

Cheboygan, Michigan Code of Ordinances
CHAPTER 91: CEMETERIES

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Cross-reference:

Charter Provisions, see Charter Sec. 5.5

§ 91.01 – DEFINITIONS:

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

BURIAL SPACE: A lot or portion of lot in any Cemetery designated and maintained for the interment of a human body or bodies or cremains and for no other purpose.

CEMETERY: Pine Hill Cemetery as heretofore established, and any other public Cemetery owned, managed or controlled by the City.

OWNER: Any person or persons owning or possessing the privilege, license or right of interment in any burial space.

SUPERINTENDENT/SEXTON: The City representative or third party contractor responsible for care and maintenance of cemeteries.

§ 91.02 - PROHIBITED ACTIVITIES AND USES:

(A) It is the intent of the following provisions to provide the best possible Cemetery conditions, upkeep and aesthetics without unnecessarily infringing on public use; to provide for the sanctity of the grounds devoted to the burial of the dead; and to provide for the maximum use of space owned by an individual without infringing on the rights of other individuals or the efficient operation of the Cemetery.

(1) Vehicles: The use of recreational vehicles shall not be allowed in the Cemetery. This includes, but is not limited to, off-road vehicles, three and four-wheeled and other all-terrain vehicles, mopeds, mini-bikes, motor scooters, off-road motorcycles and snowmobiles or any motorized vehicles used in a recreational manner. No person shall operate a motor vehicle in excess of five miles per hour in Pine Hill Cemetery.

(2) Prohibited Activities: Certain recreational activities disruptive or disrespectful in nature to the intended purpose of the Cemetery are not permitted. This includes but is not limited to, rollerblading, skateboarding, skiing, snowshoeing, golfing, flying a kite, jogging, bicycling, or playing in the Cemetery. Further prohibited activities may be established by the City Manager of the City of Cheboygan and made available at the Cemetery and City Hall.

(B) Activities not related to Cemetery use shall be considered a trespass, including those set forth in divisions (A) (1) and (2) above.

(C) No minors, unless accompanied by an adult or with permission of the Superintendent/Sexton, shall be permitted in the Cemetery.

§ 91.03 - LOT PLANTING, DECORATING AND IMPROVEMENTS:

The following provisions are enacted to create and preserve the maximum beauty of the entire Cemetery:

The City Manager of the City of Cheboygan is hereby empowered to establish or modify rules and regulations as appropriate and made available at the Cemetery and City Hall. Such rules and regulations are incorporated herein as if fully set forth.

(A) The City reserves to itself the sole right to plant and maintain all permanent planting within the Cemetery. Lot owners desiring special permanent planting on their lots may make their request to the Cemetery Superintendent/Sexton who may permit such planting to be done at the lot owner's expense. Such planting shall immediately become the property of the cemetery. All plantings so installed shall be subject to the satisfaction and approval of the City Manager. Approved trees and shrubbery planted by a lot owner are the responsibility of the lot holder; such plantings must be maintained so as not to encroach on any other spaces or memorial. If they are overgrown or not otherwise maintained, they are subject to removal at lot owner's expense.

(B) Dead or dying trees, bushes, or other plants shall be removed at the discretion of the Superintendent/Sexton. Artificial flowers must be located within containers approved by the Superintendent/Sexton.

(C) The City reserves the right to remove all floral designs, flowers, trees, shrubs, plants, or herbage of any kind from the Cemetery as soon as, in the judgment of the Cemetery Superintendent/Sexton, they become unsightly, dangerous, detrimental or diseased or when they do not conform to the established standards and rules promulgated by the City Manager without informing lot owners prior to removal.

(D) In the sole discretion of the City Manager, unsightly objects erected or placed upon lots or graves which are objectionable, non-conforming to the established rules or detrimental to Cemetery appearance shall not be permitted. Whenever such objects become unsightly due to weathering, deterioration or become withered, the City reserves the right to remove them without notice to the owner.

(E) Summer Articles: In order for the City to complete Fall and Spring maintenance, all articles placed on lots are to be removed by October 1 of each year and no placement of articles may be made prior to May 1 of each year.

§ 91.04 - MONUMENTS, HEADSTONES AND MARKERS:

(A) No Monument Area(s): The City Council may by resolution set aside an area in which no monuments, other than flush type or headstones shall be permitted. All monuments or headstones shall be set on permanent foundations and shall be of such dimension as to not interfere with adjacent view, crowd a lot or interfere with use of adjacent lots. Markings, designs and shapes shall be in good taste and not objectionable to a person of ordinary sensibilities. All foundation work shall conform to the standards as set by the Superintendent/Sexton as approved by the City Manager and installed by a City approved Vendor.

(B) Monument Setting: Monument retailers and independent stone setters shall set all memorials in conformity with Pine Hill Cemetery requirements and in accordance with trade standards of proper methods of handling and setting with non-staining material. Monuments shall be placed at the head of the grave when at all possible. The City may correct any error that may occur in the placing of a monument, marker or foundation.

(C) Foot Monuments: All foot monuments or markers shall be flush at ground level.

§ 91.05 - INTERMENT AND DISINTERMENT:

(A) Only manufactured cement boxes and vaults of equal or superior construction to the cement boxes, at the discretion of the City Manager, shall be used for interment, except for the burial of cremains. The following exceptions shall be allowed at the discretion of the City Manager and that is when the religion or conviction of the deceased shall prevent the use of said cement box, or where sufficient money is not available from the deceased's estate. In either case, the deceased shall be buried in a designated portion of the Cemetery for such burial types.

(B) Reasonable notice must be given the Superintendent/Sexton and all arrangements must be completed for services to be furnished and payment made prior to a grave opening. All interments, disinterments, grave openings, grave locations and arrangements shall be under the direction of the Superintendent/Sexton.

(C) The City reserves the right of refusal for any disinterments except by order of the next of kin or legal representatives of the deceased or a court of competent jurisdiction. Presentation of a permit from the State Board of Health except for re-interment in any Cemetery operated by the City shall be required prior to disinterment.

(D) No interment shall take place without a burial permit, nor until all laws, ordinances and rules and regulations relative to burials have been complied with. The City shall not be liable for such burial permit or responsible for the accuracy of the data contained therein, or for the identity of the person to be interred. No grave shall be opened unless the grave space has been paid for, with the exception of indigent cases, or unless the funeral director assumes the responsibility of payment for such grave space. Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or his agent.

§ 91.06 - PERPETUAL CARE FUNDS:

(A) The City hereby covenants to maintain lots on which perpetual care has been paid, provided that all lots on which perpetual care has been paid shall be maintained in a like condition.

(B) The existing "Cemetery Perpetual Care Funds of the City of Cheboygan" and all monies hereafter paid for perpetual care shall constitute the "Cemetery Perpetual Care Funds of the City of Cheboygan" and shall be segregated from all other funds of the City, said principal to be held in trust for perpetual care purposes and invested as herein provided; and no part of said trust shall be used except for deposit or investment in bonds of the United States, State of Michigan and any political subdivision thereof, or certificates of deposit of any bank. Provided, however, said money may be loaned to the City on its promissory note or other evidence of debt in which case the City shall pay interest on monies borrowed that is reasonable and just.

(C) All payments for perpetual care shall be paid to the City Treasurer for deposit in the account of "Cemetery Perpetual Care Funds of the City of Cheboygan". The perpetual care funds shall be invested by the City Treasurer in accordance with State law and local regulations.

§ 91.07 - MANDATORY PERPETUAL CARE:

(A) The rates established for sale of lots or fractions thereof shall include perpetual care and no sales or interments shall be made hereafter without providing for perpetual care.

(B) The essential perpetual care that the City agrees to give shall consist of mowing, seeding, filling sunken graves to grade, raking, removal of dead flowers and leaves, and trimming trees and shrubbery when necessary. It shall not include watering, repair or replacement of markers or memorial structures of any nature or maintenance of urns, vases, flowers or receptacles placed upon any lot or grave.

§ 91.08 - FEES AND CHARGES:

The City Council shall by resolution, from time to time upon recommendation of the City Manager, set a schedule of fees, payments and service charges for sale of lots, perpetual care, and services provided. The City Council may by resolution charge non-residents a higher percentage of such fees and services. Such schedule of fees shall be kept on file in the office of the City Clerk/Treasurer.

§ 91.09 – MANAGEMENT:

The care, management, preservation, and control of all public cemeteries and grounds within the City including the improvement thereof, shall be vested in the City Manager under the provisions of the City Charter.

§ 91.10 - DEPARTMENT OF CEMETERIES:

(A) City Council shall appoint the Cemetery Superintendent/Sexton or independent third party contractor. The Superintendent/Sexton or third party contractor shall be responsible for the enforcement of this chapter, the operation and maintenance of the Cemetery and the regulation and removal of all trees or shrubs on all property within the Cemetery.

(B) The City Manager may promulgate rules to further regulate Cemeteries within the City and to supplement the provisions of this chapter which shall be made available at City Hall.

§ 91.11 - FINANCIAL RESPONSIBILITY OF CITY:

The City shall not be liable for any loss or damage caused by an Act of God, common enemy, thieves, vandals, malicious mischief makers, unavoidable accidents, riots or order of any military or civil authority, to any loss of structures or objects thereon, nor flowers or articles removed from any lot or grave, nor for any loss or damage or bodily injuries sustained by any person except as a result of the negligence on the part of the City or its employees. All claims against the City must be made in accordance with the provisions of the City Charter or ordinance relating to the procedure for making claims.

§ 91.99 – PENALTY:

Any person violating any of the provisions of this chapter shall be guilty of a civil infraction.