

LAKEVIEW CEMETERY BOARD ORDINANCE
VILLAGE OF NASHVILLE, MICHIGAN
ORDINANCE 10-25-07
As amended 5-27-2010

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of the Lakeview Cemetery owned by the Village of Nashville, Barry County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE VILLAGE OF NASHVILLE ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Lakeview Cemetery Ordinance.

Section 2: Definitions

- A. **Block** – A division of land as shown on the cemetery plat which is determined by existing roadways and structures.
- B. **Lot** – Numbered divisions as shown on the cemetery plat which consists of two or more plots (graves)
- C. **Plot** – A normal burial space shall consist of a land area at least four (4) feet wide and ten (10) feet in length to accommodate one adult interment. Exceptions may be made with Village permission to accommodate infant burial or burial of cremains.
- D. **Memorial Garden Plot** – A Memorial Garden burial space shall consist of a land area of 30” wide by 36” in length to accommodate a cremation interment.
- E. **Interment** – The permanent disposition of the remains of a deceased person by burial.
- F. **Memorial Marker** – Shall include a tombstone or memorial marker of granite or marble which shall extend above the surface of the ground.
- G. **Lot Marker** – Refers to any means used by the cemetery to locate corners of the lot or plot.
- H. **Adult Burial** – Shall be any burial involving a burial box greater than four feet in length.
- I. **Child Burial** – Shall be any burial box less than four feet in length.
- J. **Cremains** – Shall be the burial of the ashes of a cremated body.
- K. **Perpetual Care** – Shall consist of mowing, seeding, trimming trees and shrubbery, removal of dead flowers and general upkeep of the lot.
- L. **Cemetery Record and Deed Authority** – Village of Nashville Clerk
- M. **Sexton** – Burial Authority determined by the Village of Nashville council.
- N. **Mourning Period** – Shall be 60 days following the interment. This period shall allow for placement of flowers and other articles on the grave site. At the end of the mourning period, the family should remove the items on the grave that they wish to keep and the village will discard any remaining items.
- O. **Resident** – Shall be defined as a person who resided continuously within the village limits for at least one year prior to the purchase.

Section 3: Definitions of cemetery lots

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

- B. An adult burial space shall consist of an area of land four (4) feet wide and ten (10) feet in length and be at least fifty (50) inches deep.
- C. An infant or stillborn burial space shall consist of an area of land three (3) feet wide and three and one half (3 ½) feet in length in areas set aside specifically for such burials. It shall be at least four (4) feet deep.
- D. A cremains burial space (Memorial Gardens) shall consist of an area of land 30 inches wide by 36 inches in length.

Section 4: Sale of lots or burial spaces

- A. Cemetery lots or burial spaces shall be sold for the purpose of the burial of such purchaser or his or her relations. No sale shall be made to funeral directors or other third parties, except those acting as an agent for an eligible purchaser.
- B. All such sales shall be made on a form approved by the Cemetery Board, which grants a right of burial only and does not convey any interest or title to the lot or burial space sold. Such forms shall be executed by the cemetery Sexton or Village Clerk and constitute a permit when approved.
- C. The Village Clerk may sell cemetery lots (burial spaces) to any resident of the Village of Nashville. The Village Clerk is hereby granted the authority to vary the previously mentioned restriction on sales where the purchaser discloses sufficient personal reason for burial within the Village through previous residence in the Village or relationship to persons interred in the Lakeview Cemetery.
- D. At the time of purchase from the Village, each burial space shall be assigned the name of the person who shall be interred in that burial space upon death. Multiple spaces purchases for family members are to be assigned. Burial rights may only be transferred to those persons in the family of the original purchaser and may be affected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the cemetery sexton or the Village Clerk, and entered upon the official records. Upon such assignment, approval and record, the cemetery sexton/Village Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned. This paragraph may be modified due to extenuating circumstances.

Section 5: Purchase price and transfer fees

- A. Each burial space cost shall be determined by a fee structure established by the Lakeview Cemetery Board.
- B. Charges for burial spaces shall be payable to the Village of Nashville
- C. Any transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost the sum to be determined by the Lakeview Cemetery Board.
- D. The lawful owner of any cemetery burial space within the Lakeview Cemetery shall promptly provide the Village with any change in that owner's mailing address.
- E. The Lakeview Cemetery Board by resolution may periodically alter the foregoing fees to accommodate increased costs and needed reserve fund for cemetery maintenance and acquisition.
- F. For those individuals who are unable to pay for a gravesite and burial due to indigence, application may be made to the Family Independence Agency, or the legal state agency, who will forward payment to the Village.
- G. All arrangements for burials shall be made at the Village of Nashville office located at 203 N Main St. Nashville, either by funeral director or by representative of the immediate family of the deceased. Burial fees and charges must be paid within 30 days of interment.

Section 6: Grave opening charges

- A. The Village may charge reasonable fees for opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Lakeview Cemetery Board, payable to the Village of Nashville.
- B. Winter burials may have added charges depending upon the weather.
- C. No burial space shall be opened or closed except under the direction and control of the cemetery sexton or such other individual as is designated by the Lakeview Cemetery Board. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, where such matters are under the supervision of the local health department or court competent jurisdiction.

Section 7: Markers or memorials

- A. All markers or memorials must be of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
- B. Except for monuments which existed in the Lakeview Cemetery before the effective date of this ordinance, no monument will be allowed or erected in the cemetery. For purposes of this Ordinance, "monument" shall be defined as any marker, memorial, statue or similar item which exceeds forty-eight (48") inches in height above normal ground level or which has a ground surface area exceeding five (5') square feet.
- C. Only one marker or memorial shall be permitted per burial space, or one marker or memorial in total where two adjoining burial spaces share that one marker or memorial. Markers shall not exceed forty-six (46") inches in width or sixty (60") inches in width for a double marker, with an overall height of no more than forty-eight (48") inches above ground level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12") inches by twenty-four (24") inches in size in the Memorial Gardens.
- D. More than one name can be on markers. Names can be on one side or both sides of markers.
- E. The footing or foundations upon which any marker or memorial must be placed shall be constructed by the cemetery sexton and paid for by the family involved at their expense. Fee structure to be established by the Lakeview Cemetery Board.
- F. Foundation is to be thirty (30") in depth, with a width 2" larger than the marker on each side for a regular marker in the general cemetery area and thirty (30") in depth, with a width 1" larger than the marker on each side for a cremation marker within the Memorial Gardens area.
- G. Should any monument or memorial (or monument which was in place before this ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Lakeview Cemetery Board shall have the right, at the expense of the owner, to correct the condition or remove the same. The village shall make reasonable attempts to contact the owner prior to any such work beginning.
- H. Enclosures (fences, concrete borders, edging or similar borders) around any lot or group of lots are prohibited.

Section 8: Internment regulations

- A. The village shall be given not less than 36 hours prior notice in advance of any funeral to allow for the opening of the burial space. The opening and closing of burial spaces shall be done only by the village or such person or persons as are designated by the village.

- B. The appropriate permit from the village for the burial space involved, together with appropriate identification of the person to be buried therein, shall be presented to either the cemetery sexton or the Village Clerk before interment. Where such permit has been lost or destroyed, the Village Clerk shall be satisfied, from his/her records, that the deceased person to be buried in the burial space is an authorized and appropriate person for that space before any interment is commenced or completed.
- C. The surface of all graves shall be kept in an orderly and neat appearing manner within the confines of the burial space involved.
- D. Only human remains to be interred.
- E. The burial of two or more persons in a single grave is prohibited except for a parent and baby, if buried at the same time, or in the case of infant burials, or in the case of cremains. Orders from the funeral directors will be accepted by the Sexton or Village Clerk as orders from the owners. Cremain names can be on backside of marker or flush marker.
- F. A maximum of two (2) cremains shall be allowed to be placed in one grave unless permission is otherwise granted by either the cemetery sexton or the Village Clerk. Orders from the funeral directors will be accepted by the Sexton or Village clerk as orders from the owners.
- G. A maximum of one (1) cremain shall be allowed to be place in each space located in the Memorial Gardens.

Section 9: Ground maintenance

- A. Urns may be placed and maintained at the head stones of graves. All urns must have a foundation of some type. It can be either a poured foundation or a simple patio block. The foundation for an urn must be places as close as possible to the headstone foundation so as to leave little or no space between the two foundations. Decorations will be permitted for Holidays. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and regulations.
- B. No grading, leveling, or excavating within the cemetery shall be allowed without permission of the sexton.
- C. No flowers, shrubs, trees, or vegetation of any type shall be planted outside of an urn. Any of the forgoing items planted without village approval will be removed by the village or sexton.
- D. Decorations allowed on burial sites must be placed on headstones, on the foundation or in urns. This includes but is not limited to ornamental, solar powered, silk flowers with wire stuck in the ground, wind chimes, or other like kind decorations.
- E. The Lakeview Cemetery Board reserves the right to remove or trim any existing trees, plants or shrubs located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- F. Mounds, which hinder the free use of the lawn mower or other gardening apparatus, are prohibited.
- G. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers which through decay, deterioration, damage or otherwise become unsightly, a source of litter or other maintenance problem.
- H. Neither the purchase price nor the perpetual care agreement contemplates the repair or replacement of any monument, urn or memorial marker.
- I. No person shall remove any object belonging to others from any place in the cemetery or make any excavation without the consent of the sexton.
- J. Surfaces other than earth or sod are prohibited.

- K. Urns, vases and other containers that appear to be abandoned or unused after a reasonable length of time will be disposed of at the discretion of the sexton.
- L. Herbicides may be used at the discretion of sexton.
- M. The Lakeview Cemetery Board is authorized to approve perennial plantings for the cemetery non grave sites. The Lakeview Cemetery Board has the authority to have plantings of any kind removed.
- N. Tapping of the trees in the Lakeview Cemetery for the purpose of obtaining sap to make Maple Syrup is not allowed for any reason.

Section 10: Forfeiture of vacant cemetery lots or burial spaces

For all burial spaces sold after the effective date of the adoption of the original Cemetery Ordinance, (July 31, 2003) burial rights permits are valid for 40 years after being issued. At the time of expiration, notice shall be sent by the Village Clerk by first class mail to the last know address of the owner of record notifying them of the expiration. All rights with respect to said burial rights and related permits will be forfeited if the owner does not notify the village in writing within 60 days from the date of mailing that they desire to retain said rights.

Section 11: Repurchase of lots or burial spaces

The Lakeview Cemetery Board will repurchase any cemetery lots or burial space from the owner for the original price paid the Cemetery Board upon written request of said owner or his legal heirs or representatives.

Section 12: Records

- A. The Village Clerk shall supervise the maintenance of records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Village and the same shall be open to public inspection at all reasonable business hours.
- B. The sexton will maintain cemetery maps.

Section 13: Vault

- A. All burials shall be within a standard concrete vault, which meets all applicable laws, installed or constructed in each burial space before interment. Vaults of other suitable materials may be allowed at the discretion of the sexton if allowed by law
- B. Cremains shall be in a container approved by the sexton.

Section 14: Cemetery hours

The cemetery shall be open to the general public from sunrise to sunset each day. No person shall be permitted in the cemetery at any time other than the foregoing hours, except with the written permission of Lakeview Cemetery Board or sexton.

Section 15: Prohibited Acts

- A. No person shall destroy, deface, apply graffiti to or otherwise injure any monument/markers /memorials, sign, tree or other lawful item located within the Lakeview Cemetery.
- B. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully located on the grounds of the Lakeview Cemetery including funeral services.
- C. No vehicles shall be permitted to drive on lawns or lots in the Lakeview Cemetery.

Section 16: Chapel Use

- A. All arrangements for use of the Chapel shall be made at the Village of Nashville office located at 203 N Main St. Nashville, either by funeral director or by representative of the immediate family of the deceased.
- B. The village shall be given not less than 36 hours prior notice in advance of any funeral that is planned for the Chapel to allow for the opening of the Chapel. The opening and closing of Chapel shall be done only by the village or such person or persons as are designated by the village.
- C. The village does not charge for the use of the Chapel but will accept free will donations.

Section 17: Applicability of this Ordinance

- A. This Ordinance shall apply only to cemeteries owned, controlled or operated by the Village.
- B. The provisions of this Ordinance shall not apply to Village officials or their agents or designees involved with the upgrading, maintenance, administration or care of the cemetery.
- C. Parking during a funeral will be allowed in designated areas as approved by the sexton.

Section 18: Penalties

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$250 for a first violation, \$400 for a second violation, and \$500 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500. The Village President, Village Clerk, any village police officer, members of the Cemetery Board, and Cemetery Sexton shall all be deemed authorized local officials, authorized to issue municipal civil infraction citation for violations of this ordinance.

Section 19: Severability

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 20: Effective Date

This Ordinance shall become effective within 21 days from the date of its passing. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance was adopted on October 25, 2007.

Frank Dunham, Village President

Cathy Lentz, Village Clerk

CERTIFICATION

I, Cathy Lentz, hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Village Council of the Village of Nashville held on 10-25-07, held pursuant to the required statutory procedures and notice.

Cathy Lentz, Village Clerk

Adopted 10-25-07
Effective 11-14-07