



Village of Sand Lake

2 E. Maple St., PO Box 139

Sand Lake, MI 49343

(616) 636-8854

www.villageofsandlake.org

Cemetery Ordinance

(Second Read)

"Motion to adopt Cemetery Ordinance Amendment."

VILLAGE OF SAND LAKE

CEMETERY ORDINANCE NO. 2020-1 AN ORDINANCE TO AMEND SECTION 8.1

Purpose and Finding: An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of the Sand Lake Cemetery, owned by the Village of Sand Lake, Kent County, Michigan; to provide penalties for the violation of said Ordinance.

THE VILLAGE OF SAND LAKE, MICHIGAN ORDAINS:

Section 8.1 Village Cemetery.

A. Council of the Village of Sand Lake

- i. The Council of the Village of Sand Lake establishes the rules and regulations and reserves the right to adopt additional rules or to amend, alter or repeal any rule or regulation or parts thereof at any time.
- ii. Said Council shall hire the necessary sexton and/or employees for all the work at the cemetery and expend all money for the care and improvement of grounds, enforce the ordinances of the Village made for the management and care thereof, and make such regulations for the burial of the dead.

B. Cemetery Hours

- i. The cemetery is open from dawn to dusk and closed from dusk to dawn of the next day. Any person found on cemetery grounds while it is closed will be considered a trespasser and face penalties and prosecution.

C. Sale of Lots or Burial Spaces

- i. All sales shall be made on the form approved by the Council, of the Village of Sand Lake which grants a right of burial only and does not convey any other title to the lot or burial spaces sold.
- ii. No sale shall be made for the ownership of the land, only the right of burial.
- iii. The Council of the Village of Sand Lake reserves the authority to buy back unwanted cemetery sites or lots for the price paid at the time of the original purchase. The owner of such cemetery site(s) or lot(s) must prove ownership, which includes a copy of the Cemetery Lot Certificate/Cemetery Deed before a buy back will be considered.

D. Purchase Price for Graves Sites

- i. The charges for burial spaces shall be paid to the Village Clerk and shall be deposited into the General Fund savings accounts.
- ii. The cost of 1(one) individual grave or 1 (one) lot (8 (eight) graves) may be contracted for in advance.
- iii. The price of a cemetery burial space will be set by a Resolution adopted by the Council of the Village of Sand Lake.
- iv. The Council of the Village of Sand Lake by Resolution may periodically alter the burial space fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

E. Grave Openings Charges

- i. No burial space shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the Kent County Health Department.
- ii. Burial rates shall be as set forth in the contract between the Council of the Village of Sand Lake and the cemetery sexton, at a cost to the owner of the burial rights.
- iii. The cemetery sexton shall be not held responsible for errors in locations of graves on lots arising from improper instruction of lot owners or funeral directors. Orders from funeral directors shall be construed as orders from owners. Cemetery sexton must validate information from Village of Sand Lake Clerk, prior to any work being performed. No grave shall be opened, except by the sexton or by workmen employed by the cemetery sexton.
- iv. The fee for grave opening shall be as set forth in the contract between the Council of the Village of Sand Lake and the cemetery sexton at a cost to the owner of the burial rights.

F. Markers or Memorials

- i. All graves must have individual identifying markers or memorial of a stone or other quality durable composition.
- ii. Footings of all markers, memorials, headstones, or monuments shall be installed by the sexton of the cemetery and are to be constructed of concrete of sufficient size and depth so as to support said headstone, monument, marker or memorial and allow for a two inch border around the entire marker, memorial, headstone, or

monument. Fees for said footings shall be as set forth in the contract between the Council of the Village of Sand Lake and the cemetery sexton, at a cost to the owner of the burial rights.

- iii. Marker, memorial, headstone, or monument shall be located at the head of the gravesite.

G. Interment Regulations

- i. Only one person may be buried in a burial space; provided, however, that one burial space may be used for the burial of:
 - a. A parent and an infant
 - b. Two children
 - c. The cremated remains of up to four persons
- ii. One person and the cremation remains of one person.
- iii. Not less than 36 hours notice shall be given in advance of any funeral to allow for the opening of the burial space.
- iv. The appropriate permit for the burial is required.
- v. The appearance of all graves shall be neat and orderly within the confines of the burial spaces involved.

H. Ground Maintenance

- i. Urns, flower containers, statuary, and any other memorials are to be placed within twelve (12) inches of the headstones and in-line with the headstones. Shepherd hooks and urns are to be placed in-line with the headstones.
- ii. Maintenance of these items will be the responsibility of the family members of the interred.
- iii. No grading, leveling, excavating, mounding, and/or construction shall take place upon a burial space without the permission of the Council of the Village of Sand Lake.
- iv. No shrubs, trees, or perennial vegetation of any type shall be planted outside of an urn or hanging basket, without written permission of the Council of the Village of Sand Lake.
- v. Unsightly dead or dying plants shall be trimmed or removed.
- vi. . The cemetery reserves the right to remove all flowers, wreaths or other decorations of any kind from burial spaces. The cemetery grounds shall be cleared of decorations

twice a year, on or about April 1st and October 1st. In order to save any decorations placed in the cemetery the decorations should be removed prior to those dates.

- vii. No decorations of any type are permitted in trees or cemetery plantings.
- viii. Permitted decorations shall not encroach on adjoining burial space(s).
- ix. No glass containers will be allowed to be left in the cemetery.
- x. No fences of any kind shall be placed around or near grave sites.
- xi. Surfaces other than earth or sod are prohibited.
- xii. All refuse of any kind such as dried flowers, artificial flowers, wreaths, papers, and flower containers must be taken from the premise or deposited in the waste containers located within the cemetery.
- xiii. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers that have become unsightly or a maintenance problem.

I. Vault

- i. All burials are required to be placed in a concrete vault or concrete box installed or constructed within each burial space before interment.

J. Records

- i. The Village Clerk shall maintain records of Cemetery Lot Certificates and all burial permits submitted to the Village Clerk by the cemetery sexton.

K. Cremation

- i. The remains of a body that has been cremated and that is to be buried in the Sand Lake Cemetery, shall be contained in a concrete, metal, or other type of container so approved and sold for such purpose. Burial of such remains when properly contained shall be buried by the sexton of the cemetery. Fees for such burial shall be as set forth in the contract between the Council of the Village of Sand Lake and the cemetery sexton, at a cost to the owner of the burial rights. The remains of any body that has been cremated shall not be scattered upon the ground of the Sand Lake Cemetery.

L. Disinterment; General Restrictions

- i. No disinterment will be allowed except by authority of the person owning the lot in which the interment is made, except by order of the Court, when proper

receipt of 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 cemetery sexton and the Village of Sand Lake shall exercise the utmost care in making the removal, but shall assume no liability for any damages to any casket, burial case, or urn incurred when making the removal. Any markers or monuments designation the location of an interment shall be removed at the time of disinterment and replaced if and when upon reinterment.

M. Penalties

- i. Any person, firm, or corporation who violates any of the provisions within the Ordinance shall be guilty of a misdemeanor and shall be subject to the fine of up to \$500.00 (Five Hundred Dollars and no/100) and/or imprisonment of up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the complained activity.

N. Severability

- i. The provisions within the Ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by any court of the competent jurisdiction, such decision shall only affect the particular provision, section or part thereof in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

This Ordinance shall take effect after publication in a newspaper of general circulation in the area of the Village of Sand Lake, Michigan, on August1, 2020.

First Reading: June 15, 2020

Second Reading: July 20, 2020

Ayes: _____

Ayes: _____

Nays: _____

Nays: _____

Ordinance Declared and Adopted:

Tracy J. Quinlan, President
Village of Sand Lake

Rachel Gokey, Interim Clerk
Village of Sand Lake

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Ayes: 7

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Nays: 0

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