

## Chapter 10

### **CEMETERIES\***

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\***State law references**—Cemeteries, MCL 67.55 et seq.; 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.

**Sec. 10-1. Village council responsible for regulation.**

The village council shall have and is hereby invested with all the rights and powers provided for and authorized by MCL 67.58 and 67.59. It shall be the duty of the council to see that the village cemetery grounds are kept in good order, free from brush, rubbish, weeds, and other unsightly things, to see that the monuments are properly cared for and where fences are maintained about the cemetery to see that they are kept in good condition. They shall see that the boundary lines of all lots and alleys or driveways are permanently marked, and shall see that no burials or monuments are permitted in the alleys or driveways. In the case or encroachments already made in any of the alleys or driveways, the council shall notify the interested parties, if any are known, to remove such encroachment, and if such encroachment is not removed within 30 days, the council shall cause such encroachment, body or monument to be removed to the lot, if any, where it properly belongs. The expense of such removal shall be charged upon the lot, in which no further burials shall be made until such charges are fully paid or remitted to the council. In case there are no known interested parties, the notice for such removal shall be published in a newspaper of the village at least three consecutive weeks before the council shall cause such removal to be made. The council shall perform such other duties as are provided by MCL 67.59, 67.60 and 67.61.

(Code 1988, § 6.201)

**Sec. 10-2. Securing of additional grounds.**

Whenever it shall become necessary to secure additional cemetery grounds, the village council shall negotiate for such grounds, and when the location and terms of purchase are approved by the village council, the council shall purchase such grounds for the village.

(Code 1988, § 6.202)

**Sec. 10-3. Care of grounds; annual assessment; price of lots.**

(a) All lots heretofore sold which are not provided with perpetual care shall be subject to an annual assessment as currently established or as hereafter adopted by resolution of the village council from time to time on each lot in the village cemetery upon which burial rights have been granted by the village or its predecessors, and upon all lots, if any, which have been deeded or conveyed outright to any person. Said tax shall be paid into the village treasury on or before January 1 of each year and shall be used solely for the care and embellishment of the cemetery. Delinquent assessments shall be cumulated, and no lot shall be opened for the purpose of burial or removal therefrom, or marker or monument set, until the delinquent assessments have been paid. A failure for five years to pay said tax shall forfeit all rights of burial in any lot on which said assessment is levied.

(b) All lots in the village cemetery shall be kept and maintained in good condition, properly seeded and mowed, but not sprinkled.

(c) The price of lots in the village cemetery shall be set by the village council. The council shall take into consideration that the entire purchase price of all lots shall go into the general fund and no part thereof shall be segregated and placed in the existing perpetual care fund.

(Code 1988, § 6.203)

**Sec. 10-4. General fund.**

All sums paid under the provisions of this chapter, with the exception of those paid into the perpetual care fund, shall be paid to the village treasurer, who shall immediately give to the village clerk a statement of receipt therefor. Such sums shall be placed in the general fund.

(Code 1988, § 6.204)

**Sec. 10-5. Perpetual care fund.**

The treasurer shall keep all monies which have been paid for perpetual care in a separate fund known as the perpetual care fund and shall be authorized, but only at the proper resolution of the village council, to invest the same in undoubted first real estate mortgages, United States Bonds, state bonds or municipal bonds, and the income from said investments shall be used in the perpetual care of said cemetery. If the income therefrom is insufficient, the deficit shall be met by the village out of other funds available for that purpose, and any surplus earnings of interest on said fund may be used for the general betterment and ornamenting of the cemetery.

(Code 1988, § 6.205)

**Sec. 10-6. Sexton; duties, responsibilities and compensation.**

(a) *Position established.* The immediate care of the village cemetery shall be taken by a superintendent or sexton, who shall be appointed by the village council and shall hold that position at its pleasure.

(b) *Duties.* It shall be the duty of the sexton to perform the following:

- (1) Carry out the orders of the council in keeping the cemetery grounds neat and in good order.
- (2) Dig or supervise the digging of all graves in the village cemetery. Before digging or permitting the digging of a grave in any lot in the cemetery, the sexton must receive permission from the village treasurer or village clerk.
- (3) See that no grave is dug so as to encroach upon any alley or driveway and that all earth or other matter from the grave is properly cared for and disposed of as he directs.

(c) *Compensation.* Payment of the sexton for his services shall be determined by the village council in accordance with the prevailing wage level.

(Code 1988, § 6.206)

**Sec. 10-7. Monuments, markers and other improvements.**

(a) The erection of all monuments and markers in the cemetery shall be under the supervision of the sexton and village council, both of which shall see that such monuments and markers are kept within the limits of the lots where they belong and that all surplus matter from the setting of such monuments is taken care of and disposed of as they may direct.

(b) Foundations of all markers and monuments shall be constructed of five parts good gravel and one part high quality cement and not more than 50 percent stone, if available. Foundations shall be constructed eight inches longer and wider than the base of the marker or monument to be erected, making a four-inch cement surface or ledge for mower wheel clearance on all sides of the marker or monument after it is erected. Such ledge shall be trowel finished with a slight slope from the base of the stone to the ground level for water drainage. Foundations shall be 24 inches deep for markers and 36 to 48 inches deep for monuments.

(c) All markers and monuments shall be located at the head of the grave in a straight line, if possible.

(d) The following acts are forbidden:

- (1) Building up lots above the general grade level of the cemetery;
  - (2) Covering lots with gravel; and
  - (3) Putting curbs, fences or enclosing shrubbery around lots.
- (Code 1988, § 6.207)