

Township of Forsyth
County of Marquette, State of Michigan
Ordinance #2023-2 (Amended)

Forsyth Township Cemetery Ordinance

At a meeting of the Forsyth Township Board, Forsyth Township, Marquette County, Michigan, held at the Gwinn Community Center on January 23, 2025, at 6:30 p.m., Township Board Member Treasurer Underwood moved to adopt the following Ordinance, which motion was seconded by Township Board Member Supervisor Kevern:

An Ordinance to protect the public health, safety and general welfare by establishing the regulations relating to the operation, control, and management of the cemetery owned by the Township of Forsyth, Marquette County, Michigan; to provide penalties for violation of said ordinance, to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

The Township of Forsyth Ordains:

Section 1: Title

This ordinance shall be known and cited as the “Forsyth Township Cemetery Ordinance”.

The Forsyth Township Cemetery will be operated by Forsyth Township, located in Marquette County, Michigan.

Section 2: Assignment of Cemetery Lots

For the purpose of this ordinance, a cemetery “lot” is defined as a lot within a particular block of the cemetery with a particular size determined by Forsyth Township. Lots may be as small as 40” wide, which is considered a single lot; or any multiple thereof. For example, a double lot will be 80” wide and a triple lot will be 120” wide.

- A.** After the effective date of this ordinance, Cemetery lots shall be assigned for the purpose of burial for the assignee of the Cemetery lot, or designee, as noted and recorded in the Forsyth Township’s Clerk’s Office. Assignments can only be made, changed, or updated by the listed assignee; or a person acting as a legal agent for the assignee, if proper proof of such agency is provided.
- B.** All assignments of cemetery lots shall be made on a form approved by the township board and signed by the designated township officials, which grants a right of burial only and does not convey any other title or right to the cemetery lot or burial space assigned.

Such forms shall be signed by the Township Clerk and shall constitute a permit upon approval.

- C. Cemetery lots may be assigned by the township Clerk.
- D. At the time of assignment, each cemetery lot shall be assigned the name of a specific person who shall be interred in the cemetery lot upon death. If the assignee of a cemetery lot desires to effectuate a name change regarding the assigned cemetery lot, the person must inform the Township and reassign that space in the name of another person of relation to the assignee.
- E. Cemetery lots are nontransferable without the prior written approval of the Township. Unwanted lots may be sold back to the Township for the price paid at the time of purchase.
- F. The Township board has the authority to limit the number of cemetery lots assigned to a particular person, as well as the person's family and relatives.
- G. The Township shall have the right to correct any errors that may be made concerning interments, or location of interments, or in the description, transfer or conveyance of any cemetery lot. By either cancelling the permit for a particular cemetery lot or lots and substituting and conveying in lieu thereof another cemetery lot or lots in a similar location within the cemetery. In the event error involves the interment of remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery lot in a similar location in accordance with the law.
- H. The assignee of every cemetery lot shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 3: Grave Opening Charges

- A. The Township may charge reasonable fees for opening and closing of any cemetery lot, prior to and following the burial therein, including the interment of ashes. Such fees will be set, and adjusted from time to time, by the Township board.
- B. Cemetery lots shall not be opened or closed, except under the direction and control of the Township or such other individual designated by the Township board. Any grave opening, disinterment, or other similar matter which is done pursuant to a valid court order or under the supervision and direction of local or State health department authorities; even in such cases, the township shall be given at least two days prior notice of when a grave opening or closing will occur.

Section 4: Monuments and Markers

For the purpose of this ordinance, "monument" shall be defined as a memorial, statue, or similar item that is the main item placed on a lot. A marker is an additional item placed on the lot, in addition to the monument, that identifies a particular person interred in the lot.

- A. All Markers and Memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
- B. Except for monuments that exist in the Township cemetery before the effective date of this ordinance, no monuments will be allowed or erected in the cemetery, except as provided herein. Monuments on single lots shall not exceed 32" in width (at the widest part of the monument, usually the base) and 48" in height (at the highest part of the monument). There shall be only one monument on single lots. Monuments on double lots shall not exceed 64" in width and 48" in height, if a single monument is used for the double lot; or if two monuments are used on a double lot, then each monument shall not exceed 32" in width and 48" in height. Monuments on larger lots shall be proportional to the limitations just stated. Individual markers (such as foot stones) shall be flush with the ground and shall be no more than twelve (12") inches by twenty-four (24") inches in size. This includes military veteran bronze plaques, or similar. This does not include temporary markers for Memorial Day or other special events; such as VFW, American Legion, Fire Department markers, EMS markers, flags, or similar.
- C. Any footings or foundations upon which any marker or memorial is placed shall be constructed at the expense and discretion of the family.
- D. Should any monument or marker (including any monument or marker that was in place before the effective date of this ordinance) becomes unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township board shall have the right, at the expense of the assignee of the cemetery lot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the assignee of the cemetery lot or heirs or family of the person buried there, prior to taking such corrective action.
- E. The maintenance, repair, and upkeep of the cemetery memorial, marker, urn, border or similar item is the responsibility of the heirs or family of the person buried at that location. The Township has no responsibility or liability regarding the repair, maintenance, or upkeep regarding any such marker, memorial, urn, border or any such item.
- F. The Township will advise those who neglect to maintain, repair, or upkeep memorials, markers, urns, borders or similar items by letter to correct the situation or remove the same.

Section 5: Interment Regulations

For the purposes of this ordinance, an interment may either be a burial, which is a traditional placement of a casket within a vault; or the placement of a container of cremains.

- A. Individuals can be interred on a cemetery lot, only as follows:

Single lot (40" wide):

- 1) A full burial, and a cremation; or
- 2) Two (2) cremations

Double lot (80" wide):

- 1) Two full burials, and two cremations; or
- 2) Four (4) cremations

Triple lot (120" wide):

- 1) Three full burials, and three cremations; or
- 2) Six (6) cremations

*Note: larger lots, if any, will proceed in proportion as above.

- B.** The Township shall be given at least two (2) day prior notice in advance of any funeral to allow for the opening of the cemetery lot. The opening and closing of cemetery lots shall be done only by the Township or such person, or persons, designated by the Township. Interments or removals may be permitted on a weekend at the expense of the family. No interment or removal shall occur on a legal holiday.
- C.** The appropriate permit or form issued by the Township for the cemetery lot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the health department, shall be presented to the township clerk (or other designated township official) prior to interment. If such permanent form has been lost or destroyed, the Township clerk must be satisfied, from his or her records, that the deceased person to be buried in the cemetery lot is an authorized and appropriate person for that space before any interment is commenced or completed.
- D.** The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery lot involved.

Section 6: Disinterment

- A.** Disinterment or digging up of an occupied grave shall not occur until and unless all permits, licenses and written authorization required by law for such disinterment or digging up of an occupied grave have been obtained from any State or County agency, governmental unit or appropriate official and a copy of the same has been filed with the Township.
- B.** The Township board shall have the authority to deny a request for disinterment or digging up of an occupied grave if the disinterment of an occupied grave is not done pursuant to court order or does not have a reasonable basis.

Section 7: Winter Burials

- A.** The Township may charge additional fees for winter burials.

- B. If the winter burial cannot occur due to inclement weather, frozen ground, or similar condition, the deceased person may be kept in winter storage until the spring burial can occur. Written permission by the next of kin or authorized agent must be obtained for winter storage. All winter storage costs shall be paid by the estate of the deceased, the person's next of kin or other responsible party.
- C. No winter burials will occur without the prior consent of the township clerk.

Section 8: Cremains

- A. Cremains may be buried in an appropriate container, at the discretion of the Township, in a cemetery lot within the Township cemetery.
- B. No cremains shall be scattered or dispersed within the Township cemetery.

Section 9: Grounds Maintenance

- A. Flowerpots, urns, and grave blankets may be placed and maintained at the headstones of graves no earlier than May 1 or when the grounds are accessible and must be removed no later than October 1 of each year. Veteran flags and flag holders shall be governed by the State of Michigan rules and guidelines.
- B. No grading, leveling, or excavating within the cemetery shall be allowed without the prior permission of the Township Clerk. Furthermore, no trees, shrubs, landscaping or similar plantings shall occur without the permission of the Township Clerk.
- C. 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 use of the cemetery.
- D. Mounds, bricks, blocks and any borders that hinder the free use of a lawnmower or other gardening apparatus are prohibited.
- E. The Township shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become, or are unsightly, a source of litter or maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature, including but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within 21 days after a burial. This does not include monuments or markers as allowed by this ordinance.
- H. No glass containers or items are allowed.
- I. Except for monuments, markers, and other items expressly allowed by this ordinance, no other items (including, but not limited to, ornaments, signs, trellises, benches, landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within the cemetery, nor shall any grading, digging, mounding, or similar alterations of the ground or earth occur except as authorized by this ordinance or by the Township.

Section 10: Disclaimer of Township Liability and Responsibility

Every person who enters, remains in and travels within the Township cemetery does so at their own risk.

Upon signing an application for a cemetery lot and/or purchasing a cemetery lot, the purchaser and their assignees agree to the following:

- The Township is not responsible for any injury, accident or other calamity that might occur to any person present in the Township cemetery.
- The Township is not responsible for any damage or vandalism or theft of or deterioration of any building, monument, headstone, flowers, urns, or other items placed at or near a cemetery lot, burial site or anywhere in the Township cemetery.
- The purchaser or their assignees release, waive, indemnify, and hold harmless Forsyth Township from and against any injury, damages, causes of action, claims, costs, and expenses associated with, relating to and/or involving the cemetery lot or similar right, any headstone, monument, or similar item, and any action or event related to the cemetery. Such waiver, release and hold harmless provisions shall apply not only to the Township, but to any Township employee, officer, official, or agent.

Section 11: Forfeiture/Reverter of Vacant Cemetery Lots, Family Lots or Burial Spaces

Cemetery lots, family lots or burial spaces assigned and remaining vacant for 40 years or more from the date of their assignments may revert to the Township pursuant to this section.

- A.** Notice may be sent by the Township Clerk by the first-class mail to the last known address of the last assignee of record informing him/her of the expiration of the 40 year period and that all the rights with respect to sublots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of such notice of his/her desire to retain such burial rights.
- B.** If 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 assignee of record of said lots or spaces, or his/her heirs or legal representative, within 60 days from the mailing of said notice, the lot shall revert back to the Township. If a written response is received in the required time, then the Township shall not invoke such right of reverter, under the above process, for at least 10 years from the receipt of such written response.

Section 12: Reassignment of Lots and Burial Spaces

The Township may reassign any cemetery lot upon which the written request of said owner; or his/legal heirs or representatives, if proper proof of such representation is provided to the Township. Lots may only be transferred to those of proven relation of the original said owner of the lot.

Section 13: Records

The Forsyth Township Clerk shall maintain records concerning all burials, cemetery lots, issuance of burial permits, and any other records of the Township relating to the Township cemetery. Cemetery records prior to the adoption date of this ordinance may or may not be on file. Cemetery records shall be open to public inspection at all reasonable business hours.

Section 14: Vaults

- A.** All burials should be within a standard concrete vault (which meets all applicable laws) installed or constructed in each cemetery lot before interment. Vaults of other suitable materials may be allowed at the discretion of the Township. Burials without vaults, such as what is commonly known as a green burial, shall be at the discretion of the Township, on a case by case basis.
- B.** Cremains shall be interred in a proper container, at the discretion of the Township.

Section 15: Cemetery Hours

Unless otherwise specified by the Township Board by resolution, the Township cemetery shall be closed from the hours of 10:00 p.m. until 6:00 a.m. the next morning. During those hours, no person shall be present in the Township cemetery. Such prohibition on being present in a Township cemetery during the time when the cemetery is closed shall not apply to Township officials or any law enforcement or firefighter official when engaged in lawful duties of any such officer position.

Section 16: Prohibited Uses and Activities

The following prohibitions shall apply within the Township cemetery:

- A.** No person shall destroy, deface, apply graffiti or otherwise injure any monument, sign, tree or other lawful item located within the Township cemetery.
- B.** No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of the Township cemetery.
- C.** No vehicle shall be permitted to drive on lawns or cemetery lots in the cemetery.
- D.** There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- E.** There shall be no destruction, defacing, or cutting of any tree or plant within the cemetery.
- F.** There shall be no driving of an automobile, truck, or other motorized vehicle on any portion of the cemetery except on designated roads or drives.
- G.** There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with a burial).
- H.** There shall be no picnicking or consumption of food without the prior approval of the Township.

- I. There shall be no playing music, video, electronic device, or use of an amplification device or similar item, except pursuant to a military ceremony or funeral unless approved by the Township.
- J. There shall be no solicitation or peddling of services or goods or use of any signs or placards advertising any good or services.
- K. There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition does not apply to service dogs.
- L. No firearms or archery arrows shall be discharged or shot except military or other veterans' organizations may carry firearms for the purposes of firing over a grave at the burial of a member.
- M. The Township Board may modify the above prohibitions by resolution.

Section 17: Fees

The Township Board has the authority to set fees pursuant to this ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, burial, disinterment permit, grave opening, grave closing, and any other matters.

Section 18: Appeals

- A. The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions, or regulations contained in this ordinance and any rule or regulation adopted pursuant to this ordinance, as well as their applicability. The Township Board is authorized to waive the application of the strict letter of any provision of this ordinance or any rules and regulations promulgated under this ordinance where practical difficulties in carrying out the strict letter this ordinance or any rules or regulations related thereto would result in hardship to a person or persons or the public. Any such waiver, however, must be such a character as it would not impair the purposes and intent of this ordinance.
- B. Any party aggrieved by any interpretation or decision made by any Township official, agent, or contractor pursuant to this ordinance shall have the right to appeal that determination/decision to the Township Board.
- C. The Township Board may set a fee or fees for such appeal from time to time by resolution.

Section 19: Violations

Any person who violates the provisions of this ordinance shall be deemed responsible for civil infraction and shall be subject to a civil penalty. Failure to comply with this ordinance shall be enforced by Forsyth Township as described in the Forsyth Township civil infractions ordinance.

Section 20: Severability

The sections of this ordinance shall be deemed severable, and should any section, clause, paragraph or provision thereof be deemed unconstitutional or contrary to the laws of State of

Michigan and thereafter voided by any court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any other part thereof other than that part or section so declared to be unconstitutional or invalid.

Section 21: Repeal

This cemetery ordinance shall repeal any other ordinance pertaining to cemeteries or burials.

Section 22: Effective Date

This Ordinance shall become effective 30 days after publication.

AYES: Trustee Hammond, Trustee Fowler, Clerk Lauren, Treasurer Underwood,
Supervisor Kevern

NAYS: None

ABSENT: None

Ordinance declared adopted.

/s/ _____
Ronald Lauren, Township Clerk

Date

/s/ _____
Steven Kevern, Township Supervisor

Date

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Forsyth Township Board at a duly scheduled and noticed meeting of that Township Board held on January 23, 2025, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in The Mining Journal newspaper, a newspaper that circulates within Forsyth Township, on _____, 2025.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the Township Board voting, and how each member voted.

ATTESTED:

Ronald Lauren, Forsyth Township Clerk

FORSYTH TOWNSHIP, MARQUETTE COUNTY, MICHIGAN

FORSYTH TOWNSHIP CEMETERY ORDINANCE

ORDINANCE NO. 2023-2 (Amended)

NOTICE OF ADOPTION

Please take notice that on January 23, 2025, the Township Board of Forsyth Township adopted Ordinance No. 2023-2 (Amended), Forsyth Township Cemetery Ordinance, in its entirety. Copies of the Ordinance may be obtained from the Forsyth Township Clerk, at 44 N. Johnson Lake Road, Gwinn, Michigan 49841.

The Ordinance has the following sections and catch lines: Section 1: Title: Forsyth Township Cemetery Ordinance, Section 2: Assignment of Cemetery Lots, Section 3: Grave Opening Charges, Section 4: Monuments and Markers, Section 5: Interment Regulations, Section 6: Disinterment, Section 7: Winter Burials, Section 8: Cremains, Section 9: Grounds Maintenance, Section 10: Disclaimer of Township Liability and Responsibility, Section 11: Forfeiture/Reverter of Vacant Cemetery Lots, Family Lots or Burial Spaces, Section 12: Reassignment of Lots and Burial Spaces, Section 13: Records, Section 14: Vaults, Section 15: Cemetery Hours, Section 16: Prohibited Uses and Activities, Section 17: Fees, Section 18: Appeals, Section 19: Violations, Section 20: Severability, Section 21: Repeal, Section 22: Effective Date, which is 30 days after this publication.

Published by Order of the Township Board

Forsyth Township, Marquette County, Michigan

Ronald Lauren, Township Clerk

(906) 346-9217

Publication Date: _____, 2025