

**2013-07**  
**RESOLUTION AMENDING CODE OF ORDINANCES**  
**CHAPTER 10: CEMETERIES**

The following Resolution was presented by Councilperson Timmons, second by Councilperson Henderson;

**WHEREAS**, Pursuant to the recommendations of the Cemetery and Parks Committee and wherein the City Council determines it advisable and necessary for public safety and welfare to amend Chapter 10 of the Code of Ordinances, and

**WHEREAS**, amending Chapter 10 of the Code of Ordinances will allow the operations of the cemetery to be more efficient and allow maximum use of the grounds by the addition of newly numbered Section 10-10 Forfeiture of Vacant Lots or Spaces and Section 10-20 Pet Cemetery, now

**THEREFORE BE IT RESOLVED**, that the City of Ithaca ordains and adopts this resolution, amending and replacing Chapter 10 of the Code of Ordinances;

**BE IT FURTHER RESOLVED**, that publication shall be made by posting a notice once in a paper of general circulation with a brief statement of the purpose within 10 days hereof;

**BE IT FURTHER RESOLVED**, that said Code of Ordinance amendment shall become effective on June 24, 2013.

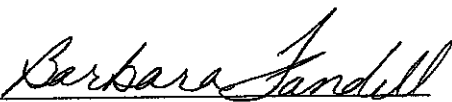
Dated: June 4, 2013

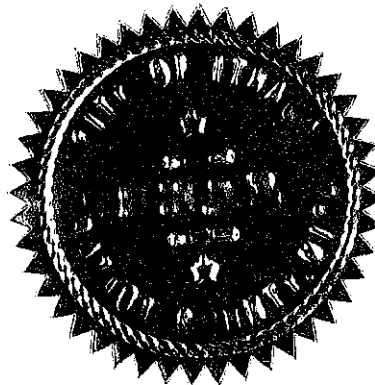
Ayes: (7) Gruesbeck, Henderson, Hollenbeck, Schafer, Thomas, Timmons, Bailey

Nays: (0)

Absent: (0)

Abstain: (0)

  
Barbara Fandell, Clerk-Treasurer



The City of Ithaca Ordains the proposed amendments to Section 10 of the Code of Ordinances as follows:

## **CITY OF ITHACA, MICHIGAN**

### **Chapter 10 CEMETERIES\***

**State law references:** Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; cemetery regulations act, MCL 456.521 et seq.

- Sec. 10-1. Rules of conduct.
- Sec. 10-2. Financial responsibility for property damage.
- Sec. 10-3. Supervision of contracted labor.
- Sec. 10-4. Lot boundaries.
- Sec. 10-5. Grades established.
- Sec. 10-6. Traffic regulations.
- Sec. 10-7. Parking restrictions.
- Sec. 10-8. Conditions of lot purchase.
- Sec. 10-9. Purchase procedure.
- Sec. 10-10. Transfer of lots.
- Sec. 10-11. Lot care and maintenance.
- Sec. 10-12. Decoration of lots.
- Sec. 10-13. Interment.
- Sec. 10-14. Funerals.
- Sec. 10-15. Interment restrictions.
- Sec. 10-16. Disinterment.
- Sec. 10-17. Monuments and markers.
- Sec. 10-18. Mausoleums or vaults.

#### **Sec. 10-1. Rules of conduct.**

The following general rules of conduct shall apply to the city cemetery:

- (1) Rubbish or debris shall be deposited in specified receptacles located within the cemetery.
- (2) It is prohibited to pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material.
- (3) No person shall deface or damage any monument, gravesite, fence or structure within the cemetery; person(s) will be held responsible for these actions.
- (4) Consumption of alcoholic liquors in the cemetery, or carrying alcoholic liquors upon the premises, is strictly prohibited.
- (5) No person shall disturb the quiet or good order within the cemetery by profane or boisterous language or other noise and/or improper conduct in any manner; loitering within the cemetery is not allowed.
- (6) No person or group of people shall solicit or protest prior to, during, or after a funeral or burial of any person within the Ithaca Cemetery; unless within a required distance of six hundred (600) foot proximity beyond the funeral or burial site. Solicitation and protesting regarding this manner of expression will be described as any verbal speech, or voice provocation; music or other noise; in addition to printed or written signs.

- (7) Domestic animals are not allowed on the cemetery grounds.
- (8) All forms of advertising are prohibited on the cemetery property.
- (9) Purchase of any ground or lot within the cemetery for the purpose of speculation is prohibited.
- (10) Persons entering the cemetery will be held financially responsible for any damage they do to the cemetery properties.
- (11) The cemetery, although under city jurisdiction, will not be considered as public land in the sense that it is common property and subject to the whims of the public, but is to be considered as holy ground dedicated to the peace and repose of the departed and subject to the consideration and respect of all persons who visit or own lots in the cemetery.
- (12) No person shall discharge a firearm in or adjacent to the cemetery. This prohibition shall not apply to authorized volleys at burial or Memorial Day services. Liability for approved firearm discharges shall rest with the authorized party.
- (13) Children must be under adult supervision at all times.
- (14) Glass containers of all types are prohibited.
- (15) Rose bushes and/or other thorny vegetation are prohibited plantings in the cemetery.
- (16) Cemetery hours will be from dawn to dusk, and shall be enforced by the city police department.
- (17) The city reserves the right to abate, remove any planting or structure, either natural or manmade that is deemed unsightly, a nuisance or poses a hazardous situation.

**Sec. 10-2. Financial responsibility for property damage.**

The city shall not be financially responsible for any damage to lots, structures, markers or objects within the cemetery, or for flowers or articles removed from any lot or grave.

**Sec. 10-3. Supervision of contracted labor.**

Masons, stone cutters and other workmen shall be under the supervision of the cemetery sexton or his designee, at all times, and must carry off all rubbish and restore the avenues and paths injured by their operations as he shall direct. Any workmen failing to conform to the requirement of this section may forthwith be excluded from the grounds, and the person employing such person shall be responsible for the injuries sustained through such neglect.

**Sec. 10-4. Lot boundaries.**

All landmarks or corner stones shall be set by the sexton or under his supervision, and shall not be altered or removed. No landmarks or corner stones indicating boundaries of lots shall be set above the surface of the ground.

### **Sec. 10-5. Grades established.**

The cemetery sexton or his designee shall establish the grade of all lots, lawns and avenues, and shall have general supervision of improvements within the cemetery upon all lots, before and after interments are made, and no lot shall be filled or raised above the established grade.

### **Sec. 10-6. Traffic regulations.**

Cars and other vehicles driven in the cemetery shall not exceed a speed of five miles per hour. No person in charge of a vehicle shall pass, or attempt to pass, another vehicle going in the same direction, or turn around, or attempt to turn around on any of the roads, alleys or avenues in the cemetery, or drive upon or across any lot or ornamental ground, or through any alley within the cemetery. No person in charge of a vehicle may enter or leave the cemetery except by roads established for such purpose.

**Cross references:** Traffic and vehicles, ch. 36.

### **Sec. 10-7. Parking restrictions.**

No vehicles shall be parked so as to infringe upon any lots or graves, or to obstruct free passage along any roads or drives within the cemetery.

### **Sec. 10-8. Conditions of lot purchase.**

All lots within the cemetery shall be sold subject to the provisions of this chapter, as amended, and cemetery certificate shall so state. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials. Interment of the remains of any person other than the owner of a lot or any member of his immediate family will be permitted only after written consent by the owner or authorized agent has been filed with the city clerk. In the case of a minor, the guardian or authorized agent shall give such consent upon proof of authority to act. Burial lots are exempt from ordinary taxes and cannot be seized on execution. The city may impose specific charges against lots. No mortgage or other encumbrance shall be given on any lot.

### **Sec. 10-9. Purchase procedure**

The purchase of a cemetery lot shall be evidenced by execution of a cemetery certificate as right of burial, issued by the city clerk, stating the new owners, lot location, purchase price, and date of payment for said lot. Such purchases are subject to approval of the city clerk. Lots must be paid for in full before a permit for burial shall be issued. When a lot is purchased by more than one person, each person's interest in the lot shall be specifically stated.

### **Sec. 10-10. Forfeiture of vacant cemetery lots or burial spaces**

Cemetery lots in the new Section W and future additions; that are sold and remain vacant for forty (40) years or more from the date of the sale, shall automatically revert to the city upon the occurrence of the following events:

- (1) Notice shall be sent by the city clerk by first-class mail to the last known address of the owner and/or their immediate contact(s) on record; of the expiration of the 40-year period and that all right with respect to said lots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the City within sixty (60) days from the mailing date of such notice of his/her desire to retain such burial right; and
- (2) No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the city clerk from the owner of record of said lots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice; and
- (3) A public notice (published one (1) time) will be placed with the local paper stating a written response be received by the city clerk from the owner of record of said lots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of the newspapers publication date, of said notice; and
- (4) Upon which all above requirements have been meet and no written response is received by the city clerk, said lots or spaces will then be considered abandon and forfeiture will result in said lots or spaces being automatically reverted to the city; at which time ownership will belong the city and said lots or spaces will be available for resale by the city at the current sale price.

### **Sec. 10-11. Transfer of lots.**

The transfer of a cemetery lot or part of a lot, to another party shall be recorded in the office of the city clerk. No person shall be recognized as owner or part owner of a lot unless it is recorded in the office of the city clerk. A letter releasing interest of a lot from the owner shall be required; only when the original cemetery certificate is not available to be surrendered to the city clerk.

### **Sec. 10-12. Lot care and maintenance.**

The various arrangements for cemetery lot care and maintenance shall be as follows:

- (1) General maintenance of the cemetery, which is designed to improve the overall appearance and condition of the cemetery, shall be the responsibility of the city. Maintenance shall include such items as mowing and trimming of grass, landscape, the upkeep of the drives, buildings, water lines, drainage and fences of the cemetery.
- (2) Perpetual care shall include the following items of basic lot care: annual spring cleanup, periodic cutting of grass, sowing grass, raking leaves and refilling sunken graves.
- (3) Maintenance of markers and/or monuments is the responsibility of the lot

owner.

### **Sec. 10-13. Decoration of lots.**

Lot decorations shall be deemed to include all items of structure, ornaments, plantings or other embellishments, with the exception of monuments and markers or mausoleums, which are placed on cemetery lots with the intention of improving their appearance.

- (1) Copings, fences, curbs, benches, steps and structures of vinyl, steel, wood or other equally perishable material are prohibited. These structures or enclosures established on a lot prior to the adoption of the ordinance from which this chapter is derived, which have, in the judgment of the cemetery management, become unsightly by reason of neglect or age, shall be removed.
- (2) No elevated mounds shall be built over graves, and no lot shall be filled above the grade established by the city.
- (3) Grave decorations must be within 12 inches of the gravestone. All flowers including artificial must be in an urn; all glass containers are strictly prohibited.
- (4) Winter decorations or artificial flowers may be maintained on graves until April 1, and any decorations which are not removed by April 1 shall be considered abandoned and may be disposed of by the cemetery management.
- (5) Urns must be placed on a foundation and maintained, and there shall be a limit of one urn per grave site. Any urns not in use by June 10 will be removed.
- (6) Arches for hanging baskets and urns are permitted only when they are in use, and such arches must be anchored.
- (7) Toys or other unsightly objects will not be permitted as grave decorations, and when used, they will be removed without notice.
- (8) Plantings shall be permitted only under the supervision of the cemetery sexton. Plantings placed on a lot without permission will be removed without notice.
- (9) The planting of hedges is strictly prohibited. Hedges existing on the effective date of the ordinance from which this chapter is derived will be removed whenever they become unsightly or encroach upon an adjoining lot or path.
- (10) The city will remove all flowers, trees or shrubs which have become unsightly, dangerous or within a walkway or alley.
- (11) No deciduous tree or conifer shall be removed or pruned, except under the direction and with the consent of the cemetery sexton.
- (12) Cement covered graves or ledger monuments above the ground will not be permitted.
- (13) One flag holder will be permitted for the grave of each veteran whose last service was honorable and is interred in a city-owned cemetery.
- (14) The city reserves the right to remove any flag that has become damaged or unsightly without making a replacement. Replacement of flags may be made

by individuals from time to time.

- (15) An edging is required for any ground cover decoration which has been preapproved by the cemetery sexton, and must be within 12 inches of the headstone or marker on the grave site. Decorative and ornamental stones are prohibited.

#### **Sec. 10-14. Interment.**

No interment shall take place without a burial permit, nor until the person has making arrangements for did the interment comply with all laws, ordinances and rules and regulations relative to burials. Funeral directors making arrangements for burials shall be responsible for all interment charges if such charges are not paid by the owner or his agent within 24 hours prior to such interment.

- (1) The interment of cremains will require a copy of the burial transit permit before any cremains will be interned in the cemetery.
- (2) All burials are required to be in a concrete or metal vault or a concrete box.
- (3) Green burials are strictly prohibited within the Ithaca Cemetery.

#### **Sec. 10-15. Funerals.**

All funerals within the cemetery shall be under the direction of the cemetery sexton or his appointed agent. All requests for burial shall be made with City Hall in time to allow at least twenty-four hours to prepare the grave. An additional charge as adopted by resolution of the city council from time to time shall be made for a service on all nonscheduled work days. The cemetery management reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.

#### **Sec. 10-16. Interment restrictions.**

Only one interment shall be permitted in a grave, except in the case of a mother and infant, or two children, space permitting. Two cremains may be buried in one grave site, or one cremain may be buried above a single grave. The cemetery sexton or public works supervisor of the cemetery shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners or funeral directors. Orders from funeral directors shall be construed as orders from the lot owners. Under no circumstances shall the city assume responsibility for errors in opening graves when orders are given by telephone. No graves shall be opened except by workmen employed by the cemetery management. Funeral directors should arrange the time of a funeral so that cemetery workmen can complete interment by 3:00 p.m.

#### **Sec. 10-17. Disinterment.**

No disinterment will be allowed except by authority of the person owning the lot in which the interment is made, and except by order of the court, when a proper paperwork from the Gratiot County Health Department for the remains must be given. Graves shall not be opened for inspection except for official investigations. Interment and disinterment may be made only by the regular employees of the cemetery. The city shall exercise the utmost care in making the removal, but it shall assume no liability for any damage to any casket or burial

vault or urn incurred in making the removal. Any markers or monuments designating the location of an interment shall be removed at the time disinterment is made at the expense of lot owners or heirs. All disinterment's are at the discretion of the city.

### **Sec. 10-18. Monuments and markers.**

Approval of the location of a monument or marker must be obtained from the city clerk's office or cemetery sexton before a monument or marker is set. No monument or marker shall be placed upon a lot unless such lot has been paid in full. There are no restrictions as to the styles of monuments and markers that may be placed in the Old Plat and the 1st and 2nd additions of the cemetery; however, the following restrictions will apply in the new sections L, M, N, O & W:

- (1) A monument or any upright style memorial structure, such as slant face stones, memorial seats, double markers or permanent urns, must be set in the monument row, and placed 1 1/2 feet from the rear lot line. Any of such styles, monuments or markers may bear just the family name, or two or more inscriptions, as long as there are an equal number of graves for the monument to be centered on. This shall not prevent a monument on a single grave. Single markers are not allowed in the monument row, except section M & W and any future additions. All monumental work must face the abutting pathway, except in section M & W and any future additions, where all monumental work must face to the east.
- (2) The term "marker" shall mean a stone used to indicate the location of a particular single grave and must be set in the marker row, except for section M & W and any future additions, and must face the abutting pathway. In sections L, N and O, no marker shall extend more than six inches above the lawn at its highest elevation and shall be no more than 24 inches in length and 12 inches in width. In section M & W and any future additions all markers at the foot of the grave, including military markers, shall not extend above ground level.
- (3) No material, except granite or a good grade of white marble from recognized monument quarries, shall be used for monuments or upright markers. Bronze may be used for monuments or upright markers if it is firmly attached to a granite base. No materials, except granite or standard bronze, shall be used for flush markers, unless preapproval is obtained from the cemetery sexton.
- (4) All monuments and markers shall be placed on a foundation of a depth and size and material deemed adequate by the cemetery sexton. All foundations shall be installed by cemetery personnel. Foundation fees will be assessed on a square inch of surface area basis with a minimum fee set.
- (5) Persons engaged in placing monuments and markers shall provide adequate planking to protect turf, and shall remove materials and equipment immediately upon completion of such work. The site shall be left in a clean, orderly condition. Markers and monuments will not be permitted to be delivered to lots until a proper order for a foundation installation has been placed with the city clerk's office or the cemetery sexton.

### **Sec. 10-19. Mausoleums or vaults.**

A mausoleum or vault may not occupy more than one-fifth of the ground area, and



must be on road frontage lots. Detailed specifications must accompany any request for the building of a vault or mausoleum, and such permit will be subject to the approval of the city.

### **Sec. 10-20. Pet Cemetery**

The pet cemetery is hereby known as "*Paws at Rest Memorial Park*", is located in the most northeast corner of the Ithaca Cemetery. All previous stated rules and regulations above are implied except as follows:

- (1) This section is provided for the burial of pet cremations and is strictly limited to dogs and cats; no other animal cremains are allowed.
- (2) Lots will be 4' x 5'; allowing for one or two pet cremain burials total. Pet cremains must be in an urn or a container that is not biodegradable.
- (3) Markers must be flush with the ground and no bigger than 12"x24" in size per pet.
- (4) Decorations of any kind are prohibited; in addition flowers, plants, shrubs and trees will not be allowed, except where the city may plant in strategic locations within proximity of this section.