

ORDINANCE #05-2017

ORDINANCE TO AMEND “CHAPTER 22 – CEMETERIES” OF THE CITY OF MARLETTE CODE OF ORDINANCES

WHEREAS, the City of Marlette has completed a thorough review of its Code of Ordinances in pursuit of publishing a comprehensive update of the Code of Ordinances book; and

WHEREAS, the following amendments are necessary to complete the update.

THE CITY OF MARLETTE ORDAINS

Section 1. That Section 22-33 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-33. Foundations.

All foundations for gravestones, markers, or monuments shall be installed by the City of Marlette and comply with the following specifications. The material that shall be used must be poured concrete reinforced with wire mesh or steel support rods, and the depth of all bases for gravestones, markers, or monuments shall be ~~four~~six inches. All gravestones, markers, or monuments must be placed at the head of the grave as platted. Any grave that is to have more than one marker (veterans marker, infant marker), the second marker must be attached to the back of the original marker or be installed flush with the ground. Foot stones are to be flush with the ground. Foundations for monuments shall extend three inches larger than the monument on all sides. Charges for foundations shall be established by a resolution of city council.

Section 2. That Section 22-34 of Chapter 22 of the City of Marlette Code of Ordinances is hereby deleted in its entirety:

Sec. 22-34. Rules and regulations.

- ~~(a) No children riding bikes/playing in the Cemetery.~~
- ~~(b) All gravestones, markers, or monuments must be placed at the head of the grave as platted. Any grave that is to have more than one marker (veterans marker, infant marker), the second marker must be attached to the back of the original marker or be installed flush with the ground. Foundations for monuments shall extend three inches larger than the monument on all sides.~~
- ~~(c) No gravel or crushed stone on lots.~~
- ~~(d) All foundations for gravestones, markers, or monuments shall comply with the following specification. The material must be poured concrete reinforced with wire mesh or steel support rods, and the depth of all bases for gravestones, markers, or monuments shall be six inches.~~
- ~~(e) All lots seeded by the Cemetery.~~
- ~~(f) Urns and flower containers shall be placed on concrete foundations and set in alignment with the grave marker at the head of the lot. Only one urn, or one 8-inch~~

~~potted plant, or one hanging basket, on a hook, per lot. No Styrofoam wreaths allowed.~~

~~(g) Steel rods and wire is prohibited.~~

~~(h) All flowers to be placed in containers. No glass/plastic containers allowed.~~

~~(i) Two dwarf evergreen trees per lot. The lot owner must trim shrubs yearly or they will be removed at the discretion of the Marlette Department of Public Works.~~

~~(j) No rosebushes or creeping vines are to be planted. If any tree, shrub, vine or plant on any lot should become detrimental to the adjacent lots, service drives, or roads, by means of its roots, branches, or otherwise, they will be removed without the consent of the lot owner.~~

~~(k) The DPW crew will remove items that are misplanted or misplaced as they interfere with the mowing and upkeep of the Cemetery. The DPW reserves the right to remove funeral designs and floral pieces at their sole discretion. Flower receptacles not in use by the first day in July will be removed from the lot.~~

~~(l) No digging on any grave or planting flowers in the ground. All flowers, plants, etc. must be in an urn or container. All fences, curbs, steps, planters, structures of wood, or other perishable material is prohibited.~~

~~(m) Please see a member of the DPW before planting or placing anything on lots.~~

~~(n) No pets allowed in the Cemetery.~~

~~(o) Speed limit is 15 mph.~~

~~(p) Please do not drive on the grass.~~

~~(q) All winter decorations (grave blankets, wreaths or holiday decorations), real or artificial, and fastener devices must be removed by April 1. All ring stands and flowerpot holders are to be removed by November 1. All decorations not disposed of as required above will be considered abandoned and disposed of by the DPW.~~

~~(r) The Cemetery is not responsible for lost or damaged decorations.~~

Section 3.

That Section 22-51 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-51. Interment or inurnment generally.

(a) The ~~superintendent or his assistants~~Department of Public Works shall be in attendance and have charge of all interments or inurnments in the cemetery.

(b) All interments and inurnments in lots shall be restricted to members of the family of the lot owner.

(c) No lot owner shall permit interments or inurnments to be made in his lot for remuneration.

(d) Graves will be opened for burial purposes at the request of the lot owner or undertaker representing the owner, but no interment or inurnment will be made without a signed order, accompanied by the burial permit as required by law.

(e) Sufficient notice must be given before a funeral to allow eight hours of daylight to prepare for burial. All graves will be opened by employees of the cemetery. The charges include opening and closing of the grave, and sodding and seeding. Said charges shall be established by a resolution of city council.

(f) The interment of more than one body in a grave is prohibited, except in the case of mother and infant, or two children buried at the same time. The interment of one body and the cremated remains of ~~two~~four persons is permitted in one grave space.

(g) Cremated remains instead of bodies may be interred in grave spaces. In such instances, not more than the cremated remains of ~~two-four~~ persons may be so interred in each space. In that case, a single marker designating ~~two-four~~ cremated remains may be installed in the grave spaces.

(h) Where arrangement for indigent burials ~~are is~~ made through an authorized welfare agency, the ~~superintendent~~ Department of Public Works shall select a suitable lot, which will be recorded as free ground after burial. No markers or monuments may be erected on indigent lots until full remuneration has been made for regular lot and service charges.

(i) In addition to and notwithstanding the above, all interments and inurnments shall be in compliance with all state laws and local ordinances.

Section 4. That Section 22-52 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-52. Interment records.

The ~~superintendent~~ City of Marlette shall keep a register and record of all interments and inurnments made in the cemetery. The records shall disclose the name of the deceased, his late address, cause of death, name of undertaker officiating, and the method of disposal used. The record shall be part of the city's public records.

Section 5. That Section 22-54 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-54. Reopening graves; removals.

(a) No disinterment-reinterment shall be made without a signed order accompanied by the disinterment permit as required by law.

(b) Disinterment or reopening is to be scheduled during weekday work hours only.

(c) The ~~superintendent or his assistant~~ Department of Public Works shall be in attendance and have charge of all removals.

Section 6. That Section 22-71 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-71. Seed and sod.

All lots in the Marlette Cemetery shall be seeded or sodded exclusively at the option of the ~~cemetery manager~~ Department of Public Works.

Section 7. That Section 22-72 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-72. Decoration of lots.

(a) ~~Any cemetery employee~~ The Department of Public Works shall have the authority to remove any wreaths or flowers not placed or planted in such manner that interference with the mowing and maintenance of the cemetery occurs.

(b) No rosebushes, shrubbery or creeping vines shall be planted by anyone in the Marlette Cemetery. Two dwarf evergreen trees may be planted on each lot; however, no planting of any nature shall occur without first obtaining the consent of the ~~cemetery manager~~ Department of Public Works. The lot owner must trim shrubs yearly or they will be removed without the consent of the lot owner. If any tree, shrub, vine, or plant on any lot should become detrimental to the adjacent lots, service drives, or roads, by means of its roots, branches, or otherwise, they will be removed without the consent of the lot owner.

(c) All flowers shall be placed in containers, and no glass or plastic containers shall be placed on any lot. Flower containers and urns shall be placed on concrete foundations and set in alignment with the grave marker at the head of the lot be placed at the head of the lot in front of the monument or gravestone. Only one hanging basket, on a hook, per lot. No Styrofoam wreaths are allowed. All artificial flowers shall be placed at the head of the lot in front of monuments and shall be placed in containers. All fences, curbs, steps, planters, structures of wood, or other perishable materials are prohibited.

(d) No gravel or crushed stone shall be allowed on any lot and no glass jars of any nature shall be placed on any lot.

Section 8. That Section 22-73 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-73. Schedule of decoration removal.

(a) Winter decorations (grave blankets, wreaths or holiday decorations), real or artificial, and fastener devices must be removed by April 1.

(b) All ring stand and flower pot holders are to be removed by November 1.

(c) The cemetery is not responsible for lost or damaged decorations.

(d) All decorations not disposed of as required above will be considered abandoned and disposed of by the ~~cemetery superintendent~~ Department of Public Works.

Section 9. That Chapter 22 of the City of Marlette Code of Ordinances is hereby amended by adding a section, to be numbered 22-74, which section reads as follows:

Sec. 22-74. Municipal civil infraction.

A person who violates this division is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 44-38. Repeat offenses under this division shall be subject to increased fines as set forth in section 44-38.

Section 10. That Section 22-92 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-92. Speed limit.

The speed limit for all motor vehicles on all roads located in the Marlette Cemetery shall be ~~ten~~ fifteen miles per hour. Driving on the grass is prohibited.

Section 11. That Section 22-94 of Chapter 22 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 22-94. Children playing.

No child shall be allowed in the Marlette Cemetery for the purpose of playing or biking on any of the cemetery grounds.

Section 12. This Ordinance is declared necessary for the peace, health and safety of the residents of the City of Marlette and shall become effective upon twenty five days after enactment and publication.

Mayor

City Clerk

Approved as to form:

City Attorney

First Reading: _____
Second Reading: _____
Published: _____

The foregoing ordinance was offered by Council Member ____ and supported by Council Member _____:

AYES:
NAYS:

ABSENT:

The Clerk declared the ordinance adopted.

I, Sandra Cargill, the duly qualified and acting Clerk of the City of Marlette, Sanilac County, Michigan do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council at a regular meeting held on Monday, _____, 2017, the original of which is on file in the City Office.

Sandra Cargill, City Clerk