

Chapter 14 CEMETERIES*

***Cross reference(s)**--Streets, sidewalks and other public property, ch. 74.

ARTICLE I. IN GENERAL

Secs. 14-1--14-30. Reserved.

ARTICLE II. CITY CEMETERIES*

***State law reference(s)**--Authority of city to acquire and maintain cemeteries, MCL 125.1.

DIVISION 1. GENERALLY

Sec. 14-31. Definitions.

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

Cemeteries means any cemetery owned or maintained by the city for the purpose of receiving the remains of deceased humans.

Department means the department of leisure services of the city.

Superintendent means the person responsible for management of the municipal cemeteries.

(Code 1975, § 7-1)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 14-32. Penalty for violation.

Any person who violates any provision of this article shall be responsible for a civil infraction.

(Code 1975, § 7-19)

Sec. 14-33. Interments outside cemeteries prohibited; interment of other than humans prohibited.

No interment of any deceased person shall be made in any place in the city other than within cemeteries devoted to that purpose; nor shall the interment of anything other than human bodies be permitted therein.

(Code 1975, § 7-9)

Sec. 14-34. Purchase of lots generally.

Persons purchasing lots or fractions of lots after May 15, 1973, shall be entitled, upon payment of the entire price charged as determined from time to time by the city commission, to a deed conveying burial rights in the lot or fraction, together with perpetual care. Fractions of lots shall not be available for burial purposes except for infants or the deposit of the ashes of deceased persons authorized by the owner of a lot or his assignee. Lots shall be purchased under the following terms:

- (1) The purchase of lots or fractions and perpetual care shall be for prices determined from time to time by the city commission by resolution or regulation.
- (2) No burial of any kind shall be made in any lot or fraction thereof until the entire purchase price has been paid in full.
- (3) Installment payments for lots and perpetual care shall be for such periods, amounts and rates of interest as the city commission may from time to time establish.
- (4) The cemetery deed for the lot or fraction thereof shall be issued upon the payment of the full amount charged and all accrued interest.
- (5) No lots shall be considered sold or reserved until a receipt for the entire purchase price therefor has been obtained from the city.
- (6) In case a lot has been purchased before May 15, 1973 (at which time perpetual care was not included in the original purchase price), and the purchase price was paid in full and the payments for annual care were current as of May 15, 1973, such lot or fraction thereof shall be considered fully paid and entitled to perpetual care.
- (7) In the event a lot was purchase before May 15, 1973, and either the purchase price or annual care payments were not current by such date, the owner of such lot shall be entitled to burial privileges and the lot and perpetual care shall be paid in full upon receipt from the owner or his assignee of an amount equal to 50 percent of the current authorized price for a lot or fraction thereof.

(Code 1975, § 7-10)

Sec. 14-35. Drawing and execution of deeds to lots.

Deeds to cemetery lots shall be drawn in the name of the city as grantor and shall be executed, for and on behalf of the city, by the mayor and city clerk.

(Code 1975, § 7-11)

Sec. 14-36. Restrictions on rights of lot owners.

Purchasers of any lot in any cemetery shall acquire only the privilege or license to make interments in the lot so purchased. The owner of any lot shall not allow any interment to be made therein for remuneration, nor shall a lot be used for any other

purpose than a place for burial of the dead. All interments in lots shall be restricted to members of the family and relatives of the owner thereof, except an owner may give written consent for the burial of the remains of any person, and if consent is made in good faith and not for remuneration, the city shall honor the consent.

(Code 1975, § 7-12)

Sec. 14-37. Prerequisites to interment.

No deceased person shall be interred in any cemetery until the superintendent has found that:

- (1) A burial transmit permit has been obtained from the health officer as required by law;
- (2) The lot in which the burial is to be made has been fully paid for;
- (3) The person arranging for such burial has the right to the use of such lot;
- (4) Such lot is not used beyond its capacity;
- (5) The proper record is made of the name and age of the deceased person and of the exact location of the grave;
- (6) Full payment for all city services, including, but not limited to, opening, closing and storage, has been received.

(Code 1975, § 7-13)

State law reference(s)--Permit for disposition of body, MCL 333.2848.

Sec. 14-38. Perpetual care fund.

A perpetual care fund shall be established from the sale of grave spaces for the purpose of providing continued maintenance for the city cemeteries and no part thereof shall be used except for cemetery purposes.

(Code 1975, § 7-14)

Sec. 14-39. Trusts for care of specific lots.

- (a) The department shall have power to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to such department in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any trust. Any such property received by way of gift, grant, devise or bequest for the care of certain lots shall be under the control of the superintendent and shall be held in trust subject to the terms and conditions under which it was granted.
- (b) Such trust fund may be invested in income producing securities and the income therefrom, after the fulfillment of the conditions expressed, may be used in improving the cemeteries. No portion of the principal of the trust fund shall be temporarily or permanently transferred to the perpetual care fund or used for general cemetery purposes, contrary to the provisions of the trust under which the funds were originally given.

(Code 1975, § 7-15)

Sec. 14-40. Reversion of lots to city for delinquency in payment of charges.

- (a) Wherever a lot and perpetual care has been purchased upon the installment basis after May 15, 1973, and any installment shall not have been paid within three months from the date the installment is due and payable, the city shall cause notice of such default and demand for payment thereof to be given to such owner or purchaser, as the case may be, by registered mail or by publication of a 30-day notice in the Muskegon Chronicle or a newspaper fully circulating in the city, and if such default shall continue after such period, the lot, all burial rights, and all previous payments shall be forfeited to the city. The city shall have the right to resell such lot or portion thereof, free of any interest of the owner or purchaser or any persons claiming thereunder.
- (b) All lots or parts of lots that have reverted to the city in which bodies have been interred shall thereafter be held in trust by the city and no marker or monument shall be removed therefrom so long as such marker or monument is legible and capable of serving the purpose for which it was intended. Such grave sites shall be given routine maintenance care by the city.
- (c) The owner or his assignee of any lots or relatives interested in any lots which have reverted or which may revert to the city may be redeemed by such persons by paying 50 percent of the current price of the lot, or the entire unpaid balance in cash, whichever is the higher amount, provided such lot or fraction thereof has not been contracted for in any way by another person.

(Code 1975, § 7-16)

Sec. 14-41. Damage or removal of property.

No person shall cut, remove, injure or carry away any flowers, trees, shrubs, plants or vines being or growing in and upon any cemetery lot or ground used for cemetery purposes owned by the city, nor shall any person deface, injure or write upon any markers, monuments, headstones, fences or structures within any of the cemeteries of the city; nor shall any person injure or destroy, take or carry away any vases, flower pots or other ornaments that may have been placed upon the graves or grounds platted and used for cemetery purposes, unless by permission of the city.

(Code 1975, § 7-17)

State law reference(s)--Malicious mischief, MCL 750.377 et seq.; destruction of trees and shrubs, MCL 750.382.

Sec. 14-42. Maintenance of trees or shrubbery.

If any trees or shrubbery situated in any lot, by means of their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or unsightly or inconvenient to passersby, the city may enter such lot and remove such trees and shrubbery or any part thereof; provided, however, that the owner of such lot shall first have been notified to remove such trees or shrubbery within one week after receiving such notice, and shall have refused or neglected so to do.

(Code 1975, § 7-18)

Secs. 14-43--14-60. Reserved.

DIVISION 2. DEPARTMENT OF CEMETERIES*

***Cross reference(s)**--Departments, § 2-91 et seq.

Sec. 14-61. Establishment and functions; supervision by city manager.

The department of cemeteries is hereby created and such department shall manage, operate and maintain the municipal cemeteries subject to any limitations and restrictions set forth in this division or contained in any applicable law. The care, maintenance and operation of municipal cemeteries shall be under the supervision and control of the city manager.

(Code 1975, § 7-2)

Charter reference(s)--Authority to create new departments, ch. V, § 5.

Sec. 14-62. Departmental records and accounts.

- (a) The department of cemeteries shall keep full and complete records of the ownership of all lots in the cemeteries, of the burial capacity of each lot, sold and unsold, of the location of each grave, of the name of each person buried in each grave that has been or shall hereafter be used and of the date of the burial of each.
- (b) The department of cemeteries shall keep full and detailed accounts of the receipts of expenditures on account of the cemeteries and at least once a month or more often shall turn over to the city treasurer all moneys collected on such accounts.

(Code 1975, § 7-3)

Sec. 14-63. Appointment of superintendent as department head.

The city manager shall appoint a superintendent of the municipal cemeteries who shall be the head of the department of cemeteries. The superintendent shall be subject to all management policies of the city.

(Code 1975, § 7-4)

Sec. 14-64. Duties of superintendent.

- (a) The superintendent shall look after and take proper care of the cemeteries and see that no lot therein is used or occupied in violation of this article or of any rule or regulation promulgated hereunder. The superintendent shall collect all fees and charges for duties and services performed in connection with the cemeteries. Such fees shall be remitted to the city treasurer.

- (b) The superintendent shall maintain order in the cemeteries and make complaints for every violation of this article, and for violation in the cemeteries of any other ordinance of the city. The superintendent shall supervise all workmen, visitors and drivers, and shall qualify and act as policeman in the cemeteries.

(Code 1975, § 7-5)

Secs. 14-65--14-80. Reserved.

DIVISION 3. CEMETERY COMMITTEE*

***Cross reference(s)**--Boards and commissions, § 2-281 et seq.

Sec. 14-81 through 14-82 are repealed.

(Code 1975, § 7-7; Ord. No. 2181, 1-24-2006)