

**ELMIRA TOWNSHIP
HALLOCK CEMETERY ORDINANCE
Amended and Restated
Ordinance No. ____ of 2025**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL AND MANAGEMENT OF HALLOCK CEMETERY OWNED BY THE TOWNSHIP OF ELMIRA, OTSEGO COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES OR BY-LAWS AND REGULATIONS IN CONFLICT THERE- WITH.

TOWNSHIP OF ELMIRA, COUNTY OF OTSEGO, MICHIGAN ORDAINS:

Section 1: TITLE

This Ordinance shall be known and cited as the Hallock Cemetery Ordinance.

SPACES

Section 2: DEFINITION OF BURIAL SPACES

- A. A standard burial space for the interment of one individual shall consist of a land area three (3) feet wide, ten (10) feet long and fifty-four (54) inches deep.
(am. eff. 2025)
- B. A burial space for cremains shall consist of a land area three (3) feet wide, five (5) feet long and twenty-four (24) inches deep.
(am. eff. 2007)

Section 3: SALE OF BURIAL SPACES

- A. Burial spaces may be sold to Elmira township residents and non-residents for the purpose of the burial of such purchaser or his or her immediate family. Immediate family shall be defined as the spouse or children of the purchaser. The township board, however, is hereby granted the authority to vary the aforesaid restriction where the purchaser discloses sufficient personal reason for burial through relationship to one or more persons interred in the cemetery.
- B. No sale of burial rights shall be made to funeral directors.
- C. All sales shall be made on a form approved by the township board, which grants a right of burial only and does not convey any other title to the burial space sold. Such form shall be executed by the township clerk.
- D. Burial rights may only be transferred by and effected by the payment of the transfer fee provided herein and by the endorsement of an assignment of such burial right upon the original burial permit form issued by the township clerk, approved by said

clerk and entered upon the official records of said clerk. Upon such payment, assignment, approval and record, said clerk shall issue a new burial right to the assignee, shall cancel and terminate upon such records the original permit thus assigned.

- E. Lots 91, 92, 93, 94, 179 and 180 shall be reserved for single burial spaces.
- F. Lots 95 thru 178 are surveyed as eight burial spaces each, but may be divided by the township and sold as individual burial spaces. One complete lot has to be filled before another is started.
(am. eff. 2025)
- G. Lot 181 shall be reserved for the indigent (potters field).

Section 4: PURCHASE PRICE AND TRANSEER FEES

- A. The cost of a burial space shall be Two Hundred and 00/100 Dollars (\$200.00) if sold to a township resident, and Seven Hundred and 00/100 Dollars (\$700.00) if sold to a non-township resident. However, the sale of a burial space may be made to a non-township resident at the township resident rate if the person purchasing the burial space is a member of the United States military at the time of the purchase.
(am. eff. 2007)
- B. The transfer of any burial space from an original owner to a qualified assignee shall be subject to a transfer fee in the amount of Twenty-Five and 00/100 Dollars (\$25.00) if the assignee is a township resident, and Four Hundred and 00/100 (\$400.00) if the assignee is a non-resident.
- C. The foregoing charges shall be paid to the township clerk and shall be deposited in the township General Fund.
- D. The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- E. If an unused burial space is owned by a deceased individual, then a member of that individual's immediate family, as defined in Section 3.A, may be interred in that burial space upon the presentation to the township clerk of signed and notarized releases from all other members of the deceased individual's immediate family consenting to the requested interment.
(am. eff. 2007)

Section 5: GRAVE OPENING - CHARGES AND REGULATION

- A. The opening and closing of any burial space, prior to and following 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 the township.

- B. No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This includes the burial of cremains. This provision shall not apply to proceedings for the removal and reinterment of bodies and cremains, which matters are under the supervision of the local health department.
(am. eff. 2007)

Section 6: MARKERS OR MEMORIALS

- A. Each interment must be marked with a permanent monument, marker, or memorial identifying the individual interred. All monuments, markers, or memorials must be approved by the cemetery sexton or township clerk prior to placement and must be of stone or other equally durable composition.
(am. eff. 2025)
- B. All monuments must be located upon a poured slab foundation to maintain the same in an erect position.
(am. eff. 2025)
- C. Only one monument, marker or memorial shall be permitted per burial space.
- D. The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed under direction of the cemetery sexton, at cost to the owner of the burial right.

Section 7: INTERMENT REGULATIONS

- A. Hallock Cemetery may be used for interment of human remains only.
- B. Except as provided herein, only one person may be buried in a burial space. Provided, however, a mother and infant or two children may be buried at the same time in a single burial space. In addition, a maximum of four (4) cremains or one casket and one (1) cremains shall be allowed to be placed in one burial space. All buried cremains shall be placed in non-decomposed urns with metal tags.
(am. eff. 2017)
- C. Not less than a 48-hour notice shall be given in advance of the time of any funeral to allow for the opening of the burial space.
- D. The appropriate burial right for the burial space involved, together with appropriate identification of the person to be interred therein, where necessary, shall be presented to either the cemetery sexton or the Elmira township clerk prior to interment. Where such permit has been lost or destroyed, the Elmira township clerk shall be satisfied, from his or her records, that the person to be interred in the burial space is an authorized and appropriate one before any interment is commenced or completed.

- E. All graves shall be located in a neat and orderly manner within the confines of the burial space involved.
- F. No interments shall be permitted from November 1st through May 1st unless weather permits which is upon the discretion of the township clerk to give authorization.
- G. No family members of the person to be interred shall be allowed to assist in or be near the burial site during excavation of the burial space.

Section 8: GROUND MAINTENANCE

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the Elmira township clerk
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the Elmira township clerk. Any of the foregoing items planted without such approval may be removed by Elmira township or the cemetery sexton.
- C. Elmira 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 gardening apparatus are prohibited.
- E. The cemetery sexton shall have the right to remove and dispose of any and all growth, emblems, displays or containers that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- F. Surfaces other than earth or sod are prohibited.
- G. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower containers must be removed or deposited in containers located within the cemetery.

Section 9: FORFEITURE OF VACANT BURIAL SPACES

Burial spaces sold after the effective date of this Ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

- A. Notice shall be sent by the Elmira township clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces shall be forfeited if he does not affirmatively indicate in writing to the Elmira township clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

- B. No written response to said notice indicating a desire to retain the burial space in question is received by the Elmira township clerk from the last owner of record of said lots or spaces or his heirs or legal representative within 60 days of mailing of said notice.
- C. Persons who inherit burial rights will be subject to transfer and differential fee requirements.

Section 10: REPURCHASE OF BURIAL SPACES

Elmira township will repurchase any burial space from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.

Section 11: RECORDS

The Elmira township clerk shall maintain records concerning all interments, issuance of burial rights and burial permits and any perpetual care fund, separate and apart from any other record of the township and the same shall be open to the public by appointment.

Section 12: VAULTS

All interments shall be within a standard concrete vault installed in each burial space before interment.

Section 13: CEMETERY HOURS

- A. The cemetery shall be open to the general public from daylight to dark each day.
- B. No person shall be permitted in the township cemetery at any time other than the foregoing hours except upon permission of the township board or the sexton of the cemetery.

Section 14: PENALTIES

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined Section 113 of the Michigan Revised Judicature Act, being Michigan Compiled Law 600.113, and shall be subject to a fine of not more than One Hundred and 00/100 (\$100.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 15: SEVERABILITY

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

Section 16: EFFECTIVE DATE

This Ordinance shall take effect 30 days after the date of publication stated below. All ordinances, parts of ordinances or by-laws und regulations in conflict herewith are hereby repealed.

The above Amended and Restated Ordinance was given publication in the Weekly Choice on the following date: _____

CERTIFICATION

I, the Sue Schaedig, the duly qualified and acting Clerk for Elmira Township, Otsego County, Gaylord, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an ordinance adopted by the Elmira Township Board at a regular meeting held the ____ day of _____, 2025.

Sue Schaedig
Elmira Township Clerk