

PART II - CODE OF ORDINANCES

Chapter 26 CEMETERIES

**Chapter 26 CEMETERIES** [\[1\]](#)

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ARTICLE II. - CITY CEMETERIES

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**ARTICLE I. IN GENERAL**

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**Secs. 26-1—26-30. Reserved.**

**ARTICLE II. CITY CEMETERIES** [\[2\]](#)

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#### **Sec. 26-31. Applicability of article.**

The provisions of this article apply to all cemeteries owned or operated by the city.

#### **Sec. 26-32. Permitted and prohibited interments.**

No interment of any deceased person shall be made in any other place than within cemeteries devoted to that purpose, nor shall the interment of anything other than human bodies be permitted therein.

(Code 1989, § 3.12)

#### **Sec. 26-33. Lot owner's privileges.**

Purchasers of any lot in the cemeteries shall acquire only the privilege or license to make interments in the lot so purchased. The owner of any lot shall not allow any interment to be made therein for remuneration, nor shall a lot be used for any other purpose than a place for burial of the dead. All interments in lots shall be restricted to members of the family and relatives of the owner thereof, unless special permission to the contrary be obtained in writing from the city clerk.

(Code 1989, § 3.14)

#### **Sec. 26-34. Purchase of lots.**

Any person wishing to purchase a lot or fraction of a lot in any cemetery belonging to the city may do so by paying to the city clerk such sum as the city council may have from time to time established and upon such payment shall receive an exclusive license and privilege of burial in such form as the city council may approve. Such money when paid to the city clerk shall be credited to the cemetery fund. No lot shall be considered sold or reserved until a title for the purchase price therefor has been obtained from the city clerk.

(Code 1989, § 3.15)

#### **Sec. 26-35. Use of lots.**

The number of graves to be allowed on lots shall be regulated by the city council. Not more than one monument or vault shall be allowed on any one lot, nor more than two markers or index stones on any one grave. No lot or part thereof shall be enclosed by a fence, railing, coping, hedge, embankment or ditch. Grave mounds shall not be allowed, and no lot shall be raised above the grade established by the city council. No marker, index-stone, flower vase or urn, vault, or tombstone shall be erected or placed in the cemetery above the grade so established unless consented to in writing by the city clerk.

(Code 1989, § 3.16)

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#### **Sec. 26-36. Standards for foundations and vaults.**

All foundations for monumental structures must be built of solid masonry, and of the depth and size approved by the sexton, and no vault for the reception of the dead shall be built within the limits of any cemetery belonging to the city until a plan of such vault showing the location, the dimensions, the material to be used, and the manner of construction thereof shall have first been submitted to the city council, and shall have been approved by the council.

(Code 1989, § 3.17)

#### **Sec. 26-37. Use of receiving vault.**

For the use of the receiving vault there shall be made a charge in the amount established by the annual fee resolution adopted by the city council. Persons owning private vaults are hereby forbidden to charge for the use of their vaults to other parties. The fees for the use of the vault must be paid to the city clerk and a permit obtained before the body is placed in the vault. Bodies of persons dying of infectious or contagious diseases shall not be permitted to be deposited in the public vault. Should the remains of any person placed therein become offensive or detrimental to the public health, the city clerk shall have the right to cause the body to be immediately buried.

(Code 1989, § 3.21)

#### **Sec. 26-38. Burial permits; disinterments; transfer of lots.**

No interments will be permitted, or dead body be received, without a burial permit secured from the city clerk or other appropriate official, and all interments and removals of deceased persons from the city shall be made subject to such rules, bylaws, and regulations that may from time to time be adopted by the city council. No interment shall be made on Sunday, except by order of the city clerk, and no person shall disinter any body or transfer or assign burial privileges without permission of the city clerk. Permission for disinterment shall be given when the disinterment is to be done pursuant to court or other appropriate order or pursuant to a request from the next of kin. Disinterments shall be performed in accordance with state law. Permission for transfer or assignment of a lot shall be given upon proof of ownership of the lot.

(Code 1989, § 3.19)

#### **Sec. 26-39. Duty of owners to provide for care of lots.**

The owner of each and every lot or portion thereof shall provide for the perpetual care thereof.

(Code 1989, § 3.20)

#### **Sec. 26-40. Vandalism; removal of detrimental or unsightly trees or shrubbery.**

No person shall cut, remove, injure or carry away any flowers, trees, shrubs, plants or vines being or growing in and upon any cemetery lot or ground used for cemetery purposes owned by

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the city, nor shall any person deface, injure or write upon any marker, monument, headstone, fence or structure within any of the cemeteries of the city, nor shall any person injure or destroy, take or carry away any vases, flower pots, or other ornaments that may have been placed upon the graves or grounds platted and used for cemetery purposes, unless by permission of the sexton of the cemetery where such property is situated. Such permission shall be granted when the proposed actions will improve or preserve the appearance of the cemetery. If any trees or shrubbery situated in any lot, by means of their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or unsightly, or inconvenient to passers, it shall be the right of the sexton to enter the lot and remove such trees and shrubbery or any part thereof; provided, however, that the owner of the lot shall first have been notified to remove the trees or shrubbery within one week after receiving such notice, and shall have refused or neglected to do so.

(Code 1989, § 3.18)

**Cross reference**— Vegetation, ch. 86.

**State Law reference**— Malicious mischief, MCL 750.377a et seq.; mutilation of dead bodies, MCL 750.160.

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FOOTNOTE(S):

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**State Law reference**— General authority relative to city cemeteries, MCL 128.1. ([Back](#))