

VILLAGE OF ROSCOMMON
Cemetery Ordinance # 77

Motion by Butler, support by Murphy: CARRIED

To adopt Village of Roscommon Cemetery Ordinance #77 to read as follows:

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, AND MANAGEMENT OF THE CEMETERY OWNED BY THE VILLAGE OF ROSCOMMON, ROSCOMMON COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE VILLAGE OF ROSCOMMON, COUNTY OF ROSCOMMON, MICHIGAN
ORDAINS:

Section 1: TITLE

This ordinance shall be known as the Village of Roscommon Cemetery Ordinance.

Section 1-1: CEMETERY BOARD

A three (3) member Cemetery Board shall be established by the Village Council to oversee the Village Cemetery and make recommendations to the Village Council regarding upgrades, maintenance, or any other related items. The Board shall have the ability to spend up to \$500 on cemetery expenses, with Village Manager approval. If an expenditure is over \$500, the Board shall make a recommendation to the Village Council.

Board members will be appointed for 1-year, 2-year and 3-year terms initially and then three year terms after the first terms expire. This will allow for the staggering of the board members terms.

Section 2: DEFINITIONS

A. An adult burial space in a cemetery lot shall consist of a land area four (4) feet wide and eight (8) feet in length.

B. Cremains are the ashes of cremated human remains.

Section 3: SALE OF BURIAL RIGHTS

A. Burial rights in cemetery lots shall be sold to residents of the village for the purpose of burial of such purchaser. Persons who are not residents of the village may purchase burial rights at an increased cost to be determined from time to time by resolution of the village council. The village clerk is granted the authority to determine residency for this purpose. No sale shall be made to funeral directors.

B. All sales shall be made on a form approved by the village 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 village clerk or other council designee. All previously issued forms for unused burial spaces shall be replaced by the current

adopted form.

C. Burial rights may only be transferred to heirs or next of kin of the original purchasers, and may be affected only by request and approval of the village clerk. Upon verification of above requirements, the clerk or other council designee shall issue a new burial permit to the assignee and shall cancel and terminate the original permit.

Section 4: PURCHASE PRICE AND TRANSFER FEES

A. The purchase of a burial space, including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the village council, payable to the village. Such purchase must be made prior to interment.

B. Any transfer of one or more burial rights from an original purchaser to a qualified assignee shall cost \$20.00 for each lot transferred.

C. The above charges shall be paid to the village treasurer and shall be deposited in the general fund.

D. The village council, by resolution, may periodically alter the fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

Section 5: REPURCHASE OF LOTS OR BURIAL SPACES

A. Resale of cemetery burial spaces is prohibited. The village will repurchase any cemetery burial space from the owner for the original price paid the village upon written request of the owner or his legal heirs or representatives.

Section 6: GRAVE OPENING CHARGES

A. The opening and closing of any burial space, prior to and following a burial and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the village council, payable to the village.

B. No burial spaces shall be opened and closed except under the direction and control of the Board of Cemetery Trustees.

Section 7: MARKERS OR MEMORIALS

A. All markers or memorials must be of granite or other equally durable composition.

B. Any monuments or memorials must be located upon a foundation to maintain them in an upright position and will be placed in the proper place by monument company. The foundation shall be one inch above the ground and have a border of four (4) inches completely around the monument.

C. Only one monument or marker shall be permitted per burial space, except where a government bronze flat marker is also desired to honor a military veteran. The marker shall be placed at the head of the burial space.

Section 8: INTERMENT REGULATIONS

- A. Burial in a cemetery lot shall be limited to one adult human burial and one interment of cremains. Two cremains in one burial space are allowed.
- B. No cemetery lot shall be used for any other purpose than for the burial of the human dead.
- C. Not less than 48 hours notice shall be given, except for cases involving special needs or religious beliefs, to allow for the opening of the burial space.
- D. Winter storage for persons not buried because of frost or snow may be available.

Section 9: OUTER BURIAL CONTAINER

A. All burials shall be within an outer burial container constructed of concrete, steel or fiberglass, installed or constructed in each burial space before interment. All cremains must be interred in a sturdy container.

Section 10: GROUND MAINTENANCE

- A. No grading, leveling or excavating upon a burial space shall be allowed without the permission of the Board of Cemetery Trustees.**
- B. No flowers, shrubs, trees or vegetation of any type shall be planted without the approval of the Board of Cemetery Trustees. The village may remove any of the foregoing items planted without such approval.**
- C. The village council 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, which hinder the free use of a lawn mover or other gardening tool, are prohibited.**
- E. The Board of Cemetery Trustees 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. No fences, plastic edging, curbing, shrubs, trees, stone, fieldstone or materials of any kind is to be allowed on any lot except for one urn or vase of medium size that can be readily removed for mowing.**
- G. All refuse of any kind or nature including, dried flowers, wreaths, papers and flower containers must be removed at the close of the season. Holders containing flowers and other decorations will be removed as the flowers fade and wither and the right is reserved by the village to make such removal; Winter decorations, wreaths, grave blankets must be removed by May 1, and summer decorations by November 1, or such other times as is specified by the village council.**

H. No advertisements of any kind shall be allowed on cemetery ground.

I. Repairing Damaged or Broken Headstones. The Cemetery Board, in conjunction with the Village Manager, shall identify damaged, broken, or unsafe headstones in the cemetery. The Village Manager shall make an attempt to contact family members of the individual buried in these gravesites via letter, then via advertisement in the local newspapers. If a response is received, the family members of the individual are financially responsible for properly restoring the headstone/gravesite to an appropriate, safe condition. If a response is not received, the Village itself and/or a contracted monument company will properly restore the headstone/gravesites to an appropriate, safe condition at the cost to Village.

11. FORFEITURE OF BURIAL RIGHTS

A. Burial space remaining vacant for 80 years from the date of their sale shall automatically revert to the village upon the occurrence of the following events:

1. Notice shall be sent by the village 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 80 year period and that all rights with respect to said spaces will be forfeited if he or she does not affirmatively indicate in writing to the village within 60 days from the date of mailing of the within notice his or her desire to retain said burial rights.

2. No written response to said notice indicating a desire to retain the cemetery burial spaces in question is received by the village clerk from the last owner of record of the space or his heirs or legal representative within 60 days from the date of mailing of the notice.

12. CEMETERY HOURS

Standard operating hours of the cemetery shall be from sunrise to sunset each day.

13. RECORDS

The village clerk shall maintain records concerning all burials separate and apart from any other records of the village.

14. PENALTIES

Any person, firm or corporation who violates any of the provisions of the 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. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions shall not prevent civil proceedings for abatement and termination of the prohibited activity.

15. SEVERABILITY

The provisions of the Ordinance are declared to be severable and should any provision, section or part be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or

part involved in such decision and shall not affect or invalidate the remainder of the Ordinance which shall continue in full force and effect.

16. EFFECTIVE DATE

This Ordinance shall take effect upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Roll call: Ayes: Carlson, Morris, Murphy, Butler, Cook and Seaman

Nays: None

Absent: Dixon

Kathryn V. Murphy, Clerk

DATE OF PUBLICATION: July 30, 2006

EFFECTIVE DATE: July 30, 2006

AMENDED: July 26, 2010

DATE OF PUBLICATION: **AUGUST 12, 2010**