

\$2.75

**Lapeer County, Michigan**

**Goodland Township**

**Cemetery Ordinance  
Ordinance No. 2100**

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TOWNSHIP OF GOODLAND  
CEMETERY ORDINANCE

Ordinance No. 2100

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 Goodland, Lapeer County, Michigan; to provide penalties for the violation of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF GOODLAND, LAPEER COUNTY, MICHIGAN, ORDAINS:

Section 1: TITLE.

This ordinance shall be known and cited as the GOODLAND TOWNSHIP CEMETERY ORDINANCE.

Section 2: DEFINITIONS OF CEMETERY BURIAL SPACES AND LOTS.

- a.) Adult Burial Space shall mean a burial space that consists of land four (4) feet wide and ten (10) feet long. An adult burial is any burial that involves a burial box greater than four (4) feet in length.
- b.) Stillborn, Infant, or Child Burial Space shall mean a burial space that consists of land three (3) feet wide and four (4) feet long. A stillborn, infant, or child is any burial that involves a burial box equal to or less than four (4) feet in length.
- c.) Cremaains Burial shall mean the burial of ashes of a cremated body.
- d.) Cemetery Lot may mean land with sufficient space to accommodate five (5), eight (8), or ten (10) burial spaces, depending on in which section of the cemetery it is located.
- e.) Cemetery Section may mean the division of the cemetery into sections, containing a relative number of cemetery lots.

Section 3: PURCHASE OF BURIAL RIGHTS.

- a.) Hereafter, Burial Rights shall be sold to only 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. No sale shall be made to funeral directors or others than as heretofore set forth. The Township Clerk, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses

sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred therein.

- b.) The purchase of Burial Rights does not convey ownership of land. The purchase of Burial Rights within the cemetery conveys the right and privilege of burial of approved persons upon the location specified, the right to construct approved markers, and other rights subject to the rules and regulations of the cemetery.
- c.) The purchase of Burial Rights within any area of the cemetery shall be made valid only by assignment of a Burial Rights Certificate signed and sealed by the Township Clerk, and indicating the precise location of purchase of Burial Rights. The precise location of purchase is designated by the proper combination of lot, section, and grave values within the cemetery. In addition, no Burial Right within the cemetery will be considered sold until paid in full.
- d.) Payment is due in full at the time of Burial Rights assignment, unless payment arrangements, acceptable to the Township Clerk, are made by the funeral director.
- e.) The Township reserves the right to limit the sales of burial rights for burial purposes and intended burial purposes, and will not knowingly sell lots for investment purposes, and no person shall be allowed to speculate in said lots.
- f.) Grave locations may be held upon request for a period not to exceed one (1) year, this provision is at the discretion of the Township Clerk. Burial Rights shall be paid for in one payment equal to the full cost of said Burial Right within this one (1) year period or at the time of burial, whichever occurs first.
- g.) Burial spaces are exempt from taxation and liability for debt. No mortgage or other encumbrance can be placed upon them.
- h.) All sales shall be recorded on a form approved by the Township Board. The form grants only the right of burial and does not convey any other right to the lot or burial space sold. Such form shall be executed by the Township Clerk.
- i.) Owners of Burial Rights shall not allow interments in their lots in return for remuneration of any kind.

- j.) It is the responsibility of the owner of Burial Rights to provide any change of address to the Township Clerk in order to maintain current and accurate records.

Section 4: BURLIAL RIGHTS TRANSFERS.

- a.) Burial Rights shall not be transferred from one party to another without the consent of the Township Clerk, and without following the proper procedures, as determined by the Township Board.
  - b.) Burial Rights Certificates, any other agreements, written or otherwise implied, made or agreed to by anyone other than the Township and the approved party shall not be valid and will not be honored.
- c.) The Township Clerk has the right to refuse the transfer of Burial Rights from one party to another, and may require that a Burial Rights Certificate be provided to the Township before being transferred to another party.
  - d.) Burial Rights may only be transferred to people eligible to be original purchasers of reserved burial spaces or lots. Burial Rights may only be changed if the Township Clerk assigns a new burial permit to replace an original, endorses, and seals the new permit and officially records the transaction. At this time, the Township Clerk shall issue the new permit to the assignee and cancel [void] the original permit.

Section 5: PURCHASE PRICES, TRANSFER FEES & GRAVE OPENING CHARGES.

- a.) The Township Board by resolution may periodically set and adjust the fee for reserved burial spaces, transfer fees, opening and closing to accommodate increased costs and needed reserves for cemetery maintenance, acquisition, and perpetual care.
- b.) The opening and closing of any burial space, 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 Township Board, payable to Goodland Township.
- c.) 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 re-interment of bodies and remains, which matters are under the supervision of the local health department.

Section 6:     MARKERS, MONUMENTS & MAUSOLEUMS.

- a.) All markers, monuments, and other memorials must be made of granite or another approved, equally durable composition.
- b.) All markers, monuments, or other memorials must be located upon an approved foundation to maintain the monument in an erect position. The foundation upon which any marker, monument, or other approved memorial must be placed, shall be constructed by the Township at a cost to the owner of the burial right.
- c.) Only one monument, marker, or other approved memorial is permitted for a burial in one space.
- d.) No more than two markers per grave site for two individual cremains or one marker for all cremains. Individual markers for cremains shall be flush with ground and shall be no more than twelve (12") inches by twenty four (24") inches.
- e.) No monument, marker, or other memorial shall be installed without the specific approval of the Township Board, unless the proposed memorial meets the following requirements:
  - 1.) The location is at the head of the burial space, parallel to the head of the burial space line.
  - 2.) The height of the memorial is not greater than 48 inches, the depth of the memorial is not greater than 12 inches, and the length of the memorial is not greater than 80 inches.
- f.) Monuments, markers, and other memorials are not allowed to be installed on burial spaces or lots that have not been fully paid for.
- g.) No mausoleum shall be erected without the specific approval of the Township Board.
- h.) Inscriptions on monuments, markers, mausoleums, or other memorials must not be offensive or improper, as judged by the Township Board. The

owner of any such memorial will be responsible for all expenses associated with the removal.

- i.) The Township Board has the authority to deem a marker, monument, mausoleum, or other memorial to be inappropriate and thus prohibit it from being placed in the cemetery.
- j.) If a marker, monument, mausoleum, or other memorial becomes unsafe in the opinion of the cemetery sexton, notice of the condition will be sent to the last known address of the owner, and the structure will be removed or repaired at the owner's expense.

Section 7: INTERMENT, DISINTERMENT, AND REINTERMENT REGULATIONS.

- a.) No interments will be permitted to be made on any lots for which Burial Rights Certificates have not been issued or which have unpaid charges or liens against them.
- b.) No interment of any body other than of a human being will be permitted.
- c.) Only one body may be buried in a burial space, except for a mother and infant or two children, buried at the same time.
- d.) A maximum of two cremains shall be allowed to be placed in one burial space, unless permission is otherwise granted by the Township Board.
- e.) The cemetery sexton shall receive at least twenty-four (24) hour notice of the time of a funeral to allow for the opening of the burial space.
- f.) Interments will not be permitted without a valid Burial Transit Permit or Cremation Certificate. The appropriate permit for the burial space and appropriate identification of the person to be buried, where necessary, shall be presented to either the cemetery sexton or the Township Clerk prior to interment. If a 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 space is an authorized and appropriate one before starting interment.

- g.) All burial spaces shall be located in an orderly and neat appearing manner within the confines of the space involved.
- h.) All burials shall be within a standard vault made of concrete, fiberglass, or other material approved by the Township Board, installed or constructed in each burial space before interment.
- i.) Cremains shall be in an approved container.
- j.) Interments will not be permitted until payment for the Burial Rights fee, opening and closing has been received or payment is arranged by funeral director, and all other fees have been paid in full.
- k.) No burial spaces shall be opened or closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains; this matter is under the control of the local health department.
- l.) The Township assumes no responsibility for errors in opening graves when such errors are caused by others.
- m.) The Township will assume no responsibility for any damage that might occur in the burial of a body or cremains.
- n.) Scattering of cremains over a family lot or anywhere in the cemetery is prohibited.

Section 8: CEMETERY MAINTENANCE AND CARE.

- a.) No grading, leveling, or excavating upon a burial space shall be allowed without permission from the cemetery sexton and/or the Township Clerk.
- b.) No flowers, shrubs, trees, or vegetation of any type may be planted without the approval of the cemetery sexton and/or the Township Clerk. Any of these items planted without approval may be removed by 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 lawn-care device are prohibited.
- e.) The sexton shall have the right and authority to remove and dispose of any and all growth emblems, displays, or containers that become unsightly, a source of litter, or a maintenance problem.
- f.) Surfaces other than earth or sod are prohibited.
- g.) Dried flowers, wreaths, papers, flower containers, and all other refuse must be removed or deposited in containers located within the cemetery.
- h.) Cemetery care only includes seeding, top dressing, cutting and trimming grass, shrubs, and trees, and the general upkeep of the cemetery. Cemetery care does not include the maintenance of markers, monuments, other memorials, or mausoleums.
- i.) The Township Board and/or cemetery sexton shall, by determination, erect and maintain a sign at the left entrance of the cemetery driveways posting the hours of visitation, speed limit, times of the year that all wreaths, containers, etc. will be removed (except for the provisions of Section 7 e), or anything the Township Board sees fit to display on these signs.

Section 9: FORFEITURE OF VACANT CEMETERY BURIAL SPACES OR LOTS.

- a.) Cemetery Burial Rights in spaces or lots sold after the effective date of this ordinance and remaining vacant for forty (40) years from the date of sale shall automatically revert to the Township if the following events occur:
  - 1.) Notice is sent by the Township Clerk by Registered Mail with Return Receipt to the last known address of the last owner of record informing him or her of the expiration of the forty (40) year period and that all rights with respect to the burial spaces or lots will be forfeited if the owner does not indicate in writing to the Township Clerk within sixty (60) days from the date of the mailing of the notice, the desire to retain the said Burial Rights. The Township takes no responsibility for the owner's of Burial Rights failing to keep their address and other information up-to-date and on file with the Township Clerk.
  - 2.) A written response indicating the desire to retain the burial spaces or lots in question is not received by the Township Clerk from the last

owner of record, the owner's heirs, or the owner's legal representative of the burial spaces or lots within sixty (60) days from the date of mailing the notice.

- b.) Upon written request by an owner's heirs or an owner's legal representative and providing proof that said party or parties is the sole heir or heirs, the Township will repurchase the Burial Rights of any cemetery lot or burial space from the owner for the original price paid to the Township.

Section 10: REPURCHASE OF LOTS OR BURIAL SPACES.

The Township will repurchase any Burial Rights of any cemetery lot or burial space from the owner for the original price paid the Township upon the written request of said owner or his legal heirs or representatives and upon the submission to the Township Clerk the Certificate of Burial rights.

Section 11: RECORDS RETENTION AND MAINTENANCE.

The Township Clerk shall maintain records concerning all issuance and transfer of Certificates of Burial Rights and burial permits, any perpetual care fund, separate and apart from any other records of the Township. The records shall be open to the public during Township business hours.

Section 12: GENERAL REGULATIONS.

- a.) The cemetery may be open to the general public from Sunrise until Sunset each day.
- b.) No one shall be permitted in the Township cemetery at any other time, unless he or she has permission of the Township Board or cemetery sexton.
- c.) Animals, except leader dogs, are not permitted in the cemetery.
- d.) No person shall obstruct any drive, walk, or alley.
- e.) No person shall injure, deface, or destroy any burial space, marker, monument, mausoleum, building, fence, seat, flower, tree, shrub, or any other item in the cemetery.

- f.) Alcohol is not permitted in the cemetery.
- g.) No vehicles shall drive faster than five (5) miles per hour on cemetery roads or drives.
- h.) Driving off the established roads or drives is prohibited.
- i.) No firearms are allowed in the cemetery without written permission from the Township Clerk or cemetery sexton, except in the case of military funerals or ceremonies by official veteran's organizations on federal holidays.

Section 13: PENALTIES.

Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Civil Infraction Ordinance.

Section 14: SEVERABILITY.

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

Section 15: EFFECTIVE DATE; REPEAL.

This ordinance shall take effect thirty (30) days after the date of publication specified below. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The undersigned Supervisor and Clerk of the Township of Goodland hereby certify that this Ordinance was duly adopted by the Goodland Township Board at a meeting held on the 24th day of September, 2002, and as published in The Tri-City Times on the 6th day of November, 2002.

Effective Date: December 6, 2002

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Ron Cischke, Supervisor

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Anna Maria Calianno, Clerk