

VILLAGE OF AUGUSTA CEMETERY ORDINANCE

ORDINANCE NO. 140

ADOPTED: April 23, 1979

EFFECTIVE: June 1, 1979

An Ordinance to enact a new Cemetery Ordinance providing regulations and rules for the operation of any cemetery owned by the Village of Augusta, including penalties for the violation thereof.

VILLAGE OF AUGUSTA
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I.

GENERAL PROVISIONS

a. Rules and Regulations. All rules and regulations concerning the operation, maintenance, burial and management of cemetery funds shall be made by the Board of Cemetery Trustees.

b. The Board of Cemetery Trustees. All rules and regulations not in conflict herewith concerning the operation, maintenance, burial and management of cemetery funds shall be made by the Board of Cemetery Trustees. However, all cemetery funds shall be received, managed, invested and disbursed by the Treasurer only. All disbursements from the cemetery fund are subject to prior approval of the Village Council.

c. Members of the Cemetery Board of Trustees. There shall be four trustees who shall be freeholders and electors within the Village, three of which shall be appointed for three years, except that of the first members appointed, one shall be appointed for one year and one for two years and one for three years. The terms run from the second Monday in April of the year when appointed. The Village Clerk shall serve as the fourth member of the Board of Cemetery Trustees, and shall hold a continuous appointment. The Buildings and Grounds Committee, comprised of three Village trustees, shall be appointed as the Board of Cemetery Trustees.

d. Definition of Burial Spaces.

1. A burial lot shall consist of an area of land within the cemetery sufficient in size to accomodate a given number of indivudual burial spaces, as follows:

a. Section A of the Village cemetery: One burial lot shall consist of 8 burial spaces.

b. Section B of the Village cemetery: One burial lot shall consist of 8 burial spaces.

c. Section C of the Village cemetery:

1) Blocks 1 and 4 of Section C shall be 10 burial spaces per one burial lot.

2) Blocks 2 and 3 of Section C shall be 4 burial spaces per one burial lot.

d. Future sections of the Village cemetery which are unplatted as of the date of the Ordinance shall be 4 burial spaces per one burial lot.

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2. A burial space shall be an area of land 4 feet in width and 10 feet in length. Any existing platted burial spaces within the Village cemetery which vary from this size description shall remain as platted. All burial spaces platted after the date of this Ordinance shall comply with above size description.

d. Termination of Right of Burial. The Board of Cemetery Trustees shall determine, as to a burial lot or space not having therein any burial for a period of 70 years after the effective date of this Ordinance or after sale of said right of burial if sold after the effective date of this Ordinance, that the right of burial within said lot is vacated; provided, that said clerk of the Board of Cemetery Trustees has forwarded notification of such vacating to the last known address of the holder of the burial lot or space, as determined by the Board of Cemetery Trustees. If said holder of the burial lot or space acknowledges desire to retain said lot or space, a certificate shall be issued so indicating a right of burial in said lot or space; otherwise, said Board of Cemetery trustees shall terminate the interest of the holder in the lot or space and the use of the lot or space shall revert to the Village.

e. Records. All records concerning burials, holder of burial lots or spaces and management of cemetery funds shall be maintained in a separate record by the Clerk of the Board of Cemetery Trustees and shall be open to inspection.

SECTION II.

COST OF BURIAL SPACES

The price of a burial space shall be determined by Resolution of the Board of Cemetery Trustees hereafter and the price may be altered or amended hereafter also by Resolution of the Board of Cemetery Trustees. Upon payment of fees for burial spaces as indicated herein, a certificate shall be issued by the Clerk of the Board of Cemetery Trustees granting to the holder of said certificate the right of burial spaces as so stated on the certificate. The Board of Cemetery Trustees shall retain the legal title to said lands within the cemetery of said Village and shall grant by said certificate only the right of burial.

SECTION III.

REGULATIONS FOR BURIAL SPACES.

A. Sale of Burial Spaces. Burial spaces shall be sold to the residents, property owners of the Village of Augusta, as well as employees of the Village during the term of their employment. Burial spaces shall not be sold to non-residents or non-property owners of the Village without prior approval of the Board of Cemetery Trustees. One family shall be entitled to purchase a burial spaces without the consent of the Board of Cemetery Trustees and then only when additional spaces are required due to the size of the family or for other exceptional circumstances.

b. Assignment of Burial Lots. The certificate or certificates of right of burial covering a cemetery space or lots may, with prior approval of the Board of Cemetery Trustees, be assigned; however, the certificates

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may be sold to the Village at the same prices as was paid originally by the holder of the certificate, if approved by the Board of Cemetery Trustees.

c. Persons Who May Be Buried. The holder(s) of a burial lot may authorize the burial of any person regardless of whether such person is a resident of the Village or a property owner in the Village.

SECTION IV.

GRAVE OPENING AND INTERMENT SERVICE CHARGES.

The cost of opening and closing graves and the cost of interment shall be determined hereafter by Resolution of the Board of Cemetery Trustees and may be further amended hereafter also by Resolution of the Board of Cemetery Trustees.

SECTION V.

MARKERS AND MEMORIALS.

All markers or memorials must be of approved durable composition. Suitable solid foundations must be provided for markers or memorials having not less than 6 inches thick concrete base. All costs in the repair of a marker or memorial shall be paid by the holder of said burial lot or space. All monuments or markers must conform to the general plan of the cemetery and said Board of Cemetery Trustees shall be final determination as to the monument or marker being in conformance. If any monument or marker falls into disrepair, the same may be removed by the Board of Cemetery Trustees after having given 30 days written notice to the holder of said burial lot, at the address given at the time of purchase or of any new address subsequently furnished to the Board of Cemetery Trustees. Only one monument, marker or memorial, shall be permitted per burial space.

After the effective date of this Ordinance, all markers and memorials placed on spaces in currently unused sections of the cemetery shall not protrude above ground level.

The cost of placing foundations for the support of markers and memorials shall be determined hereafter by resolution of the Board of Cemetery Trustees, and may be further amended hereafter also by resolution of the Board of Cemetery Trustees.

SECTION VI.

INTERMENT REGULATIONS.

- a. Only one body may be buried in a grave, except in the case of mother and infant or two children buried at the same time.
- b. 48 hour notice shall be given in advance before the time of the funeral to allow the grave to be opened.
- c. The conduct of the funeral shall be governed by the rules of the Board of Cemetery Trustees.
- d. The burial permit must be presented to the Clerk of the Board of Cemetery Trustees on the date of interment.
- e. All the graves shall be so located as to present a neat and orderly appearance as set forth in the rules and regulation of the Board of Cemetery Trustees.
- f. An area may be set aside in the cemetery, at the discretion of the

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Board of Cemetery Trustees, for the burial of infants.

SECTION VII.

REGULATIONS PERTAINING TO GROUND MAINTENANCE.

- a. No grading, leveling or excavating shall take place without the supervision and permission of the Board of Cemetery Trustees.
- b. All planting of flower, shrubs or trees shall be done with the permission of the Board of Cemetery Trustees who shall be the final determining authority. All artificial flowers must be placed in containers.
- c. The Board of Cemetery Trustees reserves the right to remove or trim any tree, plant, shrub or flowers in the interest of maintaining proper appearance in said cemetery.
- d. Mounds and fences which hinder the free use of lawnmower or other equipment used for the removal of grass are prohibited.
- e. Surfaces other than sod are prohibited.
- f. Refuse such as dried flowers, wreaths and papers must be deposited in furnished containers.

SECTION VIII.

CEMETERY HOURS.

The cemetery of the Village of Augusta shall be open to the general public from the hours of 8:00 o'clock a.m. to sunset of each and every day. No person shall be permitted in said cemetery except by permission of the Board of Cemetery Trustees at other hours than herein specified.

SECTION IX.

PERPETUAL CARE.

The Village of Augusta shall give perpetual care and maintenance to lots and burial spaces which were heretofor qualified and entitled to perpetual care as shown by the books and records of the Village of Augusta pertaining to cemeteries under Act 81 of the Public Acts of 1903 of the State of Michigan.

The fee for perpetual care of lots and burial spaces is included in the cost of lots and burial spaces set forth by the Board of Cemetery Trustees as defined in Section II.

SECTION X.

PENALTIES FOR VIOLATION.

Any person, firm or corporation who violates any of the provisions of the Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or by imprisonment in the County Jail not to exceed 90 days, or by both such fine and imprisonment.

SECTION XI.

EMERGENCY MATTER AND INTERPRETATION.

The Board of Cemetery Trustees shall have the power and authority to interpret provisions of this Ordinance and shall have the authority to act upon the emergency matters concerning the Village cemetery which

are not specifically covered in this Ordinance.

SECTION XII.

INVALID PROVISIONS.

The provisions of this Ordinance are severable and should any section, paragraph, sentence or word be held to be invalid by any court of competent jurisdiction, the remaining terms of this Ordinance shall not be affected thereby.

SECTION XIII.

REPEAL OF PRIOR ORDINANCES.

Village Ordinances No. 57, No. 70, and No. 134 are hereby repealed.

SECTION XIV.

EFFECTIVE DATE: June 1, 1979

CERTIFICATE

I, ELEANOR W. BAXTER, Clerk of the Village of Augusta, hereby certify that Ordinance No. 140 was offered by Angell supported by Bauserman and voting on said Ordinance were the following: Bauserman, Curtis, and Heath. I further certify that I did post notice of said Ordinance at the following public places within the Village: Village Hall, U.S. Post Office, and Baxter's Augusta Pharmacy.

Eleanor W. Baxter

Eleanor W. Baxter, Clerk
Village of Augusta