.

C. No elevated mounds shall be built over graves and no site shall be filled above the grade established by the Township.

D. Not more than two (2) decorative memorials shall be allowed per grave site.

E. All decorative memorials shall be of weatherproof, non-glass material and shall be placed adjacent to either end of the headstone. Shepherds hooks shall be located tight to the foundation of the headstone and shall not be left unused.

F. Winter decorative memorials may be maintained on graves from November 1<sup>st</sup> until April 1<sup>st</sup>. If such decorations are not removed by April 1<sup>st</sup> they shall be considered abandoned and shall be removed and disposed of by the Sexton.

G. Decorative memorials may be placed after May 1<sup>st</sup>.

#### **MAINTENANCE OF CEMETERY GROUNDS**

A. No flowers, shrubs, trees or vegetation of any type will be planted or removed without the approval of the Sexton. The township and/or Sexton may remove any vegetation planted without the approval of the Township Board and Sexton.

B. 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 use of the cemetery.

C. The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, decorative memorials or receptacles that become unsightly through decay, deterioration, damage and/or become a source of litter or excessive maintenance.

#### **VAULTS, MONUMENTS AND MARKERS**

A. Only one headstone shall be permitted per burial site. Adjacent sites may share a headstone. A flush mounted military foot marker is also acceptable with the approval of the sexton.

B. The foundation upon which any monument, marker or memorial must be placed shall be approved by and installed under the direction of the cemetery sexton. The foundation shall be of concrete and shall extend at least 4 inches beyond the base of the marker on all sides. The foundation shall be at least 6 inches thick and shall be level and edged. All costs for the installation of a foundation shall be at the owner's expense.

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C. All markers or memorial headstones must be of durable granite, marble or standard bronze.

D. All burials must have a commercially produced, sealable vault.

#### **ENFORCEMENT OF THIS ORDINANCE**

A. Any person violating any of the provisions of this ordinance shall be subject to a fine of not more than \$500.00 and cost of prosecution, or by imprisonment in the Ogemaw County Jail for not more than ninety (90) days, or at the discretion of the court, may be punished by both such fine and imprisonment. By providing for criminal prosecution, the township does not prevent itself from proceeding civilly as it concerns enforcement of this ordinance as it relates to any violator of the provisions hereof.

B. The sections of this ordinance are declared to be severable and if any section hereof is declared illegal or void in a Court of Law, it shall not affect the remainder of the ordinance.

C. This ordinance shall take effect thirty (30) days after its approval and publication by the Goodar Township Board.

D. All ordinances or portions of ordinance conflicting with provisions herein are declared to be null and void.