

Chapter 10

CEMETERIES*

* **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.

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Sec. 10-1. 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:

Cemetery is a reference to Elmwood Cemetery and all parts thereof.

Cemetery lot means burial plots sufficient to accommodate from one to eight burial plots.

Cremains burial plot.

(1) In blocks one through seven, the term "cremains burial plot" means a land area 2 1/2 feet square.

(2) In blocks eight through 11, the term "cremains burial plot" means a land area three feet square.

Foundation means a concrete structure measuring 3 1/2 inches thick, that is reinforced, extends three inches on each side of the monument, marker, or memorial and is flush with the ground.

Full burial plot means a land area five feet wide and ten feet in length.

Half burial plot means a land area five feet wide and five feet in length in areas set aside specifically for such burials.

Quarter burial plot means a land area 2 1/2 feet wide and five feet in length.

Marker means a structure which lays flat on a foundation and sets flush with the ground.

Monument means a structure which exceeds four inches in height and stands in the upright position.

Sec. 10-2. Penalties.

Any person who violates any of the provisions of this chapter shall be guilty of a civil infraction.

Sec. 10-3. Care and management.

The care and management of all public cemeteries belonging to the city shall be handled by the city manager under the direction of the city council.

(Ord. No. 13, § 1, 7-7-1943; Ord. of 7-14-1947; Ord. of 6-24-1963)

Sec. 10-4. Maintenance.

(a) It shall be the duty of the city manager to employ a cemetery sexton and all necessary labor, to maintain the cemeteries, and it shall be the responsibility of the sexton to purchase all necessary equipment and materials within the limits of his authority as set up by the city manager.

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

(c) No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the city manager or the cemetery sexton. Any of the foregoing items planted without such approval may be removed without notice.

(d) The city 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.

(e) The city shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

(f) From time to time, cemetery rules and regulations shall be established and amended by the city council as deemed appropriate for the care and maintenance of the cemeteries.

(Ord. No. 13, § 2, 7-7-1943; Ord. of 7-14-1947; Ord. of 6-24-1963)

Sec. 10-5. Collection of all monies.

The city clerk shall be the agent for the collection of all monies for the sale of plots and services in the operation of the cemeteries.

(Ord. No. 13, § 3, 7-7-1943; Ord. of 7-14-1947; Ord. of 6-24-1963)

Sec. 10-6. Regulations.

(a) No funeral will be permitted on Sunday or city employee holiday unless by special permission of the city manager or the cemetery sexton. Aforementioned funerals shall be assessed a special funeral fee to be determined from time to time by the city council.

(b) Permission to inter a body on any lot in the cemeteries shall not be granted unless the lot is fully paid for and/or any charges against the lot for upkeep previously ordered are paid for in full.

(c) Individual plots may be purchased, but only when a single plot is available in a cemetery lot. All plots purchased in the cemetery will be for burial purposes only.

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

(e) A minimum of 36 hours' notice shall be given in advance of a funeral to allow for the opening of the burial plot.

(f) All interments must be accompanied by the proper transit permit. In the case where a transit permit is not available, then legal documentation must be presented prior to interment in the cemetery. The cemetery sexton must be satisfied, from their records, that the remains being interred are authorized to do so.

(g) All burials shall be within a standard concrete or nondeteriorating composite vault installed or constructed in each burial plot before interment.

(h) No burial plots shall be opened and closed except under the direction of the city manager or his designee. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

(Ord. No. 13, § 4, 7-7-1943; Ord. of 7-14-1947; Ord. of 6-24-1963; Ord. of 12-29-1986)

Sec. 10-7. Cost of plots and perpetual care.

(a) From time to time, the city council shall establish the sale price of plots, which include perpetual care.

(b) From time to time, the city council shall establish a fee schedule for the opening and closing of plots.

(Ord. No. 13, § 5, 7-7-1943; Ord. of 7-14-1947; Ord. of 6-24-1963; Ord. of 12-29-1986)

Sec. 10-8. Sale of burial rights.

(a) Burial rights may be sold to any persons resident or nonresident for the purpose of the burial of such purchaser or his heirs at law, next of kin, or persons of personal relationship. Burial is for human remains only. No sale shall be made to funeral directors.

(b) All burial rights include perpetual care of said burial plot.

(c) All such sales shall be documented on a certificate which grants burial rights only and does not convey any other title to the lot or burial plot sold. Such certificate shall be executed by the city manager or the cemetery sexton and recorded by the city clerk.

Sec. 10-9. Forfeiture of vacant burial plots.

Cemetery lots or burial plots sold and remaining vacant 60 years from the date of their sale shall revert to the city pursuant to section 128.13 of Michigan Public Act 46 of 1941.

Sec. 10-10. Repurchase of burial plots.

(a) All transfers of burial rights shall be made through the city and shall be approved by the city manager or his designee.

(b) The city will repurchase any burial plot from the owner for the original price paid the city upon written request of said owner or his legal heirs or representatives.

(c) Certificates of burial may not be sold to another person.

Sec. 10-11. Records.

The city clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the city.