

Hazelton Township Cemetery Ordinance

Ordinance No. 2026-1

An Ordinance to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned, controlled, or operated by the Township of Hazelton, Shiawassee 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 BOARD OF THE TOWNSHIP OF HAZELTON HEREBY ORDAINS:

SECTION 1 – TITLE; PURPOSE.

This Ordinance shall be known and cited as the Hazelton Township Cemetery Ordinance. The Hazelton Township Board recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemeteries owned or controlled by the Township is an important function of the government of the Township. It is also important that burials, disinterments 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, amendment, and enforcement of this Ordinance, pursuant to the authority granted to the Township by PA 113 of 1915, PA 46 of 1931, as amended, PA 215 of 1937, as amended, is in the best interests of the property owners and residents of the Township.

SECTION 2 – DEFINITIONS.

- A. "Burial spaces" are graves, lots, mausoleums, crypts, and columbaria.
- B. "Cemetery" is any cemetery owned, operated, or controlled by Hazelton Township.
- C. "Columbarium" is a building or other aboveground structure that is affixed to land and is a permanent repository for cremated human remains.
- D. "Crypt" is an underground vault or chamber used as a burial place.
- E. "Grave" is a space in the ground in a cemetery for the burial of bodily remains or cremains and shall consist of a land area four (4) feet wide and ten (10) feet in length.

- F. "Grave marker," "marker," or "monument" is an object placed at the head of a grave, indicating who is buried there.
- G. "Lot" is an area of land that can accommodate four (4) graves.
- H. "Mausoleum" is a building containing above-ground tombs.
- I. "Natural burials" or "green burials" are cremations or full-body burials in a biodegradable wooden box or shroud, with no embalming fluids.

SECTION 3 – CEMETERY COMMITTEE.

- A. By resolution, the Hazelton Township Board may appoint individuals to serve on a Cemetery Committee to oversee records and make recommendations to the Board, as needed.
- B. All duties and responsibilities shall be outlined in a Cemetery Committee resolution, along with any other pertinent information regarding the Cemetery Committee.

SECTION 4 – SALE OF BURIAL SPACES.

- A. After the effective date of this Ordinance, burial spaces shall be sold by the Township for the purpose of burial of the purchaser of the burial space, or his or her immediate family. No sale shall be made to funeral directors or others, except those acting as an agent for the eligible purchaser.
- B. Burial spaces 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 reason for burial within the Township through previous residence in the Township or relationship to persons 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.
- C. The Township Board shall have the authority to set fees pursuant to this Ordinance by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, selling of burial rights, setting of foundations, grave closing, winter or holiday burial, the price for a new burial space, transfer fees for burial spaces, and other matters. All fees and sales collected for burial spaces shall be paid to the Township Treasurer and shall be deposited in the Township's General Fund.

7.
non-residents

- D. All sales and transfer of lots and graves shall be made on a form approved by the Hazelton Township Board, which grants a right of burial only and does not convey any other title to the grave or lot sold. Such form shall be executed by Hazelton Township Clerk. Payment of any required fee is due in full at time of purchase.
- E. At the time of purchase from the Township, each burial space shall be assigned the name of the specific person who shall be interred in that burial space upon death.
- F. Ownership of burial spaces may not be sold by the purchaser to another party but may be sold back to the Township Board for the price paid at the time of purchase.
- G. Burial rights may only be transferred to those persons eligible to be original purchasers of burial spaces within Hazelton Township, or to any qualified person of the purchaser, and are valid only by endorsement of an assignment of such burial certificate upon the original burial certificate form issued by Hazelton Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, the Clerk shall issue a new burial certificate to the assignee and shall cancel and terminate upon such records, the original certificate thus assigned.
- H. The Township Board may waive some or all fees for the burial of indigent persons and set aside a part of a cemetery for the burial of indigent persons.
- I. Residents and Township taxpayers are limited to the purchase of eight (8) graves.
- J. Individuals who are not resident or Township taxpayers, if granted a variance to purchase burial spaces, are limited to purchasing four (4) graves.

SECTION 5 – AUTHORITY OF 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. The Township Sexton shall have such duties and obligations with regard to Township cemeteries as may be specified from time to time by the Township Board.

SECTION 6 – GRAVE OPENING CHARGES.

- A. The opening and closing of any grave, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined by resolution of the Hazelton Township Board.
- B. No graves shall be opened and closed except under the direction and control of the Sexton. 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 shall still provide at least forty-eight (48) hours' notice to the Sexton.

SECTION 7 – MARKERS OR MEMORIALS.

- A. All grave markers must be of granite, not greater than 40 inches in width and 24 inches in depth. In front of an existing crypt or mausoleum, the marker shall be flush to the ground. Any exceptions need approval from the Hazelton Township Board.
- B. If the purchaser would like to place a footstone on a lot or grave, they must first receive approval from the Hazelton Township Board. All approved footstones must be flush to the ground.
- C. Only one grave marker, in addition to one veteran's marker, shall be permitted per grave.
- D. The footing or foundation upon which any grave marker must be placed shall be constructed by the Township Sexton, or other trained specialist approved by the Hazelton Township Board, at cost to the owner of the burial right and must be placed on the west end of the grave.
- E. Mausoleums shall be permitted in certain areas of the cemetery as determined by the Township Engineer, Township Sexton, and Township Board.
- F. Any marker or memorial that does not comply with this Section, must be presented to the Board for approval, prior to placement.

SECTION 8 – INTERMENT REGULATIONS.

- A. Only one (1) vault plus two (2) cremation urns, or eight (8) cremation urns may be buried in a grave. Children/infants may be buried two (2) to a grave with the casket and vault not to exceed three (3) feet in length each.
- B. Notice of the time and date of any funeral shall be given to the Hazelton Township Clerk and Sexton no less than forty-eight (48) hours in advance to allow for the opening and preparation of the grave site.
- C. The appropriate certificate for the grave involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to both the Sexton and the Hazelton Township Clerk prior to interment. Where such certificate has been lost or destroyed, the Hazelton Township Clerk must first be satisfied, from his or her records, that the person to be buried in the grave is authorized and appropriate, forty-eight (48) hours before an interment is commenced or completed.
- D. All graves shall be kept in an orderly and neat manner. There shall be no trash or overabundance of items put on the gravesite that may interfere with the maintenance of the cemetery grounds. Memorial items of any kind shall comply with the regulations set forth in Section 8 below and shall stay within the confines of the burial space involved and the length of the grave situated on an East-West orientation.
- E. All human remains shall be interred so that the uppermost point of the casket, shroud, or container lies not less than six (6) feet below the natural ground surface. Each grave shall include a natural barrier of compacted soil, clay, or other biodegradable material providing complete coverage between the remains and the surface to prevent exposure, odor, or animal intrusion.
- F. Natural/Green Burial allows for and encourages rapid return of human remains to the elements and materials of which all living things on earth are composed. This process does not allow for the option of voluntary disinterment of the remains placed in the burial/grave site. All materials must be made of 100% biodegradable material and of sufficient structural integrity to allow for lowering the remains in the grave. Concrete covers or inverted vaults are required for all green burials. The six-foot burial depth and natural-barrier requirements remain mandatory and must be satisfied using only biodegradable materials.

- G. If soil conditions or other limitations prevent compliance with the six-foot depth and natural-barrier standards, the deceased shall be embalmed before interment. Embalming shall conform to the Michigan Public Health Code (MCL 333.2853 et seq.) and all applicable state rules.
- H. The Sexton shall verify burial depth and presence of a natural barrier before closing any grave. If embalming is required under this Section, written confirmation from the funeral director shall be filed with the Hazelton Township Clerk and retained in Township burial records.
- I. No pets will be allowed to be buried in the Cemetery in a separate grave. If a person wishes to have their pet buried with them, they need to obtain permission from the Hazelton Township Board. If permitted, all pets must be cremated before being placed in the grave, and the pet must be recognized on the marker located on the gravesite.

SECTION 9 – GROUND MAINTENANCE.

- A. No grading, leveling, or excavating for a grave shall be allowed without the permission of the Sexton.
- B. No shrubs or trees of any type shall be planted without the approval of the Sexton and the Hazelton Township Board. Any of the foregoing items planted without such approval may be removed by the Sexton.
- C. The Hazelton Township Board reserves the right to direct the Sexton to remove, replace, or trim any tree, plant, shrub, or landscaping 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. All refuse of any kind including, but not limited to, dried flowers, wreaths, grave blankets, papers, and flower containers must be removed by May 1st and November 1st of each year. The Sexton shall have the right and authority 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. The owner of grave is responsible for the care of any grave markers/monuments.

SECTION 10 – FORFEITURE OF VACANT CEMETERY LOTS OR GRAVES

- A. Burial spaces sold after February 6, 1996, and remaining vacant 75 years from the date of their sale, shall automatically revert to Hazelton Township without claim or compensation upon occurrence of the following:
- a. Notice is sent by the Hazelton Township Clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 75-year period and that all rights, with respect to said burial spaces, will be forfeited. He or she must affirmatively indicate in writing his or her desire to retain said burial rights for another 75-year period, addressed to the Hazelton Township Clerk within 60 days from the date of mailing of the notice. If the Hazelton Township Clerk receives a letter within the 60-day time period indicating the owner's request to retain their burial rights, the burial rights shall remain the owner's and will be subject to the same notice and reversion status after another 75 years, and
 - b. No written response to said notice indicating a desire to retain the burial rights in question is received by the Hazelton Township Clerk from the last owner of record of said lots or graves, or from his or her legal representative, within 60 days from the date of mailing of said notice.

SECTION 11 – RECORDS.

The Hazelton Township Clerk shall maintain records concerning all burials, issuance of burial certificates, and any perpetual care fund, separate and apart from any other records of Hazelton Township and the same shall be open to public inspection at all reasonable business hours.

SECTION 12 – VAULT.

All burials shall be within an industry standard concrete vault installed or constructed in each grave site before interment unless previous arrangements have been made with the Sexton to have a mausoleum interment.

SECTION 13 – CEMETERY HOURS.

- A. The cemetery shall be open to the general public from the hours of daylight to dusk each day.
- B. No person shall be permitted in a cemetery at any time other than the foregoing hours, except upon permission of the Sexton. Such prohibition on being present

in a cemetery during the time when a Township cemetery is closed shall not apply to the Sexton, Clerk, any Township official, a person accompanied by the Sexton Clerk, or other Township official for the purpose of Township business, or any law enforcement, emergency medical services, or firefighting official when engaged in the lawful duties of any such office or position.

SECTION 14 – PENALTIES.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, shall be obligated to pay restitution for all damages and costs, and shall be subject to a fine of up to \$500.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceeding for abatement and termination of the activity complained thereof.

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 decision shall only affect that 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 – REPEALER.

Any ordinance or parts of ordinances that conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

SECTION 17 – EFFECTIVE DATE.

The Ordinance shall become effective thirty (30) days after it, or a summary of it, is published in a newspaper of general circulation in the Township of Hazelton.

I, Kerry Kruske, do hereby certify that I am the duly elected and acting clerk of the Township of Hazelton, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Hazelton, State of Michigan, at a regular meeting of the Township Board held at the Hazelton Township Hall, on the 8 day of June, 2026.

Vote: 5 Aye 0 Nay

By: Kerry Kruske
Kerry Kruske
Hazelton Township Clerk

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