

Ridgelawn Cemetery Ordinance

Village of Breckenridge
Gratiot County, Michigan

Ordinance #169

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of Ridgelawn Cemetery, controlled and operated by the Village of Breckenridge, in Gratiot 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 Breckenridge, County of Gratiot, Michigan Ordains;

Section 1. Title

The Ordinance shall be known and cited as the “Ridgelawn Cemetery Ordinance”

Section 2. Purpose and Intent

The Village Council recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Village is an important function of the government of the Village. It is also important that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Village Council finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Village.

Section 3. Definitions

- a. A “cemetery grave” shall consist of an area in Ridgelawn Cemetery sufficient to accommodate one full body burial space for one deceased person. Other allowed burials are one full body and two cremations or three cremations per grave. Any exceptions must be approved by the Village Office. Each grave shall consist of a land area at least forty-eight (48) inches wide and ninety-six (96) inches in length.
- b. “Village” means Village of Breckenridge

Section 4. Records

The Village Clerk shall maintain records concerning all burials, cemetery lots, issuance of burial permits and any other records of the Village related to Ridgelawn Cemetery, and the same shall be open to public inspection at all reasonable business hours.

Section 5. Sale of Cemetery Graves

- a. All sales and transfers of cemetery graves shall be made on a form approved by the Village Council and signed by the designated Village official, which grants a right of burial only and does not convey any other title or right to the cemetery grave or burial space sold. The “Burial Rights Certificate” shall be signed by the Village President and Village Clerk.(See Appendix A)

Section 6. Transfer of Lots

- a. The transfer of a cemetery grave to another party shall be recorded on a form approved by the Village Council in the office of the Village Clerk. A letter releasing interest of a grave from the owner shall be required; only when the original burial rights certificate is not available to be surrendered to the Village Clerk. The grave transfer form shall be signed by the Village Clerk or the Village Deputy Clerk. (See Appendix B).

Section 7. Purchase Price for Cemetery Graves

- a. Cemetery grave pricing shall be approved by the Village Council and reviewed periodically to accommodate increased costs and needed reserve funds for cemetery maintenance and capital improvements. Pricing will be in resolution form approved by Village Council. (See appendix C).
- b. All charges shall be paid to the Village Treasurer.
- c. Payments may be made on the purchase of cemetery graves with a minimum of fifty dollars (\$50) down towards the purchase of the grave. Graves **must** be paid in full before a Burial Right Certificate is issued and before any burial occurs. Payments made on multiple graves pay down a single grave at a time. Payment plans must be approved by the Village Clerk and a signed payment arrangement form on file with the Clerk's Office. (See Appendix D).
- d. The owner of every cemetery grave shall be responsible for notifying the Village whenever that person's mailing address changes.

Section 8. Grave Opening Charges

- a. The Village may charge fees for the opening and closing of any cemetery grave. Such fees shall be set from time to time by resolution of the Village Council, payable to the Village. (See appendix E).
- b. No cemetery grave shall be opened or closed except under the direction and control of the Village Sexton or such other individual as is designated by the Village Manager.

Section 9. Monument and Marker Location, Materials and Foundation

- a. Markers shall be placed at the head of a grave as platted. No marker shall be set unless it is first approved by the Cemetery Sexton and the grave space is paid for in full.
- b. 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 firmly attached to a granite or concrete base.
- c. All monuments and markers shall be placed on a foundation of a depth and size and of a material deemed adequate by the Cemetery Sexton. All foundations shall be installed by cemetery personnel.

Section 10. Interment Regulations

- a. All burials within the cemetery shall be under the direction of the Cemetery Sexton or appointed agent. All applications for the burial shall be made to the Village Office in time to allow at least eight working hours to prepare the grave. An additional charge shall occur for a service on all non-scheduled work days.
- b. The Cemetery management reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.

- c. The appropriate burial rights permit issued by the Village, together with appropriate burial-transit permit shall be presented to the Village Clerk or designated official.
- d. The Cemetery Sexton or personnel shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners or funeral directors.
- e. No graves shall be opened except by personnel employed by the Village.
- f. Funeral directors should arrange the time of funeral so the cemetery personnel can complete interment by 4:00pm.
- g. The surface of all graves shall be kept in an orderly and neat manner during interment process.

Section 11. Disinterment

- a. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment have been obtained from and applicable state or county agency, government unit or official, and a copy of the same has been filed with the Village Clerk.
- b. Graves shall not be opened for inspection except for official investigations.
- c. Cemetery personnel shall exercise the utmost care in making the removal, but it shall assume no liability for any damage to any casket or burial case or urn incurred during the removal.

Section 12. Cremains

- a. Interment of cremains and/or ashes of deceased are mandatory. No cremains shall be scattered or dispersed or displayed within Ridgelawn Cemetery.
- b. A cremation may be interred at the head and at the foot of a full body burial grave site.
- c. Up to 3 cremations may be interred on a grave.
- d. Burial-transit permits are required to be filed with the Village Clerk for all cremation burials.

Section 13. Forfeiture of vacant cemetery burial spaces

- a. Cemetery graves sold after the effective date of this Ordinance and remaining vacant for eighty (80) years or more from the date of their sale shall automatically revert to the Village upon the occurrence of the following events;
- b. Notice shall be sent by the Village Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 80-year period and that all rights with respect to said graves will be forfeited if he/she does not affirmatively indicate in writing to the Village Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
- c. No written response to said notice indicating a desire to retain the cemetery grave(s) in question is received by the Village Clerk from the last owner of record of said grave(s), or his/he heirs or legal representative, within sixty (60) days from the date of mailing of said notice.
- d. A public notice (published one (1) time) will be placed with the local paper stating a written response be received by the Village 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
- e. Upon which all above requirements have been meet and no written response is received by the Village Clerk, said grave(s) will then be considered abandon and forfeiture will result in said lots or spaces being automatically reverted to the Village; at which time ownership will belong to the village and said grave(s) will be available for resale by the village at the current sale price.

Section 14. Repurchases of burial spaces

- a. The Village may repurchase any cemetery grave from the owner for the original purchase price of the grave upon written request of said owner or his/her legal heirs or representatives.

Section 15. Cemetery Hours

No person shall be present in the Ridgelawn cemetery, except between dawn and dusk and will be enforced by the Village Police Department. This section shall not apply to authorized Village personnel.

Section 16. Prohibited Uses and Activities.

- a. Persons entering the cemetery will be held fully responsible for any damage to cemetery property.
- b. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree, fence or other structure within the cemetery.
- c. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully present on the grounds of the cemetery.
- d. Vehicles shall not exceed 10 miles per hour in the cemetery. No vehicle shall be permitted to drive on lawns or cemetery graves. Operators shall follow such drives as indicated by signs.
- e. There shall be no snowmobile or off-road vehicle (ORV) or unlicensed motorcycle, scooter or motorized bicycle in the cemetery.
- f. Bicycles and persons jogging or walking are permitted in the Cemetery from dusk until dawn utilizing the designated roadways only.
- g. No children under sixteen (16) years of age shall be allowed in the cemetery unless accompanied by an adult and are properly supervised.
- h. No domestic animals of any kind or pets are allowed on Cemetery grounds.
- i. No person shall possess or consume alcoholic beverages on cemetery grounds.
- j. Purchase of any grave with Ridgelawn Cemetery for the purpose of speculation therein is not permitted.
- k. No person shall discharge a firearm in or adjacent to the cemetery. This prohibition shall not apply to military burials or Memorial Day Services. Liability for approved firearm discharges rests with the authorized party.
- l. Glass containers of all types are prohibited in Ridgelawn Cemetery.
- m. There shall be no fires, candles or open flames.
- n. There shall be no private signs, lighting, moving displays, or changeable copy on a sign.
- o. Village reserves the right to abate, remove, and maintain any planting, structure, either natural or man-made, that is deemed unsightly, a nuisance, or poses a hazardous situation.
- p. There shall be no unlawful interference with or disruption of a funeral or funeral procession.
- q. Rubbish or debris shall be deposited in specified receptacles located within the cemetery.
- r. Cremains or ashes of a deceased person shall not be scattered or dispersed in Ridgelawn Cemetery.

Section 17. Decoration of Gravesites-Amended November 2018

In order to preserve a peaceful, sacred resting place at Ridgelawn Cemetery, decorations must be done in a way that does not create a safety hazard, impede proper maintenance, infringe on other graves, offend others or diminish the character of the cemetery.

- a. A single grave may consist of only the following;
 - a. A foundation
 - b. A Headstone
 - c. Up to 2 urns properly installed on the foundation
 - d. Flowers placed inside the urns and may exceed the height of the headstone
 - e. Foundations may be extended by using one single concrete paver or patio block not to exceed the width (front to back) of the current foundation or to extend past the lot boundaries. Urns with flowers may be placed on this extension.
 - f. Flower saddles on top of the headstone only
 - g. Winter grave blankets and wreaths are permitted only between the dates of October 16th to March 30th.
 - h. Any and all additional embellishments must be placed on the foundation without overhang and shall not exceed the height of the headstone.
 - i. Excessive or unsightly embellishments may be subject to removal by cemetery management.
 - j. One flag holder and flag will be permitted for the grave of each veteran whose last service was honorable and is interred in Ridgelawn Cemetery. Veteran flags will be proudly displayed annually from May until October fall cleanup.

Any items that do not comply with the above may be removed by cemetery management.

- b. Lighting of any kind is prohibited. This includes but not limited to candles, solar lights, battery operated lighting, flashlights, etc.
- c. Ground plantings of any kind are strictly prohibited.
- d. Landscaping borders, bricks and rocks are strictly prohibited.
- e. The Village 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. Cemetery Cleanup is April 1st through the 15th and October 1st through the 15th. At this time any and all existing embellishments shall be considered abandoned and may be disposed of by cemetery management.
- g. Bereavement time will be honored up to 60 days from the date of burial. During this time, additional decorations and flowers may be placed anywhere on the grave. After 60 days, any item that still remains on the grave that does not comply with the above rules and regulations will be removed by cemetery management.

Section 18. Authority of the Village Management to Remove Unauthorized or Unlawful Items from Ridgelawn Cemetery

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in the cemetery in violation of this Ordinance, any Village rule or regulation regarding the cemetery, or any county, state or federal law, statute or regulation may be removed by the Village from the cemetery at any time and destroyed or disposed of by the Village without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the cemetery.

Section 19. ORDINANCES REPEALED

All existing ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 20. EFFECTIVE DATE.

This ordinance shall take effect and be in force 20 days from and after its enactment as provided by the Village Council.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 169 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on April 23, 2018, and was thereafter passed at a regular meeting on May 21, 2018, at least two weeks elapsing between the introduction and the enactment.

Dated at Breckenridge, Michigan.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, amendments to Section 17 and Section 18 of Ordinance No. 169 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on October 22, 2018 and was thereafter passed at a regular meeting on November 26, 2018, at least two weeks elapsing between the introduction and the enactment.

Dated at Breckenridge, Michigan.

SS; Charles D. Seeley
President

SS; Bridget M. McPherson
Clerk