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TO: DeWitt Charter Township Board of Trustees

FROM: Adam Cramton, Clerk

SUBJECT: Cemetery Rules and Regulations Update

DATE: March 9, 2023

The Clerk's Office maintains the current rules and regulations for Gunnisonville and Hurd Cemeteries. An innovation that is becoming more prevalent in cemeteries is the use of a grave marker, or headstone, that contains receptacles for cremated remains. This would constitute an above-ground burial, and would serve to be the equivalent of a "mini" mausoleum. Mausoleums and crypts have long been prohibited in the Township's cemeteries, and this new concept of inurnment has exposed a potential grey area in the current regulation.

I propose a simple change to Section VII (11) of the Cemetery Rules and Regulations to include the word "columbarium" along with the existing prohibition of mausoleums and crypts. Using the definition of columbarium provided in the Michigan Cemetery Regulation Act of 1968, this would ultimately prevent cremains from being interred above-ground in DeWitt Township cemeteries. It should be noted that since 2013, grave owners in DeWitt Township cemeteries have had the ability to inter four sets of cremains in a single grave. Additionally, numerous non-content updates are being applied to the document to clean up formatting, font, and grammar.

A complete copy of the proposed DeWitt Charter Township Cemetery Rules and Regulations has been provided for your review.

SUGGESTED ACTION:

To adopt the DeWitt Charter Township Cemetery Rules and Regulations effective March 13, 2023.



Cemetery Contact Information

DeWitt Township Clerk's Office
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CEMETERY RULES AND REGULATIONS

SECTION I: INTRODUCTION

The Charter Township of DeWitt, Clinton County, Michigan, through its Township Board administers two Township Cemeteries, Gunnisonville and Hurd. The Township Board has adopted these rules and regulations to provide maximum protection to burial space owners and to best insure and preserve the beauty, orderly development, and care of the cemeteries. The Township Board reserves the right to make such changes or alterations of the rules and regulations as may from time to time be deemed necessary. These rules and regulations contained herein are subject to any and all ordinances of the Township now or hereafter placed in effect.

SECTION II: DEFINITIONS

- A. **CEMETERY PLOT:** The term plot, or cemetery plot, is an area of sufficient size to accommodate an interment.
- B. **CEMETERY LOT:** A lot, or cemetery lot, is an area of two or more cemetery plots.
- C. **BURIAL SPACE:** The term burial space is used herein to mean a single plot, group of plots, or lot under the ownership of one person or family.
- D. **MARKER:** A marker is a stone or plaque either flush or above ground indicating the given and/or family name(s) and must be located on the west side (head) of the plot/plots facing the west.
- E. **MONUMENT:** A monument is a stone extending above the ground inscribed with the family name only. It is placed at a location approved by Township cemetery maintenance staff.
- F. **IMMEDIATE FAMILY:** The immediate family is described as follows: spouse, parent, brother, sister, grandparent, children, grandchildren, of the original lot owner(s). The term is also to include "great", "step", and "in-law" to the above, where applicable.
- G. **TOWNSHIP:** Shall mean the Charter Township of DeWitt.
- H. **TOWNSHIP BOARD:** Shall mean the Board of Trustees of DeWitt Charter Township.

SECTION III: GENERAL INFORMATION

1. Gunnisonville Cemetery (corner of Wood and Clark Roads) and Hurd Cemetery (DeWitt Road just north of Stoll Road) are owned and operated by the Charter Township of DeWitt under the direction of the Township Board. The office for both cemeteries is located at the DeWitt Charter Township Hall, 1401 W. Herbison Road, DeWitt, Michigan 48820. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday except on holidays. A complete system of ownership of burial rights and burial records is maintained at this location. All information concerning the cemeteries, including records, purchasing procedures, rules and regulations, arrangements and cost of interment services, and other services may be obtained by visiting this office or by calling the Township Clerk's Office during the hours shown above.
2. Cemetery Records - The DeWitt Charter Township Clerk's office maintains records that include the following information: name of owner of burial rights, name of deceased, date of death, date of interment, place of death, and other miscellaneous information which has increased over the years as records have improved. The amount of information available may vary, depending on when the information was recorded.
3. Temporary rules/regulations - The Cemetery Maintenance Supervisor, or the Clerk, shall have the right to establish temporary rules or make exceptions to existing rules whenever, in their judgment, the best interests of the cemeteries demand it. These temporary rules or exceptions must be reported immediately to the Township Board. Temporary rules or regulations shall be in effect for not more than 90 days before being approved by Resolution of the Township Board.

SECTION IV: GENERAL RULES AND REGULATIONS

1. Alcoholic beverages are not permitted in the cemeteries except in conjunction with established burial customs that have been approved in writing by the Township Clerk's Office.
2. Animals, except leader dogs, are not allowed in the cemeteries.
3. Advertising or posting of signs within the cemeteries by anyone other than DeWitt Charter Township is prohibited.
4. Hunting, and any and all use of firearms, within the cemeteries is prohibited, except in connection with burial ceremonies or by duly authorized law enforcement officials.
5. No entrance into the cemeteries is to be gained except through established gates and only during established times.
6. The use of profane, loud, boisterous, etc., language is prohibited within the cemeteries owned by the Charter Township of DeWitt.

7. The speed limit within all cemeteries is 10 miles per hour.
8. Driving off the established roadways within the cemeteries is prohibited.
9. All trash, trimmings, dead flowers, etc. are to be placed in the trash containers provided.
10. Artificial flowers, shrubs, or similar ornamentation shall not be placed on the ground between March 15th and November 15th, both inclusive. Artificial flowers may be placed in an approved urn if they are properly secured. Nothing contained herein shall be construed to prohibit the Township from removing such materials if, in the opinion of maintenance staff, such removal is necessary for upkeep and maintenance of the cemetery or in the event such instrumentalities are, or become, unsightly.
11. No glass, plastic or clay containers of any type are allowed within the cemeteries and will be removed immediately by cemetery personnel. Shepherds hooks or hanging containers of any type are also prohibited. The cemetery will not be responsible for returning same or its contents.
12. Persons may not park vehicles in the cemeteries for reasons not directly related to business within the cemeteries.
13. The use of recreational vehicles within the cemeteries is prohibited.
14. Township cemeteries shall be open to the public between the hours of dawn and dusk each day or at such other specific times as approved in writing by the Township Board.
15. The Township will not permit any unsightly objects, erected or placed upon lots, out of harmony with the general landscape design of its cemeteries. Whatever objects of such nature are placed on lots or graves, the Township reserves the right to remove without notice.
16. The abuse of monuments, markers, lot markers, graves, or cemetery appurtenances, or removal or disinterment of the same, whether intentional or otherwise, or the removal of flowers, urns or any of the cemetery equipment will be considered a criminal violation of the law and shall be prosecuted. Persons entering the cemetery will be held fully responsible for any damage he or she may do to cemetery property, intentional or unintentional. If prosecution occurs, it is the policy of the Township to request restitution if prosecution occurs. Children must be accompanied by their parents or adults who will be responsible for their conduct in the cemetery.
17. Digging, disturbing or turning of the soil, except for the purpose of planting flowers as allowed by these rules and regulations, is prohibited unless done or supervised by cemetery staff of DeWitt Township.

SECTION V: LOT PURCHASING AND TRANSFERS

Persons desiring to purchase burial rights are invited to contact the Clerk's office so an appointment may be made to select the site with the aid of cemetery staff.

Prospective owners are urged to purchase burial rights before the immediate need exists, when clear, unhurried judgment will insure a good choice. If possible, avoid the necessity of choosing burial rights in the winter time when the ground is covered with snow.

1. Every burial right is sold subject to the rules and regulations now in force or that may be hereinafter adopted and to such changes of the present rules as deemed necessary by the Township Board.
2. Upon purchase of burial rights, the owner will be issued a burial right certificate, which entitles the owner and their heirs, to burial rights of only the human race, subject to the rules and regulations hereinafter in effect.
3. Burial rights shall not be purchased for speculative purposes or for resale to third parties not defined as immediate family members.
4. Burial rights are exempt from property taxes and cannot be seized on execution. No mortgage or other encumbrance can be given on any burial right.
5. When burial rights are purchased by more than one person other than a husband and wife, each person's interest shall be identified on the burial right certificate. The Township will not hold itself liable, or record any private agreements under such ownership.
6. When a person has purchased burial rights as a non-resident, and later becomes a resident of the Township, no refund will be given.
7. Burial rights may be transferred to a non-resident member of the immediate family, however, there will be a charge of the difference, at the time of transfer, between the cost of a resident plot(s) and the cost of a non-resident plot(s). Burial rights may be transferred to parties other than immediate family, for good and sufficient reasons as determined by the Township Clerk's Office, upon approved written request. These transfers will be subject to the difference of the original purchase price of the burial rights and the current price of a burial rights, also subject to residency and non-residency charges. In no case shall a refund be made due to these transfers. In all cases the transfer fee will be in effect.
8. DeWitt Charter Township may repurchase unused burial rights from the owner at a rate of 65% of the original purchase price.
9. All transfers of burial rights shall be made through the Township Clerk's office. No other transfers of ownership or rights thereto will be recognized by the Township.
10. The exchange of lots may be allowed upon written request to the Township and only when

due cause as deemed by the Clerk's office has been determined and only when the appropriate fee has been paid.

11. Burial rights may revert to the Township for a cemetery plot, lot, or burial space which have remained unused for a period of fifty (50) years. No such reversion shall occur, however, until the Township has made a reasonable effort to locate the person or persons identified in Township records as having burial rights in said area to ascertain whether said persons continue to exist and/or the intent of such persons.
12. The possession of a burial right certificate is not of itself sufficient evidence on which to record the transfer of ownership of a lot or grave. Legal right to ownership should be established and recorded at the Township Clerk's Office. A certified copy of the will and probate proceedings would afford evidence of ownership or heirship.
13. Refunds may be given within 48 hours of the purchase of burial rights, or payment of other requested services, providing the Township has incurred no cost relative to the transaction, and for good and sufficient reasons as determined by the Township Clerk's Office.

SECTION VI: INTERMENTS AND DISINTERMENTS

Area funeral directors are familiar with Township rules and procedures for ordering grave openings. If your funeral director has any questions, please have him/her contact this office. Generally, orders must be received at least ten (10) working hours in advance of the funeral services. Below is a list of rules that the owner of burial rights and funeral directors should be aware of.

1. No burial shall take place unless the burial rights purchase price, the cost of any services required to open or close the plot, and all other fees and charges have been satisfied in full.
2. DeWitt Township shall not be responsible for errors in location of burial space arising from improper instruction or information and instructions received over the telephone. Orders from funeral directors shall be construed as orders from owner.
3. Funerals arriving at the cemetery after 3:00 p.m. on weekdays and all Saturday funerals will be assessed an additional charge. No interment activity will be allowed after 4:00 p.m.
4. No funerals will be allowed on Sundays or Holidays.
5. A copy of the burial permit shall be required for all burials, including cremains.
6. All burials shall be that of the lot owner or his/her immediate family. All other burials shall be subject to lot ownership transfer and those fees associated with such transfer.

7. No more than one burial may be made per plot, except in the case of mother/infant buried at the same time, or twin children buried at the same time, or a regular burial vault and a cremation of the immediate family, or four cremations of the immediate family.
8. No burial shall be allowed for other than human remains.
9. All casket burials shall be in metal or concrete vaults, or concrete rough boxes, except for infant burials in a casket size of 2 feet 6 inches or less. All vaults and rough boxes shall be installed only by authorized firms. Cremains shall be interred only within a durable black plastic container, or better, such as wood, metal, concrete or granite and the maximum size of said container would be no larger than 16" x 16".
10. Vault firms are responsible for damage to turf, landscape, surrounding markers and monuments and shall provide necessary planking to protect the turf, even if cemetery staff assists in vault installation.
11. All funeral processions in the cemeteries are under the supervision of cemetery employees.
12. All interments and dis-interments shall be performed by, or in some instances under the direction of, cemetery personnel.
13. Scattering of cremains over a family lot or anywhere in the cemetery is prohibited.
14. Disinterment and/or relocation may be permitted for due cause and then only with permission of the Department of Public Health or by Court Order. Approval for disinterment of cremains requires written approval of the Clerk (or the Clerk's Designee), or an Order of the Court.
15. Graves cannot be opened for inspection except under Court Order.
16. Cemetery staff will remove funeral designs and floral pieces as soon as they become unsightly, and assume no responsibility for their return.

SECTION VII: MONUMENTS, MARKERS, FOUNDATIONS

1. All monuments or markers shall be made of recognized durable materials such as granite or bronze. Marble or wood is not permitted.
2. No more than one monument shall be placed on a lot and no more than one marker shall be placed on a plot.
3. Markers and monuments shall not be smaller than 16" x 8" in base size nor shall they

exceed 40" in length for single burial space, 90" in length for double space and 18" in width. Height shall not exceed 30 inches plus the base without written approval of the Township Clerk.

4. Inscriptions on markers and monuments must not be offensive or improper as judged by the cemetery staff or Clerk's office. The owner of said monument or marker shall be responsible for all expenses for removal of same upon due notice.
5. Monuments and markers shall not be delivered to the cemetery until foundations have been paid for and installed. Orders for foundations will be taken upon request, however, foundations are poured periodically during warmer seasons, depending on demand. Foundations are generally installed during the months of May and October. Foundation orders received by May 1st will be installed by May 30th, weather permitting. Foundation orders received by October 1st will be installed by October 30th, weather permitting. Foundations will not be poured during the winter months.
6. Foundations are required before the placement of any monument or marker is placed and must be paid for in advance. Depths of foundations go below the frost line at 42". Foundations are required to be 2" larger than the outside dimensions of the marker, creating a two inch "lip" around the marker to be installed. This requirement should be taken into consideration and paid for at the time of ordering the foundation. Example: A marker with dimensions of 12" x 24" will require a foundation size of 16" x 28" and should be paid for accordingly.
7. Replacement costs of older foundations that were not placed below the frost line, and have heaved, will be the responsibility of the lot owner and their heirs.
8. Monument companies are responsible for all damages to cemetery grounds and surrounding monuments and markers occurring during their installation.
9. All foundation installation fees are based on square inch area, including the 2" lip requirement. Foundations shall be installed by cemetery personnel only.
10. The Township assumes no responsibility for damage to markers or monuments whatsoever, including regular cemetery maintenance.
11. Mausoleums, crypts, and columbariums are prohibited in cemeteries owned by DeWitt Charter Township.
12. Footstones are strictly prohibited within cemeteries owned by DeWitt Charter Township.

SECTION VIII: LOT CARE, MAINTENANCE AND IMPROVEMENTS

1. Regular maintenance of turf, shrubbery, and trees shall be performed only by cemetery personnel.

2. The planting of trees and shrubbery shall be done only after approval of cemetery staff as to species, variety, location, and time of planting. Whenever possible, the Township will follow its prepared Landscape Master Plan for Cemeteries.
3. Shrubs, bushes, trees, or flowers, as mentioned above, shall be prohibited if they contain thorns (i.e. rose bushes).
4. Flowers may be planted only within 12" (in all directions) of the monument or marker and under no circumstances will such planting be allowed outside the boundaries of the owner's burial space(s).
5. Structures of wood or other equally perishable materials; edging, fences, curbs, hedges, and copings are prohibited.
6. The placing of stone, limestone, woodchips, edging, wood borders, etc. anywhere within cemetery lots is prohibited. Mulch may be properly placed where plantings are allowed, within the allowed 12" area mentioned in Rule #4 above.
7. Glass, clay, or plastic pots or containers of any type are not allowed and will be removed immediately by cemetery personnel with no responsibility for return of same or its contents.
8. Chairs, settees, and benches on lots are generally not allowed.
9. Lot corner posts shall be installed by cemetery personnel flush with the ground at the owner's expense.
10. The mounding of graves is prohibited.
11. Grave blankets and other types of winter decorations shall not be placed before November 15th and shall be removed by March 15th.
12. The Township reserves the right to remove, and dispose of, without notice to the owner, any unsightly, deteriorated, neglected, or prohibited items except monuments or markers.
13. Urns must be placed in line with the headstone or placed directly back of the headstone as close as possible.
14. Approved permanent vases (not plastic, glass or clay) may be installed in the ground within 12", in all directions, of the monument and must be placed in such a manner that the base is flush with the ground when not in use.
15. Work within the cemetery, proposed by outside organizations or groups, must be pre-approved by the Township Clerk, or the Clerk's designee, and supervised by the Maintenance Supervisor.

16. The removal of trees and shrubbery will require contacting the Township Office for approval before any work is done. Work will be supervised and/or performed by cemetery personnel.

I, Adam Cramton, Clerk of the Charter Township of DeWitt, hereby certify that the foregoing is a true and accurate copy of the current Cemetery Rules and Regulations adopted by the DeWitt Charter Township Board July 10, 2017, and supersedes all others.

Adam Cramton
DeWitt Charter Township

HISTORY OF REVISIONS

Adopted October 14th, 1991

Revised - May 27, 1997 Lot Care, Maintenance & Improvements, to add #3

Revised - April 9, 2001 Summary of changes:

Sec III delete #3 referring to Babyland/Sec IV #3 add except by DeWitt Charter Township & #11 to prohibit shepherds hooks & hanging containers/ Sec VII #5 reworded relative to foundation orders/ Sec VIII #6 added to prohibit edging and wooden borders, which was previously implied and to allow mulch where properly placed plantings are allowed

Revised - October 14, 2002 Sec VII #5 height variances approved by Township Clerk, establish dates for pouring foundations

Revised - October 11, 2004, Section IV adding #17 to prohibit digging

Revised - April 11, 2011, adding to definition of Immediate Family; adding language to prohibit removal or disturbances of monuments, markers; adding language requiring durable containers for interment of remains; adding language requiring approval for disinterment of cremains

Revised - November 25, 2013 Summary of changes:

Section IV #4 deleting the word “carry” relative to firearms and change to read as “Hunting and any, and all, use of firearms within the cemeteries is prohibited; Item #10 amending to read “artificial flowers may be placed in an approved urn if they are properly secured.”; #16 changed in its entirety to reflect damage to the cemetery, criminal prosecution; Section VI #3 change to read funerals arriving after “3:00 p.m.” and adding: No interment activity will be allowed after 4:00 p.m.; #7 to read “or a regular burial vault and a cremation of the immediate family, or four cremations of the immediate family.; #9 to read “cremations shall be interred only within a durable black plastic container, or better, such as wood, metal, concrete or granite and the maximum size of said container would be no larger than 16” x 16”.; Section VII #5 changes fall foundation cutoff date to October 1st; Section VIII Lot Care adding #14 regarding placement of permanent flower vases and #15 relative to work being done in the cemetery by outside sources

Revised – July 10, 2017 Summary of changes:

Section VII #6 adding depth of foundations is 42”; Section VII adding #7 which reads replacement costs of older foundations that have heaved will be the responsibility of lot owner or their heirs; Section VIII #6 add edging; #7 adding that mulch may be properly placed where plantings are allowed within the 12” area; adding #16 removal of trees and shrubbery will require contacting the Clerk’s Office and work will be supervised and/or performed by cemetery personnel

Revised – March 13, 2023 Summary of changes:

Updated contact information in document header; Sec. III(2) changed “cemetery office” to “DeWitt Charter Township Clerk’s office”; added the word “columbarium” to Sec. VII(11); updated Clerk name in certification statement; various non-content-related formatting updates.