

Chapter 8

CEMETERIES*

Sec. 8-1.	Definitions.
Sec. 8-2.	Cemetery grounds conduct.
Sec. 8-3.	Sale of lots or burial spaces.
Sec. 8-4.	Purchase price and transfer fees.
Sec. 8-5.	Grave opening and closing charges.
Sec. 8-6.	Markers and memorials.
Sec. 8-7.	Interment regulations.
Sec. 8-8.	Ground maintenance.
Sec. 8-9.	Forfeiture of vacant cemetery lots or burial spaces.
Sec. 8-10.	Repurchase of lots or burial spaces.
Sec. 8-11.	Records.
Sec. 8-12.	Vault.
Sec. 8-13.	Exceptions.
Sec. 8-14.	Penalties.
Sec. 8-15.	Attorney fees.
Sec. 8-16.	Amendment.

*State law references—Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; permit for disposition of body, MCL 333.2850; cemetery regulations act, MCL 456.521 et seq.

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administration means the person who administers the cemetery records and cemetery policy, which shall be the city.

Burial spaces or plots means the land area 3½ feet wide and nine feet in length. Two cremations are allowed per space.

Cemetery committee means a committee appointed by the mayor and approved by the city council. The cemetery committee shall consist of three members of the city council serving a period of two years concurrent with the mayor's term of office. The cemetery committee will meet as necessary to fulfill duties as outlined in this chapter and report same to the city council.

Cemetery donations means donations accepted by the city to be earmarked for cemetery care and operations.

Cemetery fee schedule resolution means a resolution setting fees, charges and deposits associated with this chapter.

Cemetery office means the office for cemetery records and administration. The cemetery office is located in the city clerk's office at city hall.

Interment means the burial of the remains of a deceased person.

Lot marker means a marker made of concrete or metal used by cemetery personnel to locate corners of a lot.

Marker/monument means a marker/monument is a stone or similar material, either flush or above the ground, indicating the given and/or family name of the deceased.

Permit means a document given to the purchaser as proof of burial plot or lot rights.

Plot may apply to a space of sufficient size within a lot to accommodate a burial site (per the regulations set forth within this chapter).

Superintendent of maintenance / sexton. The person appointed by the cemetery committee shall be responsible for the maintenance of the cemetery grounds, ground preparation before and after interment, supervising of monument setting and foundations, and enforcement of the rules and regulations of the cemetery.
(Comp. Ords. 1987, § 48.052)

Sec. 8-2. Cemetery grounds conduct.

(a) Vehicle entrance and exit to the cemetery shall be made at established passageways only.

(b) Speed limit within the cemetery shall be ten miles per hour. Excessive speeds and unsafe or reckless driving within the cemetery is prohibited.

(c) The city shall not be liable for any personal or property damage caused by any person or vehicle, but rather damage caused by persons or vehicles within the cemetery grounds shall be the responsibility of the person, driver and/or owner of the vehicle and such person may be subject to prosecution.

(d) Motorized pleasure vehicles, such as snowmobiles, ATVs, go-carts, etc., shall not be permitted within the cemetery grounds at any time.

(e) Animals are not permitted in the cemetery unless they are confined within the vehicle. Interment of animals is strictly prohibited.

(f) The consumption or use of intoxicating beverages or mind-altering drugs within the limits of the cemetery grounds is not permitted. Profanity or boisterous language, which disturbs the quiet and peaceful atmosphere of the cemetery, is prohibited.

(g) The use of firearms in the cemetery is unlawful and prohibited except where firearms are used in conjunction with city-authorized cemetery ceremonies.

(h) Picking, mutilating or disturbing flowers, trees, shrubs, or anything of a memorial nature is prohibited.

(i) The city shall not be responsible for the theft or damage to anything placed on cemetery lots or graves.

(j) Advertising in any form, either on grave sites or memorials or in the cemetery, shall be prohibited. However, monument companies may place a small, obscure company insignia on the base of monuments if they so desire.

(k) The city shall assume no responsibility for damages in the case of any marker, memorial, urn, shrub or planting being damaged in any way during the regular course of lot care, maintenance, vandalism or subsequent burials.

(l) Trash and materials, dead flowers, weeds pulled, etc., and sod and dirt removed in order to plant flowers shall be taken away or properly disposed of, but shall not remain on the burial lot.

(m) The city reserves the right to maintain all grave sites including, but not limited to, filling settled areas, reseeding of same and trimming or removal of trees or shrubs that may create a hazard to the grounds, equipment or people.
(Comp. Ords. 1987, § 48.053)

Sec. 8-3. Sale of lots or burial spaces.

(a) Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the city for the purpose of the burial of such purchaser or his heirs at law or next of kin, without regard to race and religion of buyer. No sale shall be made through funeral directors, unless approved by the cemetery committee or others than as heretofore set forth. The city clerk, however, is hereby granted the authority to vary the afore-said restriction on sales where the purchaser discloses sufficient personal reason for burial within the city through previous residence in the city or relationship to person interred therein.

(b) All such sales shall be made on a written form, recommended by the cemetery committee and approved by the city council, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the city clerk.

(c) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the city and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the city clerk, ap-

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

(Comp. Ords. 1987, § 48.054)

Sec. 8-4. Purchase price and transfer fees.

A person desiring to purchase burial sites may contact the city clerk's office so that an appointment may be made to select the site with the aid of cemetery personnel. Prospective owners are urged to purchase burial spaces before the immediate need exists, when clear unhurried judgment will ensure a good choice. If possible, avoid the necessity of choosing burial spaces in the wintertime when the ground is covered with snow.

- (1) Each burial space shall be determined pursuant to a rate authorized by the city council after recommendation of the cemetery committee and established by a cemetery fee schedule resolution. The cemetery fee schedule resolution may be revised, as needed, without an amendment to this chapter, and shall be approved by the city council.
- (2) For any transfer of one or more burial spaces from an original purchaser to a qualified assignee, cost shall be determined pursuant to a rate authorized by the city council after recommendation of the cemetery committee and established by a cemetery fee schedule resolution. The cemetery fee schedule resolution may be revised, as needed, without an amendment to this chapter by the city council.
- (3) All transfers of burial rights shall be made through the city clerk's office. The city thereto will recognize no other transfers of ownership of burial rights. The transfer of burial plot rights will be subject to a transfer fee for any transfers as set forth in the cemetery fee schedule resolution.

- (4) The foregoing charges shall be paid to the city treasurer and shall be deposited in the cemetery fund for the particular cemetery involved in the sale or transfer.
- (5) The cemetery committee by request, and the city council by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.
- (6) Every burial space is sold subject to the rules and regulations now in force or that may be hereafter adopted, and to such changes of the present rules as are deemed necessary by the city council.
- (7) Lot owners desiring to sell unused burial plots may resell them to the city at the price paid at the time of purchase, if the purchase was on or after the date of the ordinance from which this chapter is derived.

(Comp. Ords. 1987, § 48.055)

Sec. 8-5. Grave opening and closing charges.

(a) Charges for opening and closing of any burial space, prior to and following a burial therein, including interment of ashes, shall be authorized by the city council after recommendation of the cemetery committee and as established by a cemetery fee schedule resolution. The fee schedule resolution may be revised, as needed, without an amendment to this chapter by the city council.

(b) No burial space shall be opened and closed except under the direction and control of the city through its appointed sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the county health department.

(Comp. Ords. 1987, § 48.056)

Sec. 8-6. Markers and memorials.

(a) No marker or memorial shall be placed in the cemetery except if approved by the cemetery sexton, as authorized by this chapter.

(b) All markers or memorials must be of stone or other equally durable composite.

(c) Any large upright monument must be located upon a suitable foundation to maintain the same in an erect position.

(d) Only one monument, marker or memorial shall be permitted per burial space.

(e) The city will not assume responsibility for maintenance or destruction to markers, memorials or monuments due to vandalism or natural causes, unless otherwise directed by the city council.

(Comp. Ords. 1987, § 48.057)

Sec. 8-7. Interment regulations.

(a) Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

(b) Not less than 36 hours' notice shall be given in advance of any time of any funeral to allow for the opening of 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 the city clerk prior to interment. Where such permit has been lost or destroyed, the clerk shall be satisfied, from his records, that the person to be buried in the burial space is an authorized and appropriate person 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.

(Comp. Ords. 1987, § 48.058)

Sec. 8-8. Ground maintenance.

(a) No grading, leveling, or excavating upon burial space shall be allowed without the permission of the sexton.

(b) No shrubs or trees of any type shall be planted. Any of the foregoing items planted will be removed. The city reserves the right to trim any tree or shrub located within the cemetery in the interest of maintaining proper appearance and safety. Removal of existing trees will be done only when a safety hazard is determined.

(c) Mounds, which hinder the free use of the lawnmower or other gardening apparatus, are prohibited. The city shall have the right to mow and trim all lots to maintain proper appearance. Surfaces other than earth or sod are prohibited.

(d) When performing cemetery care, refuse of any kind, including, among others, dried flowers, wreaths, papers, and flower containers, must be removed by those caring for the site. Cemetery maintenance and care will be performed by the city. This includes, but is not limited to, seeding, top dressing, cutting, trimming grass and general upkeep of the cemetery.
(Comp. Ords. 1987, § 48.059)

Sec. 8-9. Forfeiture of vacant cemetery lots or burial spaces.

Cemetery lots or burial spaces sold after the effective date of the ordinance from which this chapter is derived and remaining vacant 40 years from the date of their sale shall automatically revert to the city upon occurrence of the following events:

- (1) Notice shall be sent by the city clerk via 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 clerk within 60 days from the date of mailing of the written notice the owner's desire to retain said burial rights.
- (2) If no written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the clerk from the last owner of record of said lots or spaces, or owners, heirs or legal representatives, within 60 days from the date of mailing of said notice, the lot shall revert to the city.

(Comp. Ords. 1987, § 48.060)

Sec. 8-10. Repurchase of lots or burial spaces.

The city will repurchase any cemetery lot or burial space from the owner for the original price

paid to the city, upon written request of said owner or owners, legal heirs or representatives.
(Comp. Ords. 1987, § 48.061)

Sec. 8-11. Records.

The city clerk shall maintain records concerning all burials, issuance of burial permits and any perpetual care fund apart from any other records of the city and the same shall be open to public inspection at all reasonable business hours.
(Comp. Ords. 1987, § 48.062)

Sec. 8-12. Vault.

All burials shall be within a standard vault installed or constructed in each burial space before interment.
(Comp. Ords. 1987, § 48.063)

Sec. 8-13. Exceptions.

This chapter shall not be construed to govern or regulate in any way St. Ignatius Loyola Cemetery located within the municipal boundaries of the city as of the date of adoption of the ordinance from which this chapter is derived.
(Comp. Ords. 1987, § 48.064)

Sec. 8-14. Penalties.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not to exceed 90 days, or by both such fine and imprisonment, plus all reasonable costs of investigation and prosecution. Each day that a violation continues to exist shall constitute a separate offense. In addition to any remedies available at law, the city may bring a civil action for any injunction or other process against any person to restrain, prevent or abate any violation of this chapter.
(Comp. Ords. 1987, § 48.065)

Sec. 8-15. Attorney fees.

Should suit be filed pursuant to this chapter and judgement entered on behalf of the plaintiff,

the plaintiff may tax actual attorney's fees involved with the enforcement as well as out-of-pocket expenses.

(Comp. Ords. 1987, § 48.066)

Sec. 8-16. Amendment.

The city in conjunction with the cemetery committee specifically reserves the right to amend this chapter in whole or in part, at any time hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates provided herein or within the cemetery fee schedule resolution.

(Comp. Ords. 1987, § 48.068)