

VILLAGE OF AUGUSTA ORDINANCE NO. 183

An ordinance to enact a new cemetery ordinance providing rules and regulations for the operation of any cemetery owned by the Village of Augusta including penalties for the violation of such.

THE VILLAGE OF AUGUSTA KALAMAZOO COUNTY, MICHIGAN, ORDAINS:

SECTION I TITLE

This ordinance shall be known and may be cited as the Village of Augusta Cemetery Ordinance.

SECTION II 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 cemetery committee.
- B. Cemetery Committee.** The cemetery committee shall make all rules and regulations not in conflict herewith concerning the operation, maintenance, burial and management of cemetery funds. However, all cemetery funds shall be received, managed, invested and disbursed by the Village Office Manager. All disbursements from the cemetery funds are subject to prior approval of the Village Council.
- C. Members of the Cemetery Committee.** The cemetery committee will be comprised of three (3) Village Trustees, who shall be appointed by the Village President.
- D. Definition of Burial Lots and Spaces.**
 - 1. A burial lot shall consist of an area of land within the cemetery, sufficient in size to accommodate a given number of individual 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 space per one burial lot.
 - d. Future sections of the Village Cemetery, which are unplatted as of the date of this Ordinance, shall be 4 burial spaces per one burial lot.
 - 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 the above size description.

- E. Termination of Right of Burial.** The cemetery committee shall determine, as to a burial lot or space not having therein any burial for a period of 70 years after the sale of said right of burial, that the right of burial within said lot is vacated; provided, the Village has forwarded notification of such vacating to the last known address of the holder of the burial lot or space, as determined by the cemetery committee. If said holder of the burial lot or space acknowledges desire to retain said lot or space, a new certificate shall be issued so indicating a right of burial in said lot or space; otherwise, the cemetery committee 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.
- F. 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 Village Clerk and shall be open to inspection.

SECTION III COST OF BURIAL SPACES

The cost of a burial space shall hereafter be determined by the cemetery committee and set by the Village Council. The price may be altered or amended at any time. Upon payment of fees for burial spaces as indicated herein, a certificate will be issued by the Village Clerk granting the holder of said certificate the right of burial in the spaces as so stated on the certificate. The Village 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 IV REGULATIONS FOR BURIAL SPACES

- A. Sale of Burial Spaces.** Burial spaces shall be sold to the residents or property owners in 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 the prior approval of the cemetery committee.
- B. Assignment of Burial Lots.** Burial rights may be transferred, and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Village Clerk, approved by the cemetery committee and entered upon the official records. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. Burial rights may be sold back to the Village at the same price originally paid by the holder of the certificate, if approved by the Village Council.
- C. Persons Who may be Buried.** The holder(s) of a right of burial may authorize the burial of any persons, regardless of whether such person is a resident or property owner of the Village.

SECTION V GRAVE OPENING AND INTERMENT CHARGES

The cost of opening and closing graves and the cost of interment shall hereafter be determined by the cemetery committee and set by the Village Council. The prices may be altered or amended at any time by the cemetery committee.

SECTION VI
MARKERS AND FOUNDATIONS

- A. All markers must be of approved durable composition with a foundation no less than 6" thick of concrete. A 2" collar is required on all foundations. All costs shall be paid by the holder of the burial space.
- B. All costs for the repair of a marker shall be paid by the holder of the burial space, unless caused by extenuating circumstances determined by the cemetery committee.
- C. All markers must conform to the general plan of the cemetery and the cemetery committee shall make final determination as to the marker being in conformance.
- D. If any marker falls into disrepair, the same may be removed by the Village after having given 30 days written notice to the holder of said burial space, at the address given at the time of purchase or any new address subsequently furnished to the Village Clerk.
- E. Only one marker per burial space is permitted.
- F. The cost of placing foundations for the support of the markers shall be determined by the cemetery committee and set by the Village Council. The prices may be altered or amended at any time.

SECTION VII
INTERMENT REGULATIONS

- A. Only one body may be buried in a grave except in the case of mother and infant, or in the case of two children buried at the same time, or not more than two cremains, except for a columbarium headstone marker which may contain up to 12 cremains. One cremains may be buried on a grave with a body.
- B. 48 hours advance notice must be given before a burial to allow time for the grave to be opened.
- C. The conduct of the funeral shall be governed by the rules of the cemetery committee.
- D. The burial permit must be presented to the Village Clerk on the date of interment.
- E. All graves shall be so located as to present a neat and orderly appearance as set forth in the rules and regulations of the cemetery committee.
- F. An area may be set aside in the cemetery, at the discretion of the Village Council, for the burial of infants.

SECTION VIII
REGULATIONS PERTAINING TO GROUND MAINTENANCE

- A. No grading, leveling, excavating or erecting structures of any kind shall take place without the supervision and permission of the cemetery committee.
- B. Ground plantings of any kind (trees, shrubs, bushes etc.) are prohibited.
- C. All flowers, including artificial, must be placed in disposable containers.
- D. The Village reserves the right to remove any flower containers that become unsightly or detrimental to the cemetery.
- E. The Village reserves the right to remove or trim any tree, plant, shrub or flowers that were planted prior to the effective date of this ordinance in the interest of maintaining the proper appearance and maintenance costs in said cemetery. The Village reserves the right to remove any and all markers, monuments, memorials or any ornamental decoration that is not allowed or interferes with the perpetual care of said cemetery.

SECTION IX
CEMETERY HOURS

The cemetery of the Village of Augusta shall be open to the general public from the hours of 8:00 a.m. to sunset of each and every day. No person shall be permitted in said cemetery after hours except by permission of the cemetery committee.

SECTIONX
PERPETUAL CARE

The Village of Augusta shall give perpetual care and maintenance to lots and burial spaces which were heretofore qualified and entitled to perpetual care as shown by 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 costs of lots and burial spaces set forth by the Village Council so defined in section III. Perpetual care is limited to mowing, trimming and leaf removal in cemetery only.

SECTION XI
PENALTIES FOR VIOLATION

Any persons, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a Civil Infraction punishable by a fine not to exceed \$500.00 (five hundred dollars).

SECTION XII
EMERGENCY MATTER AND INTERPRETATION

The cemetery committee 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 XIII
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 XIV
REPEAL OF PRIOR ORDINANCE

Village ordinance #167 is hereby repealed. All other ordinances or parts of ordinances in conflict herewith are hereby replaced.

SECTION XV
EFFECTIVE DATE

This Ordinance shall take effect upon the date of its publication, which shall be within 15 days after its adoption.

Bruce Bournay,
President Pro-Tem

Julie Glenn,
Village Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the Village of Augusta at a meeting held on Tuesday August 13, 2002, and that said meeting was conducted and Public Notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, and was published as required by law.

I further certify that a Notice of Adoption of the foregoing Ordinance was published in the Kalamazoo Gazette Hometown, a newspaper of general circulation in the Village, within fifteen (15) days of the adoption of the Ordinance.

Julie Glenn,
Village Clerk