

**VILLAGE OF MACKINAW CITY  
CEMETERY ORDINANCE  
Ordinance No. 149**

The purpose of this Ordinance is to provide rules and regulations concerning the use and sales of cemetery lots in the Lakeview Cemetery, located in the Village of Mackinaw City.

**THE VILLAGE OF MACKINAW CITY ORDAINS:**

**Purchase of Lots**

Sec. 1

1. Persons desiring to purchase a lot(s) are referred to the Cemetery sexton. Following the selection of a lot, the prospective purchaser shall pay for the lot(s). The transaction will be receipted and a lot certificate will be prepared by the Village Clerk and mailed to the purchaser.
2. Cemetery lot certificates will be placed only in the name(s) of a living person(s), except in the case of a single space purchased by the estate of the deceased when there are no living relatives. At the time of need, the cemetery lot must be fully paid prior to the opening of the grave.

**Ownership Rights**

Sec. 2

1. The term "lot owner" or "ownership" shall be defined as the right to use a lot or part of a lot, as purchased from the Village for burial purposes only, and under the existing and subsequent rules and regulations as prescribed by the Village for such use.
2. Lots or fractional lots, for which the Village has issued lot certificates, will not thereafter be divided except by consent of the Village. All lots are exempt from taxation and cannot be seized for debt (except those owed to the Cemetery) nor can they be mortgaged.
3. The Village shall have the right to assume, at all times, that the lot owner acquired the lot for the interment of herself/himself and family members. Unless otherwise directed in writing and filed with the Village Clerk by the owner, devisees, or heirs, the Village will permit the interment of family members at the request of any interested person upon the proof of eligibility for burials as follows:

- a. The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
  - b. When there is no surviving spouse, the devisees or heirs of the owner may, by order of will or by an agreement in writing, determine who among them shall have the right of interment or direction of interment, which agreement shall be notarized and filed with the Village Clerk.
  - c. In the event the owner, devisees, or heirs shall not have arranged for future interment, then the devisees or heirs as the case may be, of such owner, shall have the right to interment in order of their need.
4. The Village Clerk shall notify the Cemetery sexton of any changes in lot certificate recording.
5. All burial rights in Cemetery lots purchased from the Village occupy the same position as real estate at the death of the owner. Only persons whose names appear on the Cemetery records of the Village will be recognized as owners or part owners of lots. In the case of a will, a certified copy of the will shall be delivered to the Village Clerk before the Village will recognize the change in ownership. If the deceased lot owner left no will, satisfactory proof of descent shall be presented.
6. A lot certificate invests the owner the right to use such lot(s) for burial purposes only, for themselves, their heirs, or any such person(s) as they may choose to admit, provided such admission is free of charge and without compensation and in accordance with the Cemetery Rules and Regulations. Lot owners may not resell or transfer their lots or parts of lots to anyone whomsoever. Transfer may be made only to the owner's spouse or children by the surrender of the original lot certificate and issuance of a new lot certificate by the Village to the new owners of lots or parts of lots so transferred. Lot owners desiring to dispose of lots or parts of lots, may upon surrender of the original lot certificates, sell the lots or part of the lots, back to the Village for a price not to exceed the original purchase price of the lot.
7. Certain older lots, no longer usable due to their small size, would have no resale value and are best left open. Said lots could be used, with the permission of the owners or heirs thereof, to further Cemetery beautification plans.

## **Interment**

### **Sec. 3**

1. The funeral director, or person(s) making arrangements, for the interment shall, as soon as there is knowledge of a pending service, notify the Cemetery sexton. Said notification, including all information pertaining to the gravesite and

additional information as required, shall be provided by the funeral director or person(s) assuming responsibility for the service. Based on the information given to them, the Cemetery sexton will locate the exact site and determine the earliest possible time a service can be held. When definite information for location of the gravesite is not available, the Cemetery sexton will exercise his/her best judgment in making the location. The Cemetery assumes no responsibility for any error in such location.

2. No burial will be allowed until a burial permit is provided to the Cemetery sexton or Village Clerk.
3. A charge for opening and closing the grave, as well as the sodding or seeding of the grave, will be made at a current rate set by the Village. The payment of said charge becomes the responsibility of the individual(s) in charge of interment. The account becomes due upon receipt of a statement issued by the Village. Individuals, who make the arrangements, if not a funeral director, must make payment prior to the grave opening.
4. Graves shall be dug by the Village and shall conform to all applicable state laws. Only the Village shall open grave sites.
5. A member of the Village shall be present at every interment or service.
6. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.
7. The interment of more than one body in a single casket will not be allowed except in the case of a parent and infant or two children interred at the same time. The limitation of numbers of cremated remains allowed in one full body grave space are limited to a maximum of four cremated remains each.
8. Interments requiring special consideration(s) of utilizing equipment not normally available to the Village could be provided upon request. Adequate time must be allowed for preparation. Fees and charges must reflect the cost of the extra equipment, time and materials. Such practices must be arranged by advance notification.
9. No interments of a body other than that of a human being will be permitted.
10. Should weather become a factor, or when several burials occur on the same date, the Cemetery sexton shall schedule interments, working in close cooperation with the funeral directors. To avoid conflict, it will be necessary to honor service communications from the funeral directors according to the time received.
11. Whenever possible, interments will be scheduled to enter the Lakeview Cemetery no later than 3:00 p.m., Monday through Friday. Interments that require work being done other than during regular work hours Monday through

Friday will be charged extra at the current overtime rate for actual time spent. Interment normally will not be scheduled on Sunday or an official Village holiday.

## **Removal**

### **Sec. 4**

1. Removal of bodies from graves in Lakeview Cemetery will be done only by the Village in accordance with the requirements or the statutes of the State and the rules of the Public Health Department. Charges made by the Village for removal will be made in accordance with the difficulty of the work and are payable in advance. The minimum charge will be equal to twice the current charge for opening a grave of similar size.
2. Lot owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the State and deliver it to the Cemetery sexton or Village Clerk.

## **Stone and Monument Work**

### **Sec. 5**

1. Monument dealers and the purchasers are encouraged to contact the Village prior to ordering a monument to check on monument restrictions.
2. The Village of Mackinaw City does not engage in stone or monument installation or repair; however, all stone and monument work within the Lakeview Cemetery shall be subject to the following regulations and requirements:
  - a. All monuments must either be flush with the ground or be at least four inches (4") in height. The base for all-flush monuments or upright markers must correspond as closely as possible to the contour of the existing soil surface. No monument may be installed in such a fashion that it extends beyond the boundaries of the designated lot or grave, or that will interfere with future grave openings or the movement of the Cemetery maintenance equipment.
  - b. The setting of monuments and the transportation of all tools, materials, etc., within the Cemetery grounds shall be subject to the supervision and control of the Village. No unnecessary damage to the existing turf will be allowed, and all debris is to be removed from the Cemetery except soil. Excess soil must either be removed from the Cemetery or may be placed in the Cemetery stockpile. It may not be used to fill in low areas or distributed on adjacent lots.

- c. Heavy trucking will not be permitted within the Cemetery when, in the opinion of the Village, such work might cause damage to the grounds or driveways. Once begun, all monument and stone work is to be completed and any accumulated debris is to be removed from the site within a seven-day period. All work must be done during regular Cemetery hours of operation, Monday through Friday, unless by special permission from the Cemetery management.
- d. All corner markers are set by the Village.
- e. Stone work or monuments of any sort, once established in the Cemetery, may not be removed except by permission of the Village.

## **Vaults and Mausoleums**

### **Sec. 6**

1. The construction of vaults and mausoleums must be approved by the Village.

## **Maintenance Practices**

### **Sec. 7**

1. Permission for all permanent plantings must be acquired from the Village. Permanent plantings that are planted without permission may be removed without notice.
2. Existing individual lot plantings may be trimmed or removed by the Cemetery staff when they have become unsightly or unmanageable. Individual plantings so removed may be replanted as a part of a group planting.
3. No hedges, fences, or enclosures of any kind will be permitted on or around lots. Any objects that are obstructing the general maintenance of the Cemetery shall be removed without notice. Existing enclosures will be removed when they have deteriorated to an unattractive or unsafe condition.
4. Live flowers in plastic or paper mache' containers are most welcome and may be used at all times. Annuals or perennials planted on the graves are welcome but must be mulched and tended by the planter. Plantings must be kept weeded and grass free, and those that are not tended and become unsightly shall be removed without notice by Cemetery staff. The Village assumes no responsibility for the preservation, maintenance, or protection of any type of grave, plant or decoration.
5. Placement of funeral flowers will be allowed for a period of approximately five (5) days; after this period, they will be removed. Artificial wreaths, artificial flowers, and decorations may be used, but all artificial flowers and decorations that

remain from the previous year will be removed by May 1st or when considered to be unsightly by staff.

6. All wooden boxes, glass jars and bottles, toys, cans, wired flowers, and other objects that might create a mowing hazard will not be permitted during the mowing season except as designated and, when used, will be removed and disposed of by the Cemetery staff without notice. Shepherd's crooks are permitted, but when used they must be placed directly next to the side of the monument with the crook over the monument. All paintings or decorations placed on the crook must comply with all Cemetery decoration rules.
7. The Village reserves the right for its staff and other persons to enter upon or cross over any lot in the Cemetery when deemed necessary to the performance for normal Cemetery operation.
8. The Village reserves the right to move monuments for the purpose of machine digging graves. The Village assumes the responsibility for resetting the monument in a timely manner.
9. The Village or its employees assume no responsibility for actual damages or mental anguish in the performance of its normal operation, or loss by vandalism or other acts beyond its reasonable control.
10. The lot owner should feel free to consult with the Cemetery sexton or the Village of Mackinaw City staff regarding any item or clarification of the rules and regulations at any time.

## Rules for Visitors

### Sec. 8

1. Visiting hours for the Cemetery are from sunrise to sunset. Visitors are requested to use designated walks and drives and not to trespass unnecessarily on Cemetery lots, pick any flowers, damage any shrub, tree or plant, or mar or deface any monument, stone or structure in the Cemetery.
2. Central Avenue is designated as the entrance and exit for vehicles in Lakeview Cemetery.
3. Vehicles traveling within the Cemetery shall observe the hours of visitation as previously stated and shall proceed at a rate not to exceed five (5) miles per hour. Drivers should be aware at all times of the Village's right to alter, change or close alleyways, roadways, and other physical properties of the Cemetery.
4. Firearms will be allowed inside the Cemetery only for use at military funerals. Special permission must be obtained in advance from the Village.
5. It is unlawful to bring, cause, or permit a dog or any animal to enter the Cemetery except seeing eye dogs, unless confined inside a vehicle.

## **Fees and Payments**

### Sec. 9

1. The payment of fees and charges is due when billed by the Village. Fees, rates and charges shall be specified herein or as established by the Village Council.

## **Penalty**

### Sec. 10

1. Any person violating any provision of this Ordinance shall, upon conviction thereof, be guilty of a civil infraction with costs assessed at not more than \$500. Any violation continuing for more than one day shall be a separate offence for each separate day during which the violation continues. These penalties may be imposed in addition to the fees and costs associated with this Ordinance. A violation of this Ordinance shall also authorize the Village to obtain injunctive relief to enjoin any unlawful activity.

## **Severability**

### Sec. 11

1. The conditions of this Ordinance are declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared void or inoperative by any reason by a court of competent jurisdiction, it shall not affect the other part or portion thereof.

## **Effective Date**

### Sec. 12

1. This Ordinance shall take effect twenty (20) days from its date of passage