

BRADY TOWNSHIP  
SAGINAW COUNTY, MICHIGAN  
CEMETERY ORDINANCE No. 2011  
CHANGES/ADDITIONS MADE FEBRUARY 1, 2017  
(CHANGES ARE IN *ITALIC*)

AN ORDINANCE TO REGULATE THE USE AND MAINTENANCE OF TOWNSHIP CEMETERIES; TO PROVIDE FOR SANCTIONS; SEVERABILITY; PUBLICATION; REPEAL; AND AN EFFECTIVE DATE.

THE TOWNSHIP OF BRADY ORDAINS:

Section 1. DEFINITIONS

Cemetery: Cemetery is defined to include any burial park for earth interments or a community mausoleum for vault or crypt interments, owned and under the jurisdiction of the Township.

Rite Burial Certificate: of A certificate establishing the right to the use of a lot and grave sites given by the Township to the original purchaser.

Footing or Foundation: A cement slab installed by the Township for placement of a marker or monument.

Grave: A grave is a burial site for the interment of one person, or the cremains of up to four persons.

Approximate size of grave is 4 x 8 ft.

Interment: Interment shall mean the permanent disposition of the remains of a deceased person in the cemetery.

Lot: A lot is a numbered division in a section of the cemetery. A lot shall consist of two or more grave sites.

Lot Marker: A lot marker is signage with a Section letter and lot number on it which indicates the southwest corner of the lot and/or all four corners of a lot.

Marker: The marker is a specific type of memorial that is flush with the ground.

Memorial: A memorial shall include a monument, marker, tablet, headstone, tombstone, private mausoleum, tomb, urn or crypt for family or individual use.

Monument: A monument is a specific type of memorial consisting of a tombstone of granite, marble or other natural stone only, which extends above the surface of the ground.

Section: A group or area of cemetery lots designated by an alpha or numeric character.

Township: Brady Township or its' authorized designee.

Section 2. GENERAL RULES

1. Township cemeteries shall be open from April 1 through November 1, Sunrise to Sunset, and shall be closed to vehicular traffic during the winter except for burials.

2. All fees or charges for services are payable to the Township of Brady. Full payment must be received prior to a burial. No other fees or gratuities shall be made to township employees.

3. Persons within a cemetery shall use only the drives and walkways to walk upon unless it is necessary to cross lots or the lawn to gain access to one's own lot.

4. Persons visiting a cemetery or attending funerals are prohibited from picking or transplanting flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or vandalizing any memorials, fence, or other structure within the cemetery grounds. The exception to this rule is that a person may maintain the area referred to in the rite of burial certificate so long as the maintenance does not conflict with any of the provisions of this ordinance. The township desires to leave the improvement of the lots and graves up to the taste of private caretakers, however, the township reserves the right to remove any structure, planting or object that conflicts with the regulations or is injurious to the general appearance of the graves.

5. Motor vehicles must be kept under complete control at all times and must stop when encountering a funeral procession. Vehicles shall not be left with the motor running or horns sounded in a cemetery. Motor vehicles with noisy mufflers should remain outside the cemetery.

6. The following acts are prohibited within a cemetery:

(a) Driving of motor vehicles through the gates or in the cemetery at speeds above 10 **m.p.h.**

(b) Driving any motor vehicle anywhere but on cemetery driveways, without the expressed permission of the Township Board or their designee.

(c) Parking or leaving any motor vehicle on a driveway in the cemetery so that it prevents another vehicle from passing **it**. Cemetery management shall have the right to remove any such motor vehicle without liability to the owner.

(d) NO Rubbing--a process used to lift copy of letters from grave markers by laying paper on marker and rubbing over it with pencil, pen, color, marker, ect.

7. Children under fifteen years of age are not permitted within a cemetery, or its buildings, unless accompanied by an adult. Behavior of all persons visiting the cemetery should be appropriate and respectful.

Inappropriate behavior which is specifically prohibited shall include:

(a) Loitering and solicitation.

(b) Placing signs or notices or advertisements of any kind within the cemetery.

(c) Bringing dogs into the cemetery or any of its buildings, unless the dogs are "seeing eye" or other specially trained dogs for the disabled and/or police dogs in the line of duty.

(d) Bringing firearms into the cemetery except as a military escort accompanying a veteran's funeral or attending memorial services.

8. Cemetery rubbish only shall be properly disposed of in receptacles available on the cemetery grounds. Placement of dirt, rocks and other similar materials are prohibited in disposal receptacles.

9. All plants and flowers must be natural, and/or biodegradable/recyclable only, and will be placed not more than 18 inches behind the headstone or head of a grave. All others will be removed. *Decorations and/or artificial flowers placed on graves no earlier than May 1<sup>st</sup> and must be removed by Nov 1<sup>st</sup>.*

10. All plants, flowers, perennials, etc., shall be placed in well-kept beds in the area designated. Fencing, edging or borders, and stone or other loose ground cover are prohibited, as they can be hazardous to maintenance personnel and/or damaging to lawn mower parts.

11. Grave blankets are allowed, but must be natural and/or biodegradable/recyclable only and must be removed by private grave caretakers by April 1, each year. Any non-conforming flowers and/or grave blankets will be removed at the discretion of the Township and/or their designee.

12. Trees and shrubs will only be allowed as memorials, with types and locations designated by the Township and/or their designee. *The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemeteries in the interest of maintaining property appearance and the use of the cemeteries.*

13. Iron or metal fixtures, including shepherd's hooks and solar lights, seats or urns are prohibited. Perpetual lights and shepherd's hooks are strongly discouraged, but may be placed within the 18 inches behind the headstone and must be placed flush with the headstone, *placed on graves no earlier than May 1<sup>st</sup> and must be removed by Nov 1<sup>st</sup>.* No fires, candles or open flames.

14. All work of any description shall cease while a funeral or interment is being conducted at a Cemetery.

Workers, including those employed by outside firms, and their equipment shall withdraw a reasonable distance from the location of the funeral service.

15. Local volunteer organizations may, under the supervision of the Township and/or their designee, undertake cemetery maintenance/improvement projects.

16. All cemetery business will be administered by the Township and/or their designee, including but not limited to vault, headstone and footing delivery and installation, removal of old trees, seeding of winter grass, tree trimming, fill dirt, seeding.

17. The Township shall not be held liable for any damages or injuries of any kind or nature whatever arising directly or indirectly from any person's use of or presence in a Township cemetery.

#### ADDITIONAL RULES ADDED TO ORDINANCE

18. *The agents for Brady Township shall have the right and authority to remove and dispose of any growth, emblems, display or containers thereof that through decay, deterioration, damage or otherwise become unsightly, a source of litter or maintenance problem.*

19. *Items placed on graves in violation of the ordinance shall be removed by the agents of Brady Township, after April 1<sup>st</sup>. Those items include, but not limited to: Plastic flowers, flower pots, shepherd's hooks, landscape stones, grave blankets and any other loose items left at the grave site.*

#### Section 3. LOT AND GRAVE BURIAL RITE HOLDERS

1. Individuals desiring to purchase burial rites may do so by contacting the Township and/or their designee.

2. No lot shall be used for any other purpose than for the burial of the human dead.

3. The Township reserves the right to make modifications in the boundaries, sections, drives, walks, grading, pipelines or any part of a cemetery from time to time.

4. The Township shall, at all times, have a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots, and other cemetery business.

5. Descriptions of lots for the purpose of deeds and record keeping will be in accordance with the plat of the cemetery which is kept on file by the Township Clerk.

6. The Township disclaims all responsibility for loss or damage, of any kind or nature, without limitation, including losses or damages caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral.

7. It is the responsibility of the burial rite holder to notify the Township Clerk of any change in address.

8. Any burial rite purchased, and all lots or graves related to these burial rites, shall be subject to the provisions in this ordinance, which may be amended from time to time by the Township.

9. The general care of the cemetery shall be performed by the Township or its agents and includes the cutting of the grass, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the Township. The Township may remove trees or shrubs that are deemed unsafe, dying or diseased, or hazardous, in its sole discretion.

10. The Township shall, under no circumstances, assume liability for the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots; or the doing of any special or unusual work in a cemetery. The Township shall, further, not reconstruct any marble or granite work on any section or lot, or any portions thereof in the cemetery, in the event of damages caused by vandals, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral.

11. Rite of Burial Certificates are non-transferable and may be sold back to the township only, at the same monetary rate in which they were purchased. Original Rite of Burial Certificate holders and their heirs, have the right to assign graves to individuals other than themselves. All such assignments must be submitted to the township, with a notarized letter describing the assignment and signed by the original burial rite holders or their heirs. The Township, at its sole discretion, is not obligated to honor an assignment if the ownership is in question.

12. *Forfeiture of vacant cemetery lots or burial spaces. Cemetery lots or burial spaces sold after the effective date of this Ordinance amendment and remaining 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:*

1. *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 40 year period and that all rights with respect to said lots or space will be forfeited if he/she does not affirmatively indicated in writing to the Township Clerk within 60 days from the date of the mailing of the within notice his/her desire to retain said burial rights.*

2. *No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner of record or said lots or spaces of their heirs or legal representative within 60 days from the date of mailing of said notice.*

#### Section 4. CORRECTION OF ERRORS

The Township reserves, and shall have the right to correct any errors that may be made by prior owners or township staff or officers, either in making interments, disinterments or removals, or the descriptions, transfer or conveyance of graves. Township reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. Any resulting costs shall be determined by the township board.

#### Section 5. DESCENT OF TITLE

The laws of the State of Michigan govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Township will assist any burial rite holder who desires information or advice on questions pertaining to the rite of burial in a lot.

#### Section 6. INTERMENTS

1. Cemeteries will open for interments from January 1 to December 31st, daily with the exception of all Sundays and holidays according to the fee structure established by the township.
2. Where immediate burial is required by the laws of the State of Michigan or under the rules and regulations of the Board of Health, interments may be made on Sundays and holidays. An additional fee will be added to the regular interment charge for any Saturday, Sunday or holiday interment. Entrance to the cemetery may be allowed only to the hearse and vehicles in the funeral procession.
3. Winter burials may be delayed due to frost in the ground, as determined by the township.
4. Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee, or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction. Funeral directors, upon arrival at a Cemetery, must present the necessary burial permit from the local health office.
5. No interment of two or more bodies shall be made in one grave except in the case of mother and newborn infant child or two infants, buried separately or together. A single headstone must be utilized to note parties there interred.
6. After written notice to the Township, cremation remains may be placed in regular grave lots according to the following guidelines: Up to four urns with vaults, or up to six urns without vaults, with the first urn placed beginning at the head of the grave and each additional urn proceeding to the foot of the grave or an existing casket and/or vault.
7. When an interment is to be made in a lot, the location of such interment shall be designated by the burial rite holder. Should the lot burial rite holder fail or neglect to make such designation, the Township reserves the right to make the interment in a location designated by the Township.
8. The Township and/or its agents are the only entities who will be permitted to open graves with the following exceptions:
  - (a) When the Township is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Township Clerk.

(b) When the coroner directs the disinterment for the purpose of holding an inquest the disinterment must be made by the coroner or his lawful agents. Township employees will not be permitted to assist the coroner or his agents.

9. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of caskets, all burials are required to be made in outside containers/vaults constructed of natural stone, metal or reinforced concrete.

10. Arrangements for the payment of any and all indebtedness due to the Township for cemetery purposes must be made before interment will be initiated.

11. A minimum of forty-eight hours, notice shall be provided to the Township prior to any interment and at least one week, notice shall be provided to the Township prior to any disinterment or removal.

12. Besides being subject to these Rules and Regulations, all interments, disinterments, and removal are made subject to the orders and laws of the properly constituted public authorities.

13. The Township will not be responsible for any error occurring due to lack of precise and proper instructions as to the particular space, size of grave, and location in a lot where interment is desired.

#### Section 7. PENALTIES AND ENFORCEMENT OF THESE RULES

1. Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00 plus costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

2. Any person or entity who violates any of the provisions of this Ordinance and who has been issued a municipal civil infraction violation notice as defined by Ordinance 99-1 and who admits responsibility therefore within the time specified thereon shall pay a civil fine and costs to the Brady Township Zoning Inspector/Enforcer in accordance with the schedule of civil fines and costs in Section 9 of Ordinance 99-1 which incorporated herein by reference.

#### Section 8. MONUMENTS, MEMORIALS, AND FOUNDATIONS

1. Individual grave markers either above grade or flush with the grade, are to be of sizes approved by the Township. Individual markers whenever possible in lots or singly, should be placed at the end of the grave farthest from the base of the monument. Flush markers should have sawn bottoms and all top edges slightly rounded.

2. To avoid the appearance of congestion, only one central or family memorial should be placed on a family lot. When the memorial is set at the rear of the lot it should be set at least 3 inches from the rear line.

3. All monuments or markers should be of first quality granite, marble or other natural stone, the quarreler to confirm that such material will be free from sap and components which cause rust stains and from natural faults which might cause checks or cracks. With the exception of temporary markers furnished by funeral directors, cement, artificial stone, composition woods, tin or iron are prohibited.

4. Where foundations for monuments, markers, or urns are installed by the Township or its authorized contractor, the charges will be as established by resolution of the Township Board.

5. Should any monument, marker, or urn become unsightly, dilapidated, a safety hazard to visitors, or unsuitable, the Township shall have the right, at the expense of the burial rite holder to correct the condition or to remove the same.

6. Various religious, military, or fraternal symbols, historical data such as date of birth, death, or appropriate epitaphs or inscriptions on the markers or monuments are encouraged for historical research purposes and design.

7. Veteran's flags will be provided. Current burial certificates should specify whether a decedent is a veteran.

Veteran flags will be placed by Memorial Day by the Township or its agents.

#### Section 9. SEVERABILITY

1. If any Section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

#### Section 10. REPEALER

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

#### Section 11. PUBLICATION AND EFFECTIVE DATE

1. This ordinance or a summary thereof shall be published in a newspaper circulating in the Township within 30 days after adoption of the ordinance and shall be effective 30 days after publication.

At a regular meeting of the Brady Township Board of Trustees on August 3, 2011, Glen Reeves offered a motion, with support from Patricia Goodrich, to approve the foregoing Ordinance. The motion was approved as follows:

The Vote on the foregoing ordinance was as follows:

Ayes: Ronald Gasper, Patrica Goodrich, Glen Reeves, Beverly Wenzlick

Nays: None

Absent: Suzanne Peterson

Ordinance No. 2011 was declare adopted.

Beverly Wenzlick, Clerk  
Brady Township

I hereby certify that the foregoing ordinance was adopted by the Township Board of the Township of Brady, at a regular meeting held in said Township on August 3, 2011, and that said meeting was held in compliance with Act 267 of 1976, as amended

Approval August 3, 2011

Publication August 21, 2011

Effective Date September 20, 2011

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August 21, 2011

Beverly Wenzlick, Clerk

At a regular meeting of the Brady Township Board of Trustees on February 1, 2017, Motion by Cook Support By Goodrich to adopt CHANGES/ADDITIONS to the Cemetery Ordinance #2011 (changes/additions are outlined in this copy italic)

Roll Call: Ayes-- Kienitz, Goodrich, Cook, Wenzlick

Nays-None

Absent: Reeves

Adpoted; February 1, 2017

I hereby certify that the foregoing changes/additions to the Cemetery Ordinance NO. 2011 were adopted by the Township Board of the Township of Brady, at a regular meeting held in said Township on February 1, 2017, and that said meeting was held in compliance with Act 267 of 1967, as amended.

Approval February 1, 2017

Publication February 12, 2017

Effective February 1, 2017

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February 12, 2017

Beverly Wenzlick, Clerk