

**VILLAGE OF STOCKBRIDGE
ORDINANCE NO. 2012-005
TO AMEND THE CODE OF ORDINANCES
CHAPTER 10 CEMETERY**

THE VILLAGE OF STOCKBRIDGE ORDAINS:

Chapter 10 Cemetery

Article I. In General

Sec. 10-1. Location.

The burial ground known as the Oaklawn Cemetery is established as the Village Cemetery.

Sec. 10-2. Penalties.

Any person who violates any provision of this chapter shall be guilty of a municipal civil infraction punishable as provided in section 1-6. The fine for the first offense shall not be less than fifty (\$50) dollars, the fine for the second offense shall not be less than two-hundred fifty (\$250) dollars and the fine for the third offense shall be five-hundred (\$500) dollars.

Sec. 10-3. Establishment.

The care, management and preservation of the cemetery and grounds, the tombs and monuments, and the appurtenances, shall be vested in the Village President, Manager and or Superintendent, subject to the direction of the Village Council and the terms of this article.

Sec. 10-4. Superintendent.

The Village President or Manager shall be the cemetery superintendent. The superintendent may delegate the duties and responsibilities assigned in this subsection. The superintendent, subject to the direction and control of the Village Council, shall:

- (1) Supervise all activities on the cemetery grounds;
- (2) Enforce all rules and regulations adopted by the village council as contained herein;
- (3) Make such recommendations as are necessary or expedient for the proper care and maintenance of the cemetery grounds;
- (4) Keep a plat and plat book of the cemetery in which shall be recorded all lots sold and available for sale, the date of payment or the cost of the same;

- (5) Keep a complete and accurate record of the name of any deceased person buried in the cemetery together with the subdivision, lot and section in which all persons are buried, the date of the burial, the name of the funeral director who conducted the burial proceedings, and the person responsible for the payment of all costs and charges assessable against the lot;
- (6) Hold the sole and exclusive right to dig, fill and re-open all graves, the physical work of said activity may be delegated to another employee;
- (7) Aid and assist the public in locating lots and burial spaces, interpreting and applying the terms of this chapter and all rules adopted by the village council, and to take such steps as are necessary for the protection and convenience of funeral participants;
- (8) Sell such lots as may be authorized by the village council under such prices and conditions as are prescribed;
- (9) Collect all sums due for lots, burial permits, annual care and other services rendered by him/her or other employees of the cemetery; and
- (10) Appoint, at his/her discretion, reliable personnel to pour and erect footings for all makers and monuments, and establish prices chargeable on a yearly basis.

Sec. 10-5. Powers.

The Village Council shall make all requisite and necessary rules and bylaws to carry into effect the powers and duties vested in the Village President or Manager under the terms of this chapter. All such bylaws shall be recorded in a book to be kept for that purpose. The Village Clerk shall, under the direction of the Village President or Manager, receive, account for, and invest all money received by the cemetery under section 10-86. The Village Clerk shall keep authorized schedules of all rates and fees as established by resolution of the Village Council.

Secs. 10-51.—10-55. - Reserved.

Article II. Rules and Regulations

Sec. 10-56. Generally.

The rules and regulations in this article shall apply to care and maintenance of the cemetery, the sale of lots, the reopening of graves and all internments and burials.

Sec. 10-57. Sale of burial space.

No burial space shall be sold to any person for speculative purposes. No burial space shall be sold to any person except when such person intends to use such space for the burial of relatives. Prices may be revised from time to time by resolution of the Village Council. All fees received from such sales, whether resident or non-resident, shall be deposited in the cemetery fund of the village and used for the operation, maintenance and perpetual care of the Oaklawn Cemetery in such proportion as the Village Council may determine by resolution.

Sec. 10-58. Ownership.

- (a) No person shall assign or transfer any burial space or part thereof by any means whatsoever, except upon written request to the Village Clerk with consent of the superintendent endorsed. Any person owning burial space and not having used any part or portion, and wishing to give up such rights, may transfer the same to the Village, and will be paid the amount of the original purchase price. Ownership of burial space shall descend as directed by will; in the event there is no such disposition the burial space shall then descend as real estate under the law of descent and distribution of the State of Michigan.
- (b) The owner of any burial space shall not allow any internment to be made for remuneration nor shall a burial space be used for any other purpose than a place for burial of the human dead. All interments in burial space shall be restricted to members of the family and relatives, by blood or marriage, of the owner, unless special permission to the contrary is obtained in writing from the superintendent.

Sec. 10-59. Internment.

- (a) No internment shall take place unless the burial space has been paid for in full and all rules and regulations relative to burial have been complied with. Burial spaces shall be paid for within one (1) year of deposit or at the time of internment, whichever is earlier. The Village shall not be liable for such burial permit, the accuracy of the data contained, or for identity of the person to be interned.
- (b) No grave shall be opened unless the burial space has been paid for in full unless the funeral director assumes the responsibility of payment for such burial space. Funeral directors making arrangements for burials shall be responsible for burial space purchases and all internment charges, if not paid by the owner or his agent.

- (c) Burials will only be made upon the presentation of a written order, signed by the lot owner or heir, and the burial permit signed by the superintendent as required by law. Notice of at least 24 hours in advance of the funeral must be given in order to prepare for the burial. All funerals and internments within the cemetery grounds are under the direction of the superintendent or his designee. The Village will not assume responsibility for orders. All internments will be made by Oaklawn Cemetery employees. Grave openings five feet and more in length will be classed as adult size.
- (d) A burial space for a full burial will be either a 4 ft by 8 ft plot or 4 ft by 10 ft plot depending on the burial site within Oaklawn Cemetery. Cremation burials require a 4 ft by 4 ft burial site with a maximum of two (2) cremation burials on one (1) full plot. One (1) cremation burial is allowed on top of a full burial. Refer to Sec. 10-64 Cremation Rules and Regulations.

Sec. 10-60. Trees, shrubs, monuments, etc.

- (a) If any tree, shrub, monument, or other structure placed upon any burial space shall be determined by the superintendent to be in violation of this chapter, the superintendent shall notify the owner to remove said structure; in the event or failure of the owner to do so shall cause the structure to be removed by the Village.
- (b) All monuments, markers, mausoleums and crypts are to be constructed of recognized durable granite, standard bronze and durable grades of marble. No monument shall be erected without a suitable foundation. The Village will assume no responsibility for damages in case of stone(s) being chipped or marked in the regular course of lot care or for any damage to any container, urn, Sheppard's rod, mounted saddle, grave blanket, tree or shrub. No such structure shall be installed without the approval of the superintendent or designee, who shall designate the location of such monument marker. Owners should not close the purchase of any monument or marker until they have advised the superintendent of the size, style, and material, and have ascertained that the rules permit its erection. The village will not be responsible for the loss to the owner caused by rejection of any monument or marker. Great care should be taken in selecting the designs for monuments and markers. The design should be chosen with reference to its surroundings, consideration being given to the number, size and character of other memorials in proximity to its location. Monuments are to be set along the monumental line only on burial spaces which have monument privileges with a limit of one (1) monument on each burial space or double monument on two (2) burial spaces.
- (c) All flags placed on grave sites must be in good condition and mounted properly on removable poles or receptacles. The village will not assume responsibility for placement, loss, or damage. Flags will be allowed in accordance with Public Law 829 (United States Flag Code). The placement of a small veteran flag is the responsibility of the veteran organization.

Sec. 10-61. Vaults.

Concrete, metal or fiberglass vaults shall be mandatory for all burials requiring a five (5) foot in length or larger opening.

Sec. 10-62. Removal or disinterment.

A burial space, once used, becomes sacred ground and the Village shall refuse to open any grave or disinter any human remain except upon written order of a court of competent jurisdiction.

Sec. 10-63. Other regulations.

- (a) The Village reserves the right to perform all work for the care, maintenance, and operations of all burial spaces.
- (b) Each grave may have one of the following:
 - (1) Container or Urn;
 - i. Concrete, durable rubber or plastic.
 - ii. Cut or silk flowers are permitted, no plastic flowers.
 - iii. Shall not exceed thirty (30) inches in length or eighteen (18) inches in depth.
 - iv. Shall be placed on monumental line.
 - v. Solar lighting in container or urn.
 - (2) One Sheppard's rod per grave site containing a maximum of two hooks;
 - i. No silk or plastic decoration on rod.
 - ii. Shall be placed on monumental line.
 - (3) Mounted saddle;
 - i. Cut or silk flowers are permitted, not to exceed twelve (12) inches in height.
 - (4) Grave blanket;
 - i. Allowed November 1st through March 1st.
 - (5) Tree or shrub;
 - i. Prior approval from superintendent required.
 - ii. Shall not encroach upon an adjoining plot or path.
 - iii. Shall not have thorns.
- (c) The following shall be prohibited with Oaklawn Cemetery:
 - (1) Coping, fencing, bricks, statues, plaques, or decorative stones. Any other means of marking boundaries.
 - (2) Raised mounds or otherwise disturbing of sod.
 - (3) Additional cut flowers following funeral burials over 14 days.

- (4) Picking the flowers, wild or cultivated, the breaking or injuring of any tree, plant or shrub, or in any way, injuring any monument, headstone, vault, ornament, or other structure or property.
 - (5) Lights, benches, balloons, plastic, plastic flowers, wooden tablets, metal wreaths, baskets, tripods, boxes, glass, easels, trellises or miscellaneous objects.
 - (6) Items with wires placed into the ground including crosses, wreaths, or cone shape containers.
 - (7) Firearms except in the case of military funerals.
 - (8) Dogs or domestic animals at any time.
 - (9) Refuse except in provided containers.
- (d) The speed limit on all public roads located in the cemetery shall be 15 miles per hour.
 - (e) No person or persons shall loiter about the cemetery grounds.
 - (f) No privately owned motorized vehicle of any kind shall be permitted on the cemetery grounds except in designated parking areas or rights-of-way unless the same are part of an authorized funeral procession or have obtained permission from the superintendent.
 - (g) The cemetery grounds are declared to be private property and access thereto by the general public restricted. The cemetery is open to the public between sunrise and sunset.

Sec. 10-64. Cremation rules and regulations.

- (a) Cremation grave sites shall be at a minimum four ft by four feet and shall be located only in areas within the cemetery approved by resolution of the Village Council for cremation sites.
- (b) The maximum number of cremation burials per four ft by four ft grave site shall be two.
- (c) There shall be one foundation/monument located on each four ft by four ft or four ft by eight ft cremation grave site. The foundation/monument shall be placed in alignment with other existing foundations/monuments.
- (d) If the first burial in a four ft by eight ft or four ft by ten ft grave site is a vault, then one crematory burial will be allowed in addition on top of the vault.
- (e) If the first burial in a four ft by eight ft or four ft by ten ft grave site is a cremation, then one additional cremation burial is allowed for a maximum of two. In this case, no vault shall be allowed on the site.

Sec. 10-65. - Adopting additional rules.

- (a) The Village Council may adopt additional rules and regulations governing the care and maintenance of the cemetery grounds, internments and burials, the sale(s) of lots and the opening of graves.
- (b) All such rules and regulations shall be adopted at a regular meeting of the Village Council and shall be promptly reduced to writing and forwarded to the Village Clerk. Upon approval, the rules and regulations shall become part of the terms of this chapter by reference and a suitable number of copies of the same shall be made and distributed to all persons requiring or requesting the same.

Sec. 10-66. Conveyances.

All conveyances of cemetery lots shall be executed on behalf of the Village by the Village Clerk and a record maintained in the office at the purchaser's expense.

Secs. 10-67.—10-85. Reserved.**Sec. 10-86. Cemetery fund.**

All monies received for the cemetery and all monies received from the sale of plots, or otherwise there from, shall be paid into the Village treasury and constitute a fund to be denominated the "cemetery fund." Such fund shall not be devoted or applied to any other purpose except the purposes of the cemetery. The Village Clerk and Village President or Manager shall report to the council annually, on the first Monday in March, and more often when the Village Council shall so require, the amount of all monies received and owing to the cemetery fund.

Sec. 10-87. Trust monies.

The Village Council shall have the power to receive in trust monies or property by way of gifts, grants, devises or bequests for cemetery purposes. All monies and property which may be so received shall be held in trust by the Village Clerk, subject to the terms and conditions on which the same may be given, granted, devised, or bequeathed, and the same shall constitute a trust fund.

Sec. 10-88. Perpetual care fund.

In addition to the payment of all established burial lot charges and minimum maintenance fees, all persons desiring to purchase burial space shall pay a one-time fee to be established by resolution of the Village Council, to be credited to a fund designated for perpetual care. The minimum percentage from the sale of burial space to the perpetual care fund shall not be less than 15%. The payment of which shall bind the Village to perpetually care for and maintain the burial lot.

Severability Clause.

If any section, paragraph, sentence or clause of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Publication and Effective Date

This Ordinance shall become effective thirty (30) days after publication.

Adopted: Monday – November 5, 2012

Published: Wednesday – November 14, 2012

Effective: Friday – December 14, 2012

Donald Byrd
Village President

November 5, 2012
Date

Timothy Matthew Sadowski
Timothy Matthew Sadowski
Village Clerk

November 5, 2012
Date

