

**VILLAGE OF COLUMBIAVILLE**

**CEMETERY ORDINANCE**

**Ordinance No. 640A**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of cemeteries owned and operated by the Village of Columbiaville; to provide penalties for the violation of said ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE VILLAGE OF COLUMBIAVILLE ORDAINS:**

**SECTION 1. DEFINITIONS:**

- A. "Burial right" means a right of earth interment in a burial space.
- B. "Burial space" means a land area four (4) feet wide (Woodlawn) and forty-five (45) inches wide (Meadowlawn) and ten (10) feet in length.
- C. "Cemetery" means a burial ground owned by the Village.
- D. "Cemetery services" means all services offered to the public, including grave openings, closings, and foundation installation.
- E. "Cremation" means the incineration of the body of the deceased person.
- F. "Interment" means the disposition of human remains by earth interment, entombment, or inurnment.

**SECTION 2. BURIAL RIGHTS CERTIFICATES:**

- A. The right to utilize burial spaces shall only be sold pursuant to Burial Rights Certificates issued by the Village Clerk.
- B. A Burial Rights Certificate shall be on a form approved by the Village Council grants a right of burial only and does not convey any other title to the lot or burial space.
- C. The purchase of burial rights conveys the right of burial of approved persons in the specified burial spaces, the right to construct approved markers and other rights subject to the rules and regulations of the cemetery.
- D. The purchase of burial rights within any area of the cemetery shall be valid only by the issuance of a Burial Rights Certificate signed by the Village Clerk, indicating the specific location of the burial site. The precise location shall be designated by the proper lot, block, section and grave numbers within a particular division of the cemetery. No burial rights will be considered sold until paid for in full.
- E. The Village shall limit the sales of burial rights for intended burial purposes only, and shall not knowingly sell lots for investment purposes.

### SECTION 3. PURCHASE PRICES AND FEES:

- A. Purchase prices, transfer fees, perpetual care fees, special care fees, fees for opening and closing graves, and any other applicable fees charged by the Village shall be established by motion of the Village Council and reviewed periodically. The Village Council shall establish appropriate rates for the Village residents and taxpayers and higher rates for non-residents and non-taxpayers. All burial fees shall be paid prior to interment.
- B. Perpetual Care Fees: Perpetual care fees *are included in cost of burial rights*. This includes mowing the grass, refilling graves, re-seeding or sodding, tree trimming, and such other work necessary to keep the cemetery in good condition. It shall not include special care such as cleaning or repairing monuments for individual persons.
- C. Payment for all burial rights shall be by cash or check only. Payment is due in full no later than the date of the Burial Rights Certificate issued by the Village Clerk.
- D. All fees shall be paid to the Village office and shall be deposited in the appropriate fund.
- E. *All lots that have had no burials or other activity of active ownership for a period of 50 years or more shall be subject to reversion to village ownership after statutory proceeding are followed.*

### SECTION 4. TRANSFERS OF BURIAL RIGHTS:

- A. Burial rights shall not be transferred from one party to another without the written consent of the Village Clerk, and without following the proper procedures, as determined by the Village Council. An administrative fee for such transfers may be established by the Village Council.
- B. Burial Rights Certificates, any other agreements, written or otherwise implied, made or agreed to by anyone other than the Village and the approved party shall not be valid and will not be honored.
- C. The Village has the right to refuse the transfer of burial rights from one party to another, and shall require that a Burial Rights Certificate be provided to the Village before being transferred to another party.
- D. Transfer or Burial Rights: The owner of burial rights may not permit the burial of anyone except immediate family members. No such owner may permit burial in any lot held by him/her for a consideration. The cemetery only may repurchase the burial rights at the original cost. *The owner of burial rights must show proof of purchase price, if no proof of purchase price is supplied the Village will make reasonable offer based on date of purchase.*
- E. Death of Owners: If the owner of a burial right should die, ownership will transfer to the spouse or joint owner. If there is no spouse the heirs shall file with the cemetery proof of such death so its records may show the current owners thereof. The Village shall in no way be held responsible for a failure to properly determine the legal successorship of any burial right, owner or purchaser.

### SECTION 5: BURIALS/INTERMENT:

- A. No interments will be permitted to be made on any lots for which Burial Rights Certificates have not been issued or which have unpaid charges against them.
- B. Interments in the cemetery will not be permitted without a valid Burial Transit Report or Cremation Certificate.
- C. Interments in lots for which a Burial Certificate have been issued shall be in accordance with the orders given by the funeral director. Orders by funeral directors for interments shall be construed as orders from the lot owner or owners.

- D. No interment of anybody other than that of a human being will be permitted.
- E. ***No interment of cremains will be permitted by someone other than cemetery personnel and proper payment of fees.***
- F. The interment of two (2) bodies in one (1) grave is prohibited, except the simultaneous death and burial of either a mother or father and infant, infant twins or two (2) infants that died at the same time, provided that this does not involve the burial of two (2) caskets on top of each other, and does not in any manner encroach upon adjacent lots, graves or isles. Additional interment of cremains may be permitted, provided the maximum number of bodies in one (1) grave does not exceed two (2).
- G. Burial restrictions are as follows:
  - a. Adult Space: Burial restricted to either ***three (3)*** cremains and no bodies, or one (1) body and one (1) cremains.
  - b. Infant Space: Burial restricted to either one (1) child and one (1) cremains, or two (2) newborns/infants.
- H. All burials in the cemetery, excluding the burial of ashes, are to be made in concrete vaults except that a newborn child may be buried in a Cherub of fiberglass construction.
- I. The cemetery reserves the right to refuse any order for interment unless the application for the same is made at least forty-eight (48) working hours in advance of the funeral hour. ***No Saturday burials after 1:00 p.m. if so, Saturday rates plus overtime rates will apply.*** Sunday and holiday burials are not permitted.
- J. ***Grave openings reported to the Village after 12:00 p.m. on Friday for a Monday burial shall be charged the overtime rate.***
- K. The Village will not assume any responsibility for errors in location of graves resulting from improper instructions of lot owners. Orders by funeral directors for the opening of graves will be construed as orders from the lot owner or owners.
- L. A change of location after a grave has been dug, or after interments, will be made at the expense of the lot owner(s) or funeral director.
- M. Interments or disinterments ***between December 1 and March 31*** when the ground is frozen will incur additional charges as determined by the Village.
- N. The Village or its duly appointed agent (***DPW Superintendent***) shall supervise all interments.
- O. No demonstrations, memorial services or other concerted activity, unrelated to funerals or interments, may be held in the cemetery without prior authorization of the Village.
- P. All outer burial cases over three (3) feet in length shall be classed as adult size.
- Q. All graves will be opened and closed by the ***DPW Superintendent*** or his duly appointed assistant and graves will not be reopened for inspection except for official investigation.
- R. All vaults that are used for burials in the cemetery must be in place to receive a casket prior to the scheduled time of the funeral service.
- S. The Village will assume no responsibility for any damage that might occur in the burial of a body.
- T. Funeral Directors shall contact the Village before establishing the time of a funeral. The Village reserves the right to ask for a change in the funeral hour so as to best serve the families of the deceased.

- U. All funerals and interments made in the cemetery are to be conducted in an orderly and dignified manner. The Village or duly appointed personnel are authorized to take action necessary to preserve this order and dignity.
- V. All funeral processions, while in the cemetery, will be under the direction and control of the **DPW Superintendent** or a duly appointed assistant and all funeral processions and cemetery cars and trucks shall have preference over all other cars.
- W. Strangers are not permitted to approach a grave during a funeral. When deemed necessary by the Village, or upon request of the lot owner or his representative, a funeral zone may be established and no one except persons attending the funeral or otherwise authorized will be permitted within its boundaries.
- X. No burials will be permitted to be marked with a vase, urn, memorial, receptacle, or other article of any nature bearing the name of the mortician, memorial dealer, or other dealer, trade names excepted.
- Y. No responsibility will be assumed for the protection and maintenance of flowers, wreaths, emblems or other items used at funerals. As soon as such items become unsightly or faded, they will be removed.
- Z. No disinterment of a body will be made until the written consent of the next of kin of the person whose body is to be disinterred and all other legal documentation has been submitted.
- AA. No burial spaces shall be opened and closed except under the direction and control of the **DPW Superintendent**, including proceedings for the removal and interment of bodies and remains, which matters are under the supervision of the local health department.

#### SECTION 6. PLANTING URNS OR CONTAINERS:

- A. **Planting urns** are the responsibility of lot owners and are governed by the rules and regulations of the cemetery. The Village assumes no responsibility as to the care, maintenance or protection of **planting** urns, or for any damage, which may result to any **planting** urn placed in the cemetery.
- B. The placement of (and planting within) **planting** urns is prohibited until a valid cemetery lot certificate has been issued and paid for.
- C. All **planting** urns placed in the cemetery shall be of conventional style and made of concrete or a similar heavyweight material capable of withstanding environmental elements. All **planting** urns must be semi-permanent or permanent in style, and must be placed within the monument or marker row or within twelve (12) inches of the rear of a monument and must not encroach on any adjacent grave or lot owned by others, nor shall any **planting** urn encroach upon an aisle or walkway.
- D. All **planting** urns must be sufficient enough in weight that they will remain upright and in place on windy days. **Planting** urns which have blown or fallen off their base or are not in the proper place will not be permitted.
- E. A maximum of two (2) **planting** urns per monument is permitted.
- F. One (1) unpainted, heavyweight statue (upon a concrete base) may be substituted for a **planting** urn.
- G. **Planting** urns which become broken, unsightly in appearance or a nuisance to the upkeep of the cemetery or to other lot owners will not be permitted.

- H. *Planting* urns or statues which do not comply with all of the above rules will be removed from the cemetery without notice. Any *planting* urns which are removed will be placed in storage for not more than thirty (30) days, after which time they may be disposed of without notice.

#### **SECTION 7. PLANTINGS:**

- A. Bushes and trees may not be planted on any grave or lot in the cemetery.
- B. Any plants, bushes or trees already planted on graves or lots must be kept trimmed and maintained by the owner or lot keeper. Any plants which impede upon a monument will not be permitted. Any plants which are untrimmed, or which become a nuisance by reason of their branches, roots, appearance or otherwise become detrimental to adjacent lots, aisle ways or roadways or an inconvenience to other lot owners or to the upkeep of the cemetery, will be removed without notice.
- C. Potted plants, whether real or artificial, may not be planted in the ground, but must be left in the pot above the surface of the ground. Potted plants must not be placed in front of or behind graves, but to the side to provide clearance for lawn maintenance equipment. All such potted plants may be in pots not to exceed ten (10) inches in diameter and limited to two (2) per marker. Any potted plant must be sufficient enough in weight that it will remain upright and in place on windy days.
- D. Artificial flowers not in a planting urn must be securely attached to the monument itself.
- E. The use of wire, nails, iron rods or other devices to anchor flower vases, baskets, or other objects to the ground will not be permitted.
- F. Mounds, planting, or other objects which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- G. Planting is permitted within twelve (12) inches of the front and rear of a monument.

#### **SECTION 8. SURFACES OF BURIAL SITES**

- A. Surfaces other than earth or sod are prohibited.
- B. No person shall remove sod or earth from any lot, aisle way or roadway.
- C. No sand, gravel, washed grave, crushed stone or other loose material may be used around the bases of markers or monuments.
- D. Steps or artificial walkways of any kind are not permitted.
- E. Mounds raised around graves will not be permitted.
- F. *No construction or alterations of any kind shall be undertaken without permission from Village Council.*

#### **SECTION 9. OTHER DECORATIONS:**

- A. The decoration of lots or graves with fencing, edging, wire screens, arbors, trellises, individual artificial flowers anchored in the ground, or any objects of a similar nature is prohibited. No glass or ceramic objects or containers of any kind are permitted in the cemetery.
- B. One (1) shepherd's hook is permitted per grave, provided it is placed within the permitted planting area. Any item hanging on the shepherd's hook shall be securely fastened.

- C. One (1) eternal flame, or one (1) small (12 inches or less in height) solar landscape light, may be placed within the permitted planting area per grave.
- D. No more than two (2) decorative items may be placed within the permitted planting area, provided they are of sufficient weight, or are attached to the monument, so that they will remain securely within the permitted area. No decoration shall obstruct the view of a monument.
- E. Winter decorations – grave blankets, decorative balls and wreaths – are permitted between November 1 and April 1. During this time, tripods are permitted for those decorations not secured directly to the headstone.
- F. Summer decorations – annual flowers in pots, planting urns, saddles – are permitted from April 1 to November 1. Two (2) flower pots or two (2) planting urns, plus one (1) flower saddle, per marker, are permitted.
- G. Settees, benches and chairs are not permitted in the cemetery.
- H. As part of the spring and fall cleanup, cemetery personnel will remove all seasonal decorations, as well as any decorations which have become unsightly in appearance, or a nuisance to the upkeep of the cemetery or to other lot owners. Lot owners who wish to save fall and/or winter decorations shall remove them before April 1. Lot owners who wish to save spring and/or summer decorations shall remove them before November 1. The Village and cemetery personnel shall not be liable for the removal of such decorations.
- I. The Village and cemetery personnel will not be responsible for loss or damage to any article left upon any lot, grave or other part of the cemetery.

**SECTION 10. PROTECTING THE BEAUTY, UPKEEP, AND SAFETY OF THE CEMETERY:**

- A. The Village will make every effort to furnish water for the use of all who wish to maintain flowers, planting urns, etc. This water will be available from various outlets with the cemetery during the appropriate season. The Village and cemetery personnel shall not be responsible for any water-related damage.
- B. No person shall leave any refuse in the cemetery except that which they deposit in the receptacles provided.
- C. *No person shall bring any yard waste or trash into the cemetery for disposal.*
- D. No glass or ceramic objects or containers of any kind are permitted in the cemetery.
- E. No children will be allowed in the cemetery unless accompanied by an adult responsible for their conduct.
- F. No person shall discharge a firearm in or adjacent to the cemetery, except during memorial services at which a firearm is discharged in salute to the deceased.
- G. The speed limit in the cemetery is 10 miles-per-hour on all cemetery drives. Said drives are not permitted for use as a public thoroughfare.
- H. Vehicles shall remain on cemetery drives, except when it is necessary for two (2) vehicles moving in opposite directions to leave an established drive in order to pass by each other. In such an event, the vehicles involved shall only leave the drive the necessary distance for safe passing.
- I. No ATV's or other off-road motorized vehicles are permitted within the cemetery.
- J. No dogs, horses or other domesticated animals are permitted within the cemetery.
- K. The cemetery is officially closed to the public from sunset until sunrise.

## SECTION 11. FOUNDATIONS:

- A. It is the intent of the Village to have foundations installed at least twice yearly.
- B. All foundations will be installed by cemetery personnel.
- C. All orders for the installation of foundations for memorial work must be submitted in writing by the monument dealer or purchaser of the monument. All information necessary to fulfill the foundation order shall be provided.
- D. Foundation orders must be accompanied by payment in full. *Foundation fees are established by the Village Council.*
- E. The width of a foundation shall not exceed the width of the grave or lot on which it is located, minus that space on each side of said foundation desired by the owner to be set aside for placement of permitted decorations. If the width of a foundation is the same width as the grave or lot upon which it is located, no planting or decorations shall be permitted on either side of the foundation.
- F. *Foundations must be four (4) inches longer and four (4) inches wider than the marker.*

## SECTION 12. MEMORIALS:

- A. All monuments, headstones, markers or other permanent memorials above ground or partly above ground must be constructed of first quality granite. All such memorials which are used in memorial work must be guaranteed by the memorial dealer to be of first grade, clear stone at least six (6) inches in thickness, free from sap or anything which will cause rust stains, resistant to cracking or chipping, and executed in first-grade workmanship.
- B. Grave markers made from US Standard Bronze or its equivalent will be allowed.
- C. The Village reserves the right to refuse the permission for the erection of any memorial which on account of size, design, inscription, kind or quality of stone, is in its opinion unsuited to the lot or lots, or the location on which it is to be placed.
- D. No more than one (1) memorial above ground will be allowed per grave. A second monument or veteran's plaque, not mounted to the monument, may be placed at the foot of a grave, provided it is flush with the ground.
- E. Any damage to turf, trees, shrubs, flowers or structures resulting from the delivery or setting of memorial work will be assessed to the person, firm or corporation selling the memorial work.
- F. The Village shall not be responsible for any damage or vandalism to any foundation or memorial located in the cemetery.
- G. If a memorial shall become unsightly, in need of repair or attention, or a menace, the Village will attempt to notify the owner or owners thereof to take such steps as necessary to place the structure in satisfactory condition. If such owner or owners fail to comply with this notice within a reasonable length of time, the Village shall have the right to cause the necessary repairs to be made and the cost thereof shall be charged to the owner or owners.
- H. No memorial may be removed from the lot or lots, or taken from the cemetery, without written notification to the Village.

## SECTION 13. PENALTIES:

Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other

orders and sanctions which may be imposed by the court, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Village of Columbiaville Civil Infraction Ordinance, Ordinance Number 311.

**SECTION 14. SEVERABILITY:**

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 15. EFFECTIVE DATE:**

This Ordinance shall take effect twenty (20) days after the date of adoption. All ordinances or parts of ordinances, or previously adopted rules and regulations related to the cemetery, are hereby repealed.

The undersigned Clerk of the Village of Columbiaville hereby certifies that this Ordinance was duly adopted by the Village Council at a meeting held on the 9<sup>th</sup> day of **July**, 2012.

A handwritten signature in cursive script, reading "Denise Dupack", written over a horizontal line.

Denise Dupack, Village of Columbiaville Clerk



**VILLAGE OF COLUMBIAVILLE**  
**NOTICE OF ORDINANCE ADOPTION**  
**CEMETERY ORDINANCE NO. 640A**

The Columbiaville Village Council has adopted a Cemetery Ordinance which takes effect twenty (20) days after the date of adoption. The following summary of the ordinance is being published pursuant to Public Act 78 of 1989:

- Section 1.     DEFINITIONS. This section defines terms used within the ordinance.
- Section 2.     BURIAL RIGHTS CERTIFICATES. This section establishes the procedure for obtaining Certificates.
- Section 3.     PURCHASE PRICES AND FEES. This section establishes burial and other fees for residents, non-residents and non-taxpayers.
- Section 4.     TRANSFERS OF BURIAL RIGHTS. This section establishes procedures for transfers of burial rights.
- Section 5.     BURIALS/INTERMENT. This section establishes standards for interments within the cemetery.
- Section 6.     PLANTING URNS OR CONTAINERS. This section establishes standards for the placement and maintenance of planting urns in the cemetery.
- Section 7.     PLANTINGS. This section establishes standards for plantings in the cemetery.
- Section 8.     SURFACES OF BURIAL SITES. This section establishes standards for sod and earth materials.
- Section 9.     OTHER DECORATIONS. This section establishes standards for decoration of lots or graves in the cemetery.
- Section 10.    PROTECTING THE BEAUTY, UPKEEP, AND SAFETY OF THE CEMETERY. This section establishes standards for activities within the cemetery.
- Section 11.    FOUNDATIONS. This section establishes standards for installation of foundations.
- Section 12.    MEMORIALS. This section establishes standards for memorials within the cemetery.

Section 13. PENALTIES. This section establishes civil infraction penalties for violations of the ordinance.

Section 14. SEVERABILITY. All sections of the ordinance are severable.

Section 15. EFFECTIVE DATE. The ordinance becomes effective twenty (20) days after the date of adoption.

#### CERTIFICATION OF CLERK

The Clerk of the Village of Columbiaville hereby certifies that Cemetery Ordinance No. 640A was duly adopted by the Village Council at a meeting held on the 9th day of July, 2012 and that this Ordinance summary was published in L.A. View on the 19 day of July, 2012. Copies of the complete Ordinance can be inspected or obtained during regular business hours at the Columbiaville Village Hall, 4605 Pine Street, Columbiaville, Michigan.

Denise Dupack, Village Clerk

Drafted by:  
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