

**GROUT TOWNSHIP  
GLADWIN COUNTY, MICHIGAN**

(Ordinance No. <sup>2006-1</sup> )

*Nov. 2006*

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of the cemetery owned, controlled or operated by the Township of Grout, in Gladwin County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all previous ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF GROUT ("Township"), COUNTY OF GLADWIN, MICHIGAN  
ORDAINS:

**Section 1. Title**

This Ordinance shall be known and cited as the "Grout Township Cemetery Ordinance."

**Section 2. Definitions**

1. A "cemetery grave" or "cemetery space" shall consist of an area sufficient to accommodate one burial space for one deceased person. A "cemetery lot" shall consist of 4 grave spaces.
2. The "cemetery flag area" will consist of lot numbers 102, 103, 114, and 115. These lots are not for sale.

**Section 3. Sale of Cemetery Spaces: Nontransferable**

1. After the effective date of this Ordinance, cemetery graves/lots shall be sold for the purpose of burial for the purchaser of a cemetery grave/lot, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
2. 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 forms shall be executed by the Township Clerk or Deputy Township Clerk, and shall constitute a permit when approved.
3. Cemetery graves/lots may be sold by the Township to any resident or taxpayer of Grout Township. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for the burial within the Township through previous residence in the Township or relationship to persons

interred in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such a variance) may be overturned by a vote of a majority of the members serving on the Township Board, but only if interment has not occurred.

4. At the time of purchase from the Township, each burial space shall be assigned the name of the person who shall be interred in that burial space upon death. Each such person must either be a resident or tax payer of the Township, or be a member of the immediate family of the purchaser. If the owner of a burial site desires to effectuate a name change regarding the assigned burial space, that person must sell the burial space back to the Township and repurchase that space, since burial spaces are otherwise non-transferable.
5. Cemetery graves/lots are non-transferable, but may be sold back for the original purchase price to the Township (for resale by the Township).

**Section 4. Purchase Price**

1. The lawful owner of any cemetery space within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.
2. All charges shall be paid to the Township Treasurer.
3. The Township Board may by resolution periodically determine the price of a grave for residents and non-residents and may increase fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

**Section 5. Markers/Memorials/Headstones; No Monuments**

1. All headstones or markers must be of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
2. Except for monuments which existed in the Township Cemetery before the effective date of this Ordinance, no monument will be allowed or erected in the cemetery. For purposes of this Ordinance, "monument" shall be defined as any marker, memorial, statue or similar item which is above normal ground level or which has a ground surface area exceeding (2') two square feet. All headstones shall be flush with the current ground level.
3. Only one marker or memorial shall be permitted per burial space, or one marker or memorial in total where two adjoining lots share that one

marker or memorial. Markers shall be no more than (30") thirty inches in width or (48") forty-eight inches in width for a double marker, while also being flush with ground level (including foundation).

4. Under the supervision of the cemetery sexton, a footing or foundation shall be installed for any marker or memorial, for which installation shall be the responsibility of the persons or firm placing the marker or memorial.

#### **Section 6. Interment Regulations**

1. The opening and closing of burial spaces shall be done only by such person or persons as are designated by the Township.
2. The appropriate permit from the Township for the burial space involved, together with appropriate identification of the person to be buried therein, shall be presented to the Funeral Director prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall otherwise be satisfied, from Township records, that the deceased person to be buried in the burial space is an authorized and appropriate person for that space, before any interment is commenced or completed.
3. The surface of all graves shall be kept in an orderly and neat appearing manner within the confines of the burial space involved.

#### **Section 7. Ground Maintenance**

1. Urns may be placed and maintained at the head stones of graves and must be removed by October 1<sup>st</sup> of each year or they will be removed by the sexton. Decorations will be permitted for holidays but only for one week prior and one week following the holiday. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
2. No grading, leveling, or excavating within the cemetery shall be allowed.
3. No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn. Any of the foregoing items planted without Township approval will be removed by the Township or the cemetery maintenance personnel.
4. The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
5. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

6. The cemetery maintenance personnel shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers which through decay, deterioration, damage or otherwise becomes unsightly, a source of litter or maintenance problem.
7. Surfaces other than earth or sod are prohibited (such as walks or walls). All repair work, including re-seeding of grass where necessary, will be done by the cemetery sexton. Lot owners are not to disturb the soil.
8. All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, and flower containers must be removed from the cemetery within 10 days after a burial.

**Section 8. Vaults**

1. All burials shall be within a standard concrete vault (which meets applicable laws) installed or constructed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the Township sexton if allowed by law.
2. Cremains shall be in a container approved by the Township.

**Section 9. Forfeiture of vacant cemetery lots or burial spaces**

Burial rights permits/deeds are valid for 50 years after being issued. At the time of expiration, notice shall be sent by the Township Clerk by first class mail to the last known address of the owner of record notifying them of the expiration. All rights with respect to said burial rights and related permits will be forfeited if the owner does not notify the Township in writing within 60 days from the date of the mailing that they desire to retain said rights.

**Section 10. Applicability of this Ordinance**

1. This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.
2. The provisions of this Ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.

**Section 11. Penalties**

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits or 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 in violation of this Ordinance and shall be responsible for a civil infraction.

**Section 12. Severability**

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof 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 13. Effective Date; Conflicts**

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

The above Ordinance was offered for adoption by Township Board Member \_\_\_\_\_ and was seconded by Township Board Member \_\_\_\_\_, the vote being as follows:

YEAS: W. SHEARER, D. CONNER, L. BIRGEL, K. SHEARER, J. NASH

NAYS: NONE

ABSTAIN/ABSENT:

ORDINANCE DECLARED ADOPTED.

Linda Birgel  
Grout Township Clerk

**CERTIFICATION**

I hereby declare that the above is a true copy of an ordinance adopted by the Grout Township Board at a board meeting held on September 5, 2006, at the Grout Township Hall, pursuant to the required statutory procedures.

DATED: SEPTEMBER 5, 2006