

CHAPTER 1066

Cemeteries

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CROSS REFERENCES

Municipal cemeteries - see Mich. Const. Art. 7 Sec. 123; MCL Secs. 128.1 et seq.
 Authority of City re cemeteries - see CHTR. Ch. XIII; MCL Sec. 117.4f
 Cemetery Care Funds - see CHTR. Sec. 130
 Vacation of cemeteries - see MCL Secs. 128.51 et seq.

1066.01 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

- (a) "Burial Certificate" means a document issued by the City confirming burial rights or the right to place human remains. All Cemetery Deeds previously issued by the City are hereby deemed to be burial certificates.
- (b) "Cemetery" means any place in the City devoted to burial of persons.
- (c) "City Cemetery" means Oakwood Cemetery, including those parts known as the Jewish and Catholic sections.
- (d) "Plot" means that land or space allocated for placement of human remains and for which burial rights have been allocated or are available for transfer.

1066.02 GENERAL REGULATIONS.

- (a) Access. No person shall be in the City Cemetery or enter or leave other than by the established and open entrances or gateways established by the City, and during hours allowed by Cemetery rules.
- (b) Alcohol. No person shall carry or consume any alcoholic beverage in a cemetery.
- (c) Animals. No person shall allow any domestic animal to be upon or to run at large in a cemetery, except guide dogs accompanying the visually impaired.
- (d) Firearms. No person shall carry any firearm in a Cemetery except an escort accompanying a veteran's funeral or memorial services or upon written permission from the Police Chief or his or her designee.
- (e) Hours. No person shall be in the City Cemetery after sunset and before sunrise or except during the hours set by the Cemetery rules.
- (f) Lawns. Persons shall use designated roads and pathways in a cemetery. No person shall walk, ride or drive upon or across a cemetery plot or cemetery lawn except for walking necessary to gain access to a cemetery plot.
- (g) Littering. No person shall litter in a cemetery.
- (h) Plant Destruction. No person shall pluck any flowers or break any trees, shrubs, or plants

in the City Cemetery. This section shall not prohibit an owner from trimming shrubs and trees or removing plants on his or her own plot in those sections of the cemetery where the landscaping features are the responsibility of the owner.

- (i) Property Destruction. No person shall deface, mar, write upon or otherwise injure any monument, design, decoration or other property in a cemetery.
- (j) Signs. No person shall advertise or post signs within the City Cemetery.
- (k) Vehicles. No person shall operate a motor vehicle in a Cemetery unless upon cemetery business. No person shall use any cemetery for the purpose of demonstrating any vehicle or instructing another or learning to drive a vehicle. No person shall tow another vehicle within any cemetery except in the case of a breakdown in the cemetery. Vehicles shall not be operated at a speed greater than 15 miles per hour. The City Manager may prohibit and restrict the use of vehicles within the City Cemetery.
- (l) Vehicle Parking. No person shall park or leave a vehicle on any road in the City Cemetery in such a manner as to prevent any other vehicle from passing.

1066.03 ADMINISTRATIVE RULES.

In addition to the regulations contained in this Chapter, the City Manager, by written executive order, may promulgate Cemetery Rules concerning the City Cemetery. Such rules shall be made a part of the Administrative Code. No person shall violate any rule or regulation promulgated by the City Manager concerning the City Cemetery.

1066.04 MONUMENTS, MARKERS AND IMPROVEMENTS

- (a) Approval of City Manager. No curb, decoration, embellishment or improvement of any sort shall be placed upon any burial plot, no alteration of the surface of the ground shall be made and no labor shall be done in the City Cemetery except as permitted by Cemetery Rules. However, any aggrieved person, upon showing unusual circumstances, may request a waiver or change in a Cemetery Rule from the City Manager.
- (b) Permit. No person shall erect, clean or repair a mausoleum, monument or memorial in the City Cemetery without first obtaining a permit from the City Manager. Persons requesting such permit may be required to furnish satisfactory evidence of their ability to properly perform the work proposed and furnish proof of liability and worker's compensation insurance.
- (c) Design Review. Monuments, markers, crypts, niches, nameplates and other improvements on the grounds of the City Cemetery shall comply with Cemetery rules and shall not be offensive according to community standards as determined by the City Manager.
- (d) Removal of Improper Objects. If any monument or other structure, or any inscription thereon, is placed in or upon any burial plot in the City Cemetery which is determined by the City Manager to be offensive or if it does not comply with these regulations or Cemetery Rules, it shall be removed by the owner immediately. If the owner fails to remove it upon notice to do so from the City Manager, or if the owner cannot be found, the City may enter upon the premises and remove it at the owner's expense.
- (e) Removal of Trees, Shrubs and Plants. Within the City Cemetery if trees, shrubs, flowers, weeds or plants of any kind on any plot shall, by means of their roots, branches or otherwise, become detrimental to the adjacent grounds or unsightly, dangerous, detrimental, diseased, or an obstacle to the public or cemetery personnel, the City may

enter upon the premises and remove the plant or any part thereof.

- (f) Flowers and Decorations. Only such flowers and decorations as allowed by Cemetery Rules shall be permitted in the City Cemetery.

1066.05 BURIALS, INTERMENTS AND DISINTERMENTS.

- (a) Only personnel authorized by the City Manager shall bury, remove or disinter the body or remains of any person in the City Cemetery, with the following exceptions:
1. When directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Sexton, all fees paid and prior notice given.
 2. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Sexton his or her signed authorization to release the body to the coroner or the coroner's lawful agents.
- (b) A burial transit permit from the Department of Public Health shall be required and provided for all burials including cremains arriving at the City Cemetery.
- (c) No holder of burial rights to a cemetery plot in the City Cemetery shall allow any interment to be made therein for remuneration.
- (d) No burials shall be allowed in the City Cemetery for other than human remains.
- (e) No person shall scatter cremains anywhere in the City Cemetery except in a cremation garden set aside by the City for that purpose and with written authorization from the City Sexton.
- (f) All burials in the City Cemetery shall be in reinforced concrete vaults or equivalent material approved by the City Sexton.
- (g) All buried cremations in the City Cemetery shall be in a reinforced, durable material approved by the City Sexton or as otherwise approved by the City Sexton.
- (h) Except as may be herein permitted, no burial shall be made in the City Cemetery on a Sunday, New Years Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day. The City Manager may grant special permission for a burial on any prohibited day if necessary to protect the public health and safety, and if the City Manager certified in writing the cause for which such burial was made necessary. When a Sunday or legal holiday fall on consecutive days, the prohibition of burial on the legal holiday may be suspended if the City Manager considers it warranted by an emergency. No disinterment shall take place from December 1 to April 1 except under court order or permission of the City Manager.
- (i) No interment of two or more bodies shall be made in one grave in the City Cemetery except in the case of parent and infant or two infants buried in one casket. In the case of cremation, two cremations per adult grave space or the combination of one cremation urn and one interment of a human body will be allowed.
- (j) In the Third Addition, Block A, Lots 1 - 75, inclusive, are for the interment of cremations only, with no more than two cremations per lot. Lots 76 - 135, inclusive, are for the interment of one infant burial only in a vault not to exceed forty inches (40") in length.
- (k) Cremations inurned in a columbarium are limited to one per niche unless designed for multiple inurnments.
- (l) No burial or entombment shall take place or marker installed in the City Cemetery until the plot purchase price, cost of any services required to open or close the plot, the cost of perpetual care and other fees and charges have been paid in full.

(Ord. 424. Passed 6-19-95. Ord. 474. Passed 7-6-7-99.)

1066.06 SALE OF PLOTS.

In the City Cemetery:

- (a) No sale, transfer or conveyance of any Burial Certificate or the rights therein or any part thereof, or interest therein, other than by operation of law, shall be effectual to transfer any right to any person, unless such sale, transfer or conveyance is made from the seller to the City of Traverse City through the Cemetery office and from the City to the purchaser and officially recorded by the office of the City Clerk. This section shall not apply to lots in the Jewish portion of the City Cemetery, which shall be sold by the Jewish Cemetery sexton.
- (b) Purchase of a plot or the issuance of a Burial Certificate does not transfer ownership of property but is the transferring of the right of burial of human remains on that land subject to the ordinances and Cemetery Rules as they may be amended.
- (c) Payment of the Perpetual Care fee is required when a burial space is resold or transferred, unless prior payment for Perpetual Care has been made.
- (d) Upon purchase of a plot, the purchaser will be issued a Burial Certificate transferring the burial right on the land indicated therein.
- (e) When a plot is purchased by more than one person other than a husband and wife, each person's interest shall be joint with rights of survivorship.
- (f) The ownership of burial rights to any plot in the City Cemetery passes to the joint survivor or, if none, to the heirs of the last surviving owner as stated on the certificate.
- (g) It is the duty of the certificate holder to notify the Sexton of any change in his or her mailing address.
- (h) Descriptions of a plot will be in accordance with the City Cemetery plans which are kept on file in the Cemetery office.
- (i) The City disclaims all responsibility for loss or damage from causes beyond its reasonable control, and from damage caused by the elements, act of God, common enemy, thieves, vandals, strikers, malicious mischief makes, explosions, riots or order of any military or civil authority, whether the damage is direct or collateral.
- (j) The right to enlarge, reduce, replat, or change the boundaries or grading of the City Cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or removal or regrade roads, drives, walks or any part thereof, is hereby reserved to the City. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, and so forth, is also expressly reserved, as well as the right to use plots not yet sold. The City reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purposes of passing to and from other plots in the City Cemetery.

1066.07 THIRD ADDITION REGULATIONS.

The following regulations apply to the Third Addition of the City Cemetery:

- (a) All plots shall be maintained by the City in perpetuity.
- (b) All planting and landscaping shall be done by the City.
- (c) Upright monuments and markers may be placed in the following locations: Lots 1-40 inclusive and Lots 60-75, inclusive of Block B, and Lots 1-80 inclusive of Block C, Lots 91-118 inclusive of Block I and all lots in Block E and H.

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- (d) Monuments and markers shall be placed with the tops flush with the ground in the following locations: Lots 41-59 inclusive and Lots 76-96 inclusive of Block B; Lots 81-145 inclusive of Block C; Lots 1-90 inclusive and 119-178 inclusive of Block I; all of Block A, D, F, G and J.

(Ord. 424. Passed 6-19-95. Ord. 475. Passed 6-7-99.)

1066.08 FOURTH ADDITION REGULATIONS

The following regulations apply to the Fourth Addition of the City Cemetery:

- (a) All plots shall be maintained by the City in perpetuity.
- (b) All planting and landscaping shall be done by the City.
- (c) All monuments and markers shall be placed on concrete foundations and approved by the City Manager.
- (d) All monuments and markers placed on the south half of the Fourth Addition shall face south. All monuments and markers placed on the north half of the Fourth Addition shall face north.
- (e) On the south half of the Fourth Addition, all monuments and markers shall be placed on the south end of each burial plot. On the north half of the Fourth Addition, all monuments and markers shall be placed on the north end of each burial plot.

1066.09 CLEAR ZONE FOR AIRCRAFT.

No tree, shrub, tower, structure or other thing within the confines of the Oakwood Cemetery shall project into the clear zone space established for aircraft using Cherry Capital Airport. All such projections shall be removed by the City from the clear zone spaces.

1066.10 FEES.

- (a) Determination. Price schedules on City Cemetery plots and services shall be established from time to time by resolution of the City Commission. Such resolution shall include prices for all standard services rendered by the City in the maintenance and operation of the cemetery and no amendments to the price schedule shall be made unless the entire schedule is stated in the resolution.
- (b) Perpetual Care. Perpetual care shall be obtained on all tomb sites, plots and crypts in the City Cemetery. Before any structure containing human remains is built, the fee for Perpetual Care of that structure shall be paid to the City.
- (c) Extra Fees. The City may, in addition to a fee for perpetual care of any plot, require an additional fee if, in the opinion of the City Manager, the condition of the planting, landscape features or other improvements would require more expense for maintenance than would be required on a normal plot. In such cases, the plot will be cared for upon the payment of an additional fee determined by the City Manager.

1066.11 ENFORCEMENT.

- (a) Administration. The City Manager may appoint a Sexton and delegate all or a part of the City Manager's authority under this chapter to the Sexton.
- (b) Appearance Tickets. The Sexton, the officers of the Traverse City Police Department and other officials designated in writing by the City Manager are hereby authorized to issue and serve appearance tickets with respect to any violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City

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Attorney, on conformity with all statutory requirements.

(c) Civil Infraction. A person who violates this Chapter is responsible for a civil infraction.

1066.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.) (Ord. 424. Passed 6-19-95.)