Elk Rapids Township Cemetery Ordinance
Antrim County, Michigan
2026-2

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

THE TOWNSHIP OF ELK RAPIDS ("Township"), COUNTY OF ANTRIM, MICHIGAN ORDAINS:

Section 1. Title
This Ordinance shall be known and cited as the "Elk Rapids Township Cemetery Ordinance."

Section 2. Purpose and Intent
The Elk Rapids Township Board 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 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 Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

Section 3. Definitions
a) A "cemetery plot" shall consist of an area in a Township cemetery sufficient to accommodate one burial space for one deceased person. It shall consist of a land area at least 48 inches wide and 120 inches in length. Exceptions may be made with Township permission to accommodate infant burial or the burial of cremains.
b) "Township" means Elk Rapids Township.
c) "Township cemetery" or "cemetery" means any cemetery owned, operated and/or controlled by the Township.

Section 4. Sale of Cemetery Plots; Nontransferable
a) After the effective date of this Ordinance, cemetery plots shall be sold by the Township for the purpose of burial for the purchaser of a cemetery plot, his or her immediate family and their heirs as should be documented. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
b) All sales and transfers of cemetery plots 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 plot or burial space sold. Such forms shall be signed by the Township Clerk or Deputy Township Clerk and shall constitute a permit when approved.
c) Cemetery plots may be sold by the Township to any resident or taxpayer of the Township. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reasons for burial within the Township through previous residence in the Township or relationship to people interred in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such variance) may be overturned by the Township Board pursuant to Section 23 hereof.
d) At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. Each such person must either be a resident or taxpayer of the Township or be a member of the immediate family of a qualified purchaser. If the owner of a cemetery lot desires to effectuate a name change regarding the assigned cemetery plot

to someone other than a relative, that person must sell the cemetery plot back to the Township and repurchase that space in the name of another eligible person, since cemetery plots are otherwise nontransferable.

e) Cemetery plots are nontransferable but may be sold back for the original purchase price to the Township (for resale by the Township at the current rates).
f) The Township Board shall have the authority to place a limit on the number of cemetery plots sold to a particular person, as well as the person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery plot or plots will be sold to a specific person and where such cemetery plot or plots will be located and within which Township cemetery. Such decision shall be based upon reasonable factors, including, but not limited to, the number of vacant cemetery plots available and whether family or relatives of the person seeking to purchase a cemetery plot or plots are buried adjacent or nearby the cemetery plot or plots requested.
g) The Township shall have the right to correct any errors that may be made concerning interment, disinterment, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.
h) The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 5. Purchase Price for Cemetery Plots; Indigent Burials

a) A fee schedule that covers the purchase price of cemetery plots, burial fees (opening and closing of graves) and other operation or maintenance fees that may be applicable, shall be set from time to time by resolution of the Township Board.
b) The lawful owner of any cemetery plot within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.
c) All charges shall be paid to the Township Treasurer.
d) The Township Board may waive some or all fees for the burial of indigent individuals. Furthermore, the Township Board may set aside a portion of a Township cemetery or cemeteries for the burial of indigent individuals.

Section 6. Grave Opening Charges

a) The Township may charge reasonable fees for the opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board (section 5 a).
b) No cemetery plot 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 Board. This subsection (b) shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Township Sexton shall be given at least 36 hours prior notice of when such grave opening or closing will occur.

Section 7. Markers or Memorials

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, unless otherwise approved by the Township or the Sexton.
b) Only 1 marker or memorial shall be permitted per cemetery plot, or one marker or memorial in total where two adjoining plots share that one marker or memorial. Markers shall be no more than 30 inches

in width 48 inches in width for a double marker), with an overall height of no more than 30 inches above ground level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than 12 inches by 24 inches in size.

c) A large Family Name Monument would only be allowed if 2 sets of single plots were configured into what would be approved by the Township as a "Designated Family Lot" consisting of a minimum of 4 cemetery plots squared 2 rows of 2 graves = 4 graves or possibly 24 cremains burials) where the monument placement would reside in the center of the 4 graves. No other upright individual markers would be allowed on that family lot other than the ground flush 12" x 24" markers.
d) The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township, or such person(s) as may be designated by the Township Board. Fees for such work shall be set from time to time by resolution of the Township Board, payable to the Township.
e) Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the cemetery plot, to correct the condition or remove the same. The Township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.
f) The maintenance, repair and upkeep of a cemetery memorial, marker, urn 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 or similar item.

Section 8. Interment Regulations

a) A full-sized casket with burial vault with 1 baby casket, or 3 cremains on top if needed in a cemetery plot.
b) A maximum of 6 cremated remains may be buried in a standard burial space. 3 cremains if one plot with a full burial. The requirement for memorials or markers shall apply to cremated remains.
c) The Township shall be given not less than 36 hours' prior notice in advance of any funeral to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Township or third-party vendor as are designated by the Township.
d) The appropriate permit or form issued by the Township for the cemetery plot 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 either the Township Sexton or the Township Clerk (or designated Township official) prior to internment. Where such permit or 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 plot is an authorized and appropriate person for that space before any interment is commenced or completed.
e) The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved.

Section 9. Disinterment

a) No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township. A Township Authority must be present.
b) The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

Section 10. Winter Burials

a) The Township may charge additional fees for winter burials.
b) If a winter burial cannot occur due to inclement weather, frozen ground or similar conditions, the deceased person may be kept in winter storage until a spring burial can occur. Written permission by the next of kin or authorized agent must be obtained prior to winter storage. All such winter storage costs shall be paid by the estate of the deceased person or the person's next of kin.
c) No winter burials shall occur without the prior consent of the Township Sexton.

Section 11. Cremains

a) Cremains must be buried in a non- biodegradable container approved by the Township in a cemetery plot or in a columbarium that has been installed by the Township within a Township cemetery.
b) No cremains shall be scattered or dispersed within a Township cemetery.

Section 12. Grounds Maintenance

a) Flowerpots and urns may be placed and maintained at the headstones of graves no earlier than May 1 and must be removed no later than October 1 of each year. Decorations will be permitted for holidays falling outside of these dates. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
b) No grading, leveling or excavating within a cemetery shall be allowed without the prior permission of the Township Sexton or the Township Clerk. Furthermore, no tree, shrub, landscaping or similar plantings shall occur without the prior permission of the Township Sexton or the Township Clerk.
c) No flowers, shrubs, trees or vegetation of any type shall be planted outside of an urn without Township approval. Any of the foregoing items planted without Township approval will be removed by the Township or the Township Sexton.
d) The Township Board reserves the right to remove or trim any existing trees, plants or shrubs located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
e) Mounds, bricks, blocks and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
f) The Township Sexton 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 a maintenance problem.
g) Surfaces other than earth or sod are prohibited.
h) 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 10 days after a burial.
i) No glass containers or items are allowed.
j) Except for markers, memorials, flowers, and urns expressly allowed by this Ordinance, and veteran flags as authorized by law, no other item (including, but not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within a Township cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as authorized by this Ordinance or by the Township.

Section 13. Disclaimer of Township Liability and Responsibility

Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a Township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies

and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot involved. Such waiver, release and hold harmless provision shall apply not only to the Township, but also the Township Sexton and any Township employee, officer, official or agent.

Section 14. Forfeiture of Vacant Cemetery Plots or Burial Spaces
Cemetery plots sold after Ordinance 2014-2 and remaining vacant for 40 years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

a) 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 plots 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; and
b) No written response to said notice indicating a desire to retain the cemetery plots in question is received by the Township Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within 60 days from the date of mailing of said notice.

Section 15. Repurchases of Plots or Burial Spaces
The Township may repurchase any cemetery plot from the owner for the price originally paid upon the written request of said owner or his or her legal heirs or representatives.

Section 16. Records
The Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the Township related to Township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

Section 17. Vaults

a) All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.
b) Cremains shall be in interred in a suitable urn or within a suitable non- biodegradable manmade object to be capable of being located in the future.

Section 18. Cemetery Hours
Unless otherwise specified by the Township Board by resolution, all Township cemeteries shall be closed during the hours from 9:00 p.m. until 7:00 a.m. the next morning. During those hours, no person shall be present in a Township cemetery. Such prohibition on being present in a Township cemetery during the time when a Township cemetery is closed shall not apply to the Township Sexton, any Township official, a person accompanied by the Township Sexton or other Township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position. Seasonal closure for safety will occur when road conditions warrant, typically November 1 through April 1 of each year, by a visible closure item such as a sign, chain or rope across the access area.

Section 19. Prohibited Uses and Activities
Public Uses of the Maple Grove Cemetery will be approved by a majority vote of the Township Board according to regulations and permissions of use. The uses permitted must be of educational and historical value to the community in or order to be considered.
The following prohibitions apply within any Township cemetery:

a) No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree or other lawful item located within a 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 any Township cemetery.

c) No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.
d) There shall be no entry or presence in the cemetery by any person or vehicle when the cemetery is closed or outside of authorized times. Any towing will be at owner's expense.
e) There shall be no destruction of cemetery property.
f) There shall be no destruction, defacing, cutting, etc., of any tree or plant within a cemetery other than directed by the Township or by families maintaining their own plantings at family plots.
g) There shall be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.
h) There shall be no disturbance of the peace or engaging in any loud or boisterous conduct.
i) There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.
j) There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.
k) There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles.
l) There shall be no gathering of people in excess of 15 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).
m) There shall be no disinterment or grave openings unless approved by the Township.
n) There shall be no possession or consumption of any alcoholic beverage or illegal drug use.
o) There shall be no picnicking or overnight camping without prior Township approval.
p) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.
q) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
r) There shall be no littering or dumping.
s) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
t) There shall be no private signs, lighting, moving displays or changeable copy on a sign.
u) There shall be no fires, candles or open flames.
v) No children under 12 years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
w) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to dogs assisting handicapped individuals.
x) No firearms or archery arrows shall be discharged or shot except that military or other veterans organizations may carry arms for the purpose of firing over the grave at the burial of a member.
y) No person shall engage in any fight, quarrel or disturbance.
z) Cremains or ashes of a deceased person shall not be scattered or dispersed.
aa) There shall be no dumping, vandalizing or tipping over of any lawful garbage container or receptacle.

Section 20. Authority of the Township Sexton

a) The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board.
b) The Township Sexton shall assist other Township officials with the enforcement and administration of this Ordinance.
c) Township Sexton shall have such duties and obligations regarding Township cemeteries as may be specified from time to time by the Township Board.

Section 21. Fees

The Township Board shall have 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, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters.

Section 22. Applicability of this Ordinance

a) This Ordinance shall apply only to cemeteries owned, controlled or operated by the Township.
b) The provisions of this Ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.
c) The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

Section 23. Interpretation/Appeals to the Township Board

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 (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.
b) Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a Township cemetery, rights to a cemetery plot, or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within 30 days of the date of the decision, determination or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least 10 days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.
c) The Township Board may set a fee or fees for any such appeal from time to time by resolution.

Section 24. Authority of the Township to Remove Unauthorized or Unlawful Items from a Township Cemetery

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 any Township cemetery in violation of this Ordinance, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation may be removed by the Township from the Township cemetery 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 Township cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

Section 25. Penalties

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in

violation of this Ordinance, and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than $100 for the first offense and not less than $200 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense. A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

Section 26. Township Officials Who Can Enforce this Ordinance
Unless otherwise specified by the Township Board by resolution, the following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance.

- Township Supervisor
- Township Clerk
- Township Sexton
- Township Zoning Administrator
- Township Ordinance Enforcement Officer
- Any Officer of County sheriff's department
- Any State Police officer
- Any Village Police officer

Section 27. Severability
The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

Section 28. Effective Date; Conflicts
This Ordinance shall become effective 30 days after a copy of this Ordinance or summary thereof appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Hults,
And was seconded by Township Board Member Soper, the vote being as follows:

YEAS: Hults, Soper, Jensen, Amos, and Husband

NAYS:0

ABSENT/ABSTAIN:0

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Elk Rapids Township Board at a regular meeting held on July 13, 2026, at the Elk Rapids Governmental Center, 315 Bridge Street, Elk Rapids pursuant to the required statutory procedures.

Dated:July 13, 2026 Respectfully Submitted By: Debbie Husband, Township Clerk