

CEMETERY ORDINANCE 2025-5  
Additions and text amendments to Cemetery Ordinance 2004-1  
adopted by the Marengo Township Board on April 29, 2025  
MARENGO TOWNSHIP, CALHOUN COUNTY, MICHIGAN

This Cemetery Ordinance is to protect the public health, safety, and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned by the Township of Marengo, Calhoun 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 MARENGO, COUNTY OF CALHOUN, MICHIGAN ORDAINS:

**SECTION 1: TITLE**

This ordinance shall be known and cited as the Marengo Township Cemetery Ordinance.

**SECTION 2: DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES**

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one (1) to six (6) burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and ten (10) feet in length.
- C. An infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one half (3 ½) feet in length.
- D. Cremation Burial Half-Grave shall consist of an area four (4) feet wide by five (5) feet in length.
- E. Immediate Family shall consist of spouse, parent, stepparent, grandparent, child, stepchild, and grandchild of the owners of the Right of Burial, and shall include “great-“ to the above where applicable.
- F. Right of Burial shall grant the right of burial only, and does not convey any other title to the lot of burial space sold.

**SECTION 3: SALE OF LOTS OR BURIAL SPACES**

- A. Hereafter, cemetery lots or burial spaces shall be sold to residents, non-residents, or taxpayers of the township for the purpose of the burial of such purchaser or his or her immediate family. No sale shall be made to funeral directors, organizations, brokers or other entities. The Township Clerk, however, 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 therein.
- B. All such 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 lot or burial space sold. The Township Clerk shall execute such form.
- C. Burial rights may be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be affected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by the said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon assigned. D. Lot owners shall not allow interments in their lots in return for remuneration of any kind, without the signing of a transfer document and approval of the Township Board.
- D. Lot owners shall not allow interments in their lots in return for remuneration of any kind, without the signing of a transfer document and approval of the Township Board.
- E. Owners of every cemetery lot or burial space shall be responsible for notifying the Township Clerk whenever their mailing address changes.

**SECTION 4: PURCHASE PRICE AND TRANSFER FEES.**

- A. Burial spaces for residents and non-residents shall be established periodically by Resolution of the Township Board of Trustees, with fees to non-residents and non-taxpayers at a rate appropriately higher to compensate the Township for their non-tax paying status.

- B. Any original purchaser of a burial space or lot wishing to transfer to a qualified assignee shall pay a separate fee per burial space as established from time to time by the Township Board.
- C. The charges shall be paid to the Township Treasurer or an agent of that office and shall be deposited in the general governmental account cemetery fund.
- D. A Right of Burial may not be resold.

#### SECTION 5: GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined by the township board through the acceptance of bids submitted by grave diggers. Weekend and winter charges may apply at the discretion of the Township and Sexton due to frost level and snow.
- B. Checks shall be made payable to Marengo Township. Cash payment shall be paid directly to Marengo Township.
- C. No burial spaces shall be opened and closed except under the direction and control of the CEMETERY SEXTON. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

#### SECTION 6: MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition as approved by the CEMETERY SEXTON.
- B. Prior to placement of marker or memorial, all fees shall be paid in full for that burial space.
- C. Any large upright monuments must be located upon suitable foundation, minimum 18” depth, 3” wash, flush with the ground to maintain the same in an erect position and constructed to withstand weather changes, including frost heaving.
- D. Only one monument, marker, or memorial shall be permitted per burial space with the exception of a military marker or family marker for adjacent graves. Marker size shall be less than 42” in width.
- E. No more than four (4) markers per gravesite for four (4) individual cremains or one marker for all cremains. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12”) inches by twenty-four (24”) inches, or individual markers may be of stone or other equally durable composition (see Section 6, A.)
- F. The footing or foundation upon which any monument, marker, or memorial must be placed shall be purchased by the owner and at cost to the owner of the burial right.
- G. Should any monument or memorial become unsightly, dilapidated, or a safety hazard, the Township Board shall have the right, at the expense of owner, to correct the condition or remove the same.

#### SECTION 7: INTERMENT REGULATIONS

- A. Burials allowed in Marengo Township Cemeteries:
  1. One adult whole body burial in a single Adult Burial Space.
  2. One adult whole body and infant whole body in a single Adult Burial Space.
  3. Two infant whole bodies, burial at the same time, in a single Adult Burial Space.
  4. One adult whole body burial and one cremation burial in a single Adult Burial Space.
  5. One cremation burial in a single Adult Burial Space or in a Half-Grave Burial Space.
  6. Two cremation burials in a single Adult Burial Space or in a Half-Grave Burial Space.
  7. One infant or child whole body in a Half-Grave Burial Space.
  8. The location of half-grave burial spaces shall be determined at the discretion of the Sexton.
  9. No private mausoleums shall be permitted.
- B. Not less than 36 hours notice shall be given in advance of any time of a funeral to allow for the opening of the burial spaces.
- C. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the CEMETERY SEXTON, or the

Township Clerk prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.
- E. No lot shall be used for any other purpose than the burial of the human dead.

#### SECTION 8: GROUND MAINTENANCE

- A. No grading, leveling, or excavating upon burial space shall be allowed without the permission of the CEMETERY SEXTON, or Township Clerk.
- B. No flowers, shrubs, trees, or vegetation of any type shall be planted without the approval of the CEMETERY SEXTON, or the Township Clerk. The Township or the CEMETERY SEXTON may remove any of the foregoing items planted without such approval.
- C. The 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, fencing, containers and rocks which hinder the free use of a lawn mower or other gardening apparatus, are prohibited. Surfaces other than earth or sod are prohibited.
- E. The CEMETERY 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 that otherwise become unsightly, a source of litter or a maintenance problem. The Township Clerk or the CEMETERY SEXTON may remove any of the foregoing items planted without such approval.
- F. All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed from the cemetery. Winter decorations are permitted November 20 and must be removed by April 30. Spring decorations are permitted May 10 and must be removed by October 30. Items permitted per each burial space within twelve (12) inches of the marker, monument or memorial: cut, artificial and potted/planted flowers, containers made of a durable material, one (1) shepherd hook, and decorations. No glass containers. Only flag poles allowed are those placed by Marengo Township.

#### SECTION 9: FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

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

#### SECTION 10: REPURCHASE OF LOTS OR BURIAL SPACES

- A. The Township will repurchase any cemetery lots or burial space from the owner for the original price paid upon written request with purchase receipt of said owner or their legal heirs or representative.

#### SECTION 11: RECORDS

- A. The Township Clerk or board designee shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection.
- B. The CEMETERY SEXTON shall refer any records concerning all burials, issuance of burial permits, cemetery plotting, any perpetual care fund, and all maintenance and/or burial bills to the Township Clerk.

#### SECTION 12: VAULT

- A. All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. A vault for cremated remains is optional.

**SECTION 13: CEMETERY HOURS**

- A. The cemetery shall be open to the general public dawn to dusk each day.
- B. No person shall be permitted in the township cemeteries at any other time, except upon permission of the township staff or the sexton.

**SECTION 14: PENALTIES**

- A. Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor 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. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

**SECTION 15: SEVERABILITY**

- A. 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 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: REPEAL**

This ordinance shall take effect immediately upon its publication in the Community Advisor. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance adopted by the Township Board of the Township of Marengo on the 29<sup>th</sup> day of April, 2025.

**TOWNSHIP OF MARENGO**

By: \_\_\_\_\_  
David Fountain, Supervisor

By: \_\_\_\_\_  
Deborah Withee, Clerk

This ordinance change adopted, effective 30 days after publication.

By: \_\_\_\_\_  
Deborah Withee, Clerk