

ORDINANCE NO. 2019 – 10

CITY OF EVART
OSCEOLA COUNTY, MICHIGAN

AN ORDINANCE TO AMEND EVART CITY CODE, CHAPTER 1064 – CITY CEMETERY

THE CITY OF EVART, OSCEOLA COUNTY, MICHIGAN, ORDAINS

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to amend Evert City Code, Chapter 1064, as it relates to City Cemetery.

SECTION 1: Chapter 1064 of the Evert City Code, is amended to read as follows:

**CHAPTER 1064
CITY CEMETERY**

1064.01. Definitions.

Unless the context specifically indicates otherwise, terms used in this Chapter shall have the meanings set forth in this section.

- (1) “Cemetery” shall mean Forest Hill Cemetery as heretofore established, and any other public cemetery owned, managed or controlled by the City.
- (2) “Burial Space” shall mean a lot or portion of a lot in any cemetery designated and maintained for the interment of a human body or bodies and for no other purpose.
- (3) “Owner” shall mean any person or persons owning or possessing the privilege, license or right of interment in any burial space.

1064.02 City Cemeteries.

The cemeteries which have been or may hereafter be established by the City and maintained either within or without its limits, of which plats have been or shall be filed in the office of the City of Evert, shall be under the management, supervision and care of the City Manager. The City Manager shall, if necessary, cause such cemeteries to be laid out in lots, drives and walks; the lots to be numbered, drives and walks therein to be named, and plats thereof to be made. The City Council shall fix the price of lots and other services necessary thereto.

1064.03 Rules and Regulations.

The City Council shall, from time to time, make such rules and regulations for the burial of the dead, care, improvement and protection of the grounds, mausoleums, monuments and appurtenances of the cemeteries and orderly conduct of persons visiting the same, as may be deemed necessary. The City Manager shall see that this Chapter and all rules and regulations in respect to cemeteries are strictly enforced. The City Manager, or their designee shall keep a register of all interments made in any City cemetery, in which shall appear the name of the deceased, the date and place of interment and such other information as may be required.

1064.04 Sale of Lots.

All deeds for lots shall be executed, on behalf of the City, by the Mayor and City Manager. Any person desiring to purchase a burial space in any City cemetery shall make application and pay the required amount for the lot selected to the City Manager, or their designee. Upon the purchase of any burial space, the City Manager shall prepare and deliver to the purchaser, a duly executed deed for said burial space. Such deed shall convey to the purchaser the right of interment only, and shall be held subject to the provisions of this Code, existing rules and regulations, and such ordinances, rules and regulations as may hereafter be adopted by the City Council. Resale of lots shall be allowed up to the current price for a lot. Purchasers must notify and register the sale with the City.

1064.05 Lot Owner's Burial Rights.

The owner of any burial space in any City Cemetery shall have the right of burial of the dead only and shall allow no interments for remuneration. All interments in burial spaces shall be restricted to members of the family and immediate relatives of the owner thereof, unless special permission by the owner be filed in writing in the office of the City of Ewart, with the consent of the City Manger endorsed thereon.

1064.06 Lot Records.

The City Manager shall keep proper records in which the deeds to all burial spaces shall be recorded at length. In connection with all such records, the City Manager shall also keep a general index in which shall be noted alphabetically the name of the party or parties to every such instrument of conveyance.

1064.07 Labor Charges.

The City Manager shall charge and cause to be collected on behalf of the City, such fees for work performed in the City cemeteries as may be from time to time fixed by the City Council. All such fees shall be paid to the City Manager, or their designee. No person, other than an employee of the City, acting under the direction of the City Manager, shall dig or open any grave, nor shall any person grade or fill in a burial space or otherwise do any work in connection therewith, unless such work be done under supervision of the City Employee in charge of such cemetery.

1064.08 Trespass.

No person shall trespass on any lot or burial space within any City Cemetery, nor pick or cut flowers or shrubs except on his own burial space, or cut down, injure or disturb any tree or shrub or otherwise commit any desecration within any City cemetery. The City Manager shall make such additional rules and regulations not inconsistent with the terms of this Chapter, subject to the approval of the City Council, as may be deemed necessary for the operation and control of City cemeteries.

1064.09 Perpetual Care.

The Council shall from time to time, establish by resolution, the amounts to be paid for cemetery lots which amounts shall include a sufficient sum to provide for perpetual care of the lots so sold. The City may accept sums donated by any testator, trustee or other person for the care of the cemetery or any lots therein. The City shall be obligated to maintain and care for all lots in the cemetery for which perpetual care has been paid except as otherwise provided by the statutes of the State of Michigan. Any money available in any perpetual care fund or other cemetery fund belonging to the City shall be used for such cemetery purposes as the City Council shall determine.

1064.10 Budget.

All Cemetery Commission budgets must be approved annually by the Ewart City Council.

1064.11 Expenditures.

- (1) Any expenditures made by said Commission in excess of one thousand (\$1,000) dollars shall first be approved by the City Council, including the approval of any

contracts that would obligate the City of Ewart to the expenditure of funds in excess of one thousand (\$1,000) dollars.

(2) Any expenditures made by said Commission in excess of its approved budget shall first be approved by the City Council regardless of the amount of said expenditures.

1064.12 Perpetual Care Fund.

All funds received for the cemetery perpetual care shall be placed in a trust account with the City of Ewart as trustee and only the income therefrom shall be used for the perpetual care of the cemetery. The corpus of said trust shall not be invaded and must be kept intact.

SECTION 2: This Ordinance shall take effect immediately after publication in the newspaper as provided by the laws of the State of Michigan.

Date: _____, 2019

JOHN JOYCE, Mayor

HEATHER PATTEE, City Clerk

I, Heather Pattee, City Clerk for the City of Ewart, hereby certify that the above Ordinance was adopted on the _____, day of _____, 2019.

HEATHER PATTEE, City Clerk