

Fulton Township Cemetery Ordinance

Gratiot County, Michigan

Ordinance # 40

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

Fulton Township, County of Gratiot, Michigan Ordains:

Section 1: Title

The ordinance shall be known and cited as the "Fulton Township Cemetery Ordinance"

Section 2. Purpose and Intent

Fulton Township recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterment's and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Fulton Township Board finds that the adoption and enforcement of this ordinance is in the best interest of the property owners and residents of Fulton Township.

Section 3: Definitions

- a. A "burial site" shall consist of an area in Fulton Township cemeteries sufficient to accommodate one full body burial space for one deceased person. Other allowed burials are one full body and one cremation (full burial must take place first or a Disinterment fee and Reinterment fee will be charged) or two cremations per burial site. Each burial site shall consist of a land area at least forty-eight (48) inches wide and ninety-six (96) inches in length.
- b. "Township" means Fulton Township

Section 4: Records

The Township Sexton and Township Clerk shall maintain records concerning all burials, cemetery lots, issuance of burial permits and any other records of the Township related to Fulton Township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

Section 5: Sale of Cemetery Burial Sites

- a. All sales and transfers of cemetery burial sites shall be made on a form approved by the Township Board and signed by the designated Township official, which grants a right of burial only and does not convey any other title or right to the cemetery burial site or burial space sold. The "Burial Rights Certificate" shall be signed by the Township Sexton and the Township Clerk.

Section 6: Transfer of Burial Sites

- a. The transfer of a cemetery burial sites to another party shall be recorded on a form approved by the Township Board in the office of the Township Clerk. A letter releasing interest of a burial site from owner shall be required; only when the original burial rights certificate is not available to be surrendered to the

Township Clerk. The burial site transfer form shall be signed by the Township Clerk or the Township Deputy Clerk.

- b. There is a \$50 Transfer Fee.

Section 7: Purchase Price for Cemetery Burial Sites

- a. Cemetery burial site pricing shall be approved by the Township Board and reviewed periodically to accommodate increased costs and needed reserve funds for cemetery maintenance and capital improvements. Pricing will be in resolution form approved by the Township Board.
- b. All charges shall be paid to the Fulton Township.
- c. The owner of every burial right shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 8: Burial Site Opening Charges

- a. The Township may charge fees for the opening and closing of any cemetery burial site. Such fees shall be set from time to time by resolution of the Township Board.
- b. No cemetery burial site shall be opened or closed except under the direction and control of the Township Sexton or such other individual as is designated by the Township Supervisor.

Section 9: Monument and Marker Location, Materials and Foundation

- a. Markers shall be placed at the head of a burial site as platted. No marker shall be set unless it is first approved by the Cemetery Sexton and the burial site is paid for in full.
- b. No material except granite or a good grade of white marble from recognized monument quarries shall be used for monuments or upright markers. Bronze may be used for monuments or upright markers if firmly attached to a granite or concrete base.
- c. All monuments and markers shall be placed on a foundation of a depth and size and of a material deemed adequate by the Cemetery Sexton. All foundations need to be large enough for 4 inches of foundation showing on all sides of the monument or marker.
- d. All foundations shall be installed by cemetery personnel.
- e. Maximum Height: 36 inches not including the foundation.

Section 10: Interment Regulations

- a. Fulton Township does not offer Green Burials.
- b. All burials within the cemetery shall be under the direction of the Cemetery Sexton or appointed agent. All applications for the burial shall be made to the Township Office in time to allow at least 48 working hours to prepare the grave. An additional charge shall occur for a service on all non-scheduled work days.
- c. The Cemetery management reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.
- d. The appropriate burial rights permit issued by the Township, together with appropriate burial-transit permit shall be presented to the Township Clerk or designated official.
- e. The Cemetery Sexton or personnel shall not be held responsible for errors in location of burial sites on lots arising from improper instructions of lot owners or funeral directors.
- f. No burial sites shall be opened except by personnel employed by the Township.
- g. Funeral directors should arrange the time of funeral so the cemetery personnel can complete interment by 4:00pm.
- h. The surface of all graves shall be kept in an orderly and neat manner during the interment process.

Section 11: Disinterment

- a. No disinterment or digging up of an occupied burial site shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment have been obtained from an

applicable state or county agency, government unit or official, and a copy of the same has been filed with the Township Clerk.

- b. Burial sites shall not be opened for inspections except for official investigations.
- c. Cemetery personnel shall exercise the utmost care in making the removal, but it shall assume no liability for any damage to any casket or burial case or urn incurred during the removal.

Section 12: Cremains

- a. Interment of cremains and/or ashes of deceased are mandatory. No cremains shall be scattered or dispersed or displayed within Fulton Township Cemeteries.
- b. A cremation must be interred at the head of a burial site.
- c. Up to 2 cremations may be interred in a burial site.
- d. Burial-transit permits are required to be filed with the Township Clerk for all cremation burials.
- e. Any cremains that are deposited in Fulton Cemeteries, whether in the monument, bench or otherwise, is considered an interment.

Section 13: Forfeiture of Vacant Cemetery Burial Spaces

- a. Cemetery burial sites sold after the effective date of this Ordinance and remaining vacant for thirty (30) years or more from the date of their sale shall automatically revert to the Township upon occurrence of the following events:
- b. 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/her of the expiration of the 30 year period and that all rights with respect to the said burial sites will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of the mailing of such notice of his/her desire to retain such burial rights; and
- c. No written response to said notice indicating a desire to retain the cemetery burial sites in question is received by the Township Clerk from the last owner of record of said burial site, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.
- d. A public notice (published one (1) time) will be placed with the local paper stating a written response be received by the Township Clerk from the owner of record of said lot(s) or space(s), or his/her heirs or legal representative, within sixty (60) days from the date of the newspapers publication date of said notice; and
- e. Upon which all above requirements have been met and no written response is received by the Township Clerk, said burial sites will then be considered abandoned and forfeiture will result in said lot(s) or space(s) being automatically reverted to the Township; at which time ownership will belong to the Township and said burial sites will be available for resale by the Township at the current selling price.

Section 14: Repurchases of Burial Spaces

- a. The Township may repurchase any cemetery burial site from the owner for half of the current cost of a burial site upon written request of said owner or his/her legal heirs or representatives.

Section 15: Cemetery Hours

No person shall be present in the Fulton Township cemeteries, except between dawn and dusk. This section shall not apply to authorized Township personnel.

Section 16: Prohibited Uses and Activities

- a. Persons entering the cemetery will be held fully responsible for any damage to cemetery property.
- b. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree, fence or other structure within the cemetery.
- c. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully present on the grounds of the cemetery.

- d. Vehicles shall not exceed 5 miles per hour in the cemetery. No vehicle shall be permitted to drive on lawns or cemetery burial sites. Operators shall follow such drives as indicated by signs.
- e. There shall be no snowmobile or off-road-vehicle (ORV) or unlicensed motorcycle, scooter or motorized bicycles in the cemetery.
- f. Bicycles and persons jogging or walking are permitted in the cemeteries from dawn until dusk utilizing the designated roadways only.
- g. No children under sixteen (16) years of age shall be allowed in the cemetery unless accompanied by an adult and are properly supervised.
- h. No domestic animals of any kind or pets are allowed on cemetery grounds.
- i. No person shall possess or consume alcoholic beverages on cemetery grounds.
- j. Purchase of any burial site with Fulton Township Cemeteries for the purpose of speculation therein is not permitted.
- k. No person shall discharge a firearm in or adjacent to the cemetery. This prohibition shall not apply to military burials or Memorial Day Services. Liability for approved firearm discharges rests with the authorized party.
- l. Glass containers of all types are prohibited in Fulton Township cemeteries.
- m. There shall be no fires, candles or open flames.
- n. There shall be no private signs, lighting, moving displays, or changeable copy on any sign.
- o. The Township reserves the right to abate, remove, and maintain any planting, structure, either natural or man-made, that is deemed unsightly, a nuisance, or poses a hazardous situation.
- p. There shall be no unlawful interference with or disruption of a funeral or funeral procession.
- q. Rubbish or debris shall be deposited in specified receptacles located within the cemetery.
- r. Cremains or ashes of a deceased person shall not be scattered or dispersed in Fulton Township cemeteries.
- s. Shepherd hooks or the like are prohibited.

Section 17: Decoration of Burial Sites

In order to preserve a peaceful, sacred resting place in Fulton Township cemeteries, decorations must be done in a way that does not create a safety hazard, impede proper maintenance, infringe on other graves or diminish the character of the cemetery.

- a. A single burial site may consist of only the following:
 - 1. A foundation
 - 2. A Headstone
 - 3. Up to 2 urns properly installed on the foundation
 - 4. Foundations may be extended by using one single concrete paver or patio block not to exceed the width (front to back) of the current foundation or to extend past the lot boundaries. Urns with flowers may be placed on this extension.
 - 5. Flower saddles on top of the headstone only
 - 6. Winter grave blankets and wreaths are permitted only between the dates of October 16 to March 30
 - 7. Any and all additional embellishments must be placed on the foundation without overhang and shall not exceed the height of the headstone. This does not include flowers in an urn.
 - 8. Excessive or unsightly embellishments may be subject to removal by the cemetery management.
 - 9. One flag holder and flag will be permitted for the grave of each veteran whose last service was honorable and is interred in Fulton Township cemeteries. Veteran flags and VFW Auxiliary members flags will be proudly displayed annually from May until October fall cleanup. Veterans and VFW Auxiliary flag holders will be mounted in the foundation.

Any items that do not comply with the above may be removed by cemetery management.

- b. Lighting of any kind is prohibited. This includes but not limited to candles, solar lights, battery operated lighting, flashlights, etc.
- c. Ground plantings of any kind are strictly prohibited.

- d. Landscaping borders, bricks and rocks are strictly prohibited.
- e. The Township 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.
- f. Fulton Township employees will be performing Cemetery cleanup April 1st through 15th and October 1st through October 15th. At this time any and all existing embellishments shall be considered abandoned and may be disposed of by cemetery management.
- g. Bereavement time will be honored up to 60 days from the date of burial. During this time, additional decorations and flowers may be placed anywhere on the grave. After 60 days, any item that still remains on the grave that does not comply with the above rules and regulations will be removed by cemetery management.

Section 18: Authority of the Fulton Township Management to Remove Unauthorized or Unlawful Items from Fulton Township Cemeteries

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in the cemetery in violation of this Ordinance, any Township rule or regulation regarding the cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the cemeteries at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the cemeteries.

Section 19: Ordinances Repealed

All existing ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed including *Cemetery Ordinance* dated February 15, 1980 (effective March 1, 1980)

Section 20: Municipal Civil Infractions

A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

Section 21: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

The above ordinance was offered for enactment by Bob Baxter and was supported by Melissa Zemla at a special board meeting of the Fulton Township Board, held at the Fulton Township Hall, on October 2, 2023, at 7:00 p.m., the vote being as follows:

YEAS: 4 Baxter, Antes, Oberlitner, Zemla

NAYS: 1 Rossman

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

Doug Antes, Fulton Township Supervisor

June 10, 2024