

**CEMETERY ORDINANCE
CITY OF GAYLORD, MICHIGAN
Ord. Eff. Dec. 2, 2002; Further Amended Eff. Jan. 1, 2003; Jan. 1, 2008; Nov.
14, 2010; Sept. 9, 2013; March 26, 2018**

INDEX

- 35.300 INTENT**
SECTION 6501. PURPOSE
SECTION 6502. MANAGEMENT
SECTION 6503. ADMINISTRATIVE COMMISSION
SECTION 6504. OTHER APPLICABLE LAW, ETC.
- 35.301 STANDARDS, RULES AND REGULATIONS**
SECTION 6505. ADOPTION
SECTION 6506. AMENDMENTS
SECTION 6507. PROHIBITED CONDUCT
SECTION 6507a. RULES AND REGULATIONS
SECTION 6508. ADMITTANCE OF CHILDREN TO CEMETERIES
SECTION 6509. FINANCIAL RESPONSIBILITY OF CITY FOR PROPERTY DAMAGE

SECTION 6510. PLANTING OF TREES, SHRUBS, ANNUALS, BUSHES AND ORNAMENTAL TREES

SECTION 6511. CITY OF GAYLORD RESERVES THE RIGHT
SECTION 6512. WINTER DECORATIONS
SECTION 6513. CEMETERY HOURS
- 35.302 CEMETERY CERTIFICATES**
SECTION 6514. ISSUANCE
SECTION 6515. CONDITIONS OF LOT PURCHASES
SECTION 6516. PURCHASE PROCEDURES
SECTION 6517. PURCHASE AND TRANSFER LIMITATIONS
SECTION 6518. TRANSFER OF LOTS
- 35.302a DESIGNATIONS**
SECTION 6518a. TIME OF DESIGNATION
SECTION 6518b. PERMITTED DESIGNATIONS
SECTION 6518c. RESIDENT DEFINED
SECTION 6518d. DETERMINATION OF RESIDENCY
SECTION 6518e. DETERMINATION OF FEES AND CHARGES
SECTION 6518f. CHANGE OF DESIGNATION
SECTION 6518g. LIMITATION OF BURIALS
- 35.303 FEES AND CHARGES**
SECTION 6519. ESTABLISHMENT
SECTION 6520. TYPES
SECTION 6521. SCHEDULE OF FEES AND CHARGES
- 35.304 VETERANS MEMORIAL PLOTS**
SECTION 6522. USE OF VETERANS MEMORIAL PLOTS

SECTION 6523. CARE OF GRAVES IN VETERANS MEMORIAL PLOTS
SECTION 6524. DECORATION OF GRAVES IN VETERANS MEMORIAL PLOTS

35.305 LOT CARE

SECTION 6525. GENERAL MAINTENANCE
SECTION 6526. PERPETUAL LOT CARE

35.306 MONUMENT, MARKERS AND FOUNDATIONS

SECTION 6527. MONUMENTS
SECTION 6528. MARKERS
SECTION 6529. FLUSH MARKER SECTION
SECTION 6530. LOCATION OF MARKERS ON A LOT
SECTION 6531. MONUMENT AND MARKER FOUNDATIONS:
INSTALLATION

35.307 GENERAL INTERMENT RESTRICTIONS

SECTION 6532. INTERMENT
SECTION 6533. SUNDAY AND HOLIDAY INTERMENTS
SECTION 6534. CONDITIONS TO BE FULFILLED BEFORE INTERMENT
SECTION 6535. FUNERALS

35.308 DISINTERMENT RESTRICTIONS

SECTION 6536. DISINTERMENT

35.309 CASKET AND OUTSIDE BURIAL CONTAINERS (AND COLUMBARIUM)

SECTION 6537. CASKET
SECTION 6538. PERMANENT OUTSIDE BURIAL CONTAINER
SECTION 6539. COLUMBARIUM

35.310 GENERAL

SECTION 6539. ERRORS MAY BE CORRECTED
SECTION 6540. CONTRACTORS AND OUTSIDE WORKERS
SECTION 6541. EXCEPTIONS TO RULES AND REGULATIONS
SECTION 6542. EFFECTIVE DATE
SECTION 6543. SUNSET PROVISION
SECTION 6544. PAUPER GRAVES
SECTION 6545. BABYLAND
SECTION 6546. PENALTIES

35.300 INTENT.

Sec. 6501. **PURPOSE.** All cemeteries now owned or which may hereafter be acquired by the City of Gaylord shall be declared to be public burying grounds. No person or organization of persons shall establish any cemetery or public burying grounds except in accordance with the State law and the regulations of the State of Michigan and the City of Gaylord. It is the purpose of this Ordinance to establish the authority and controls necessary for the regulation and protection of public cemeteries within the jurisdiction of the City of Gaylord.

Sec. 35.000
Health/Environment

Sec. 6502. **MANAGEMENT.** Pursuant to the authority contained in the City Charter, the management, supervision and operation of municipal cemeteries shall be and remain under the authority of the City Council. The City Manager is hereby designated as the person responsible for the efficient management and operation of the municipal cemeteries. The City Manager may designate a cemetery supervisor to oversee the day to day care, operation and supervision of all municipal cemeteries.

Sec. 6503. **ADMINISTRATIVE COMMISSION.**

- A. A cemetery commission is hereby created and shall consist of three members who are qualified electors of the City of Gaylord, appointed by the City Manager, by and with the consent of the City Council. The terms of office of such members shall be five years; except, that of the first appointed, one each shall be appointed for terms of three, four, and five years. Initial terms shall expire on the second Monday in May in which the initial appointment is made. Thereafter, members shall be appointed at the first meeting of the City Council in May.
- B. **Meetings; Compensation.** The Cemetery Commission shall meet whenever the affairs of the Commission demand, upon call of the chairperson. The Commission shall meet not less than once every three months. All services provided by the Commission shall be gratuitous.
- C. **Officers; Powers and Duties.** The Cemetery Commission shall appoint one of its members as chairperson and one of its members as secretary. Such Commission shall from time to time, recommend to the City Council the necessary grounds to be laid out in a system of plats, lots, roads, and walks, properly named and numbered by means of recorded measurements from fixed landmarks. The Commission shall recommend to the City Council the price of lots and rates.
- D. **Promulgation of Standard Rules and Regulations.** The Cemetery Commission shall recommend to the City Council such rules and regulations as are necessary for the operation, maintenance, use and protection of municipal cemeteries.

Sec. 6504. **OTHER APPLICABLE LAW, ETC.** Where provisions of any applicable local, State or Federal law, rule or regulation, impose greater restrictions or higher standard than those restrictions and standards contained in this Ordinance, or the rules and regulations adopted pursuant to this Ordinance, then the provisions of such law, rule or regulation shall control. Such standards, rules and regulations shall govern the management, maintenance, operation and use of the municipal cemetery system for the City of Gaylord.
(ord. eff. Sept. 1, 1991)

35.301

STANDARDS, RULES AND REGULATIONS.

Sec. 6505. **ADOPTION.** The standards, rules and regulations promulgated by the Cemetery Commission to carry out the purposes of this Ordinance shall be adopted by resolution of the City Council for full force and effect.

Sec. 6506. **AMENDMENTS.** Standards, rules, and regulations may be amended by resolution of the City Council, from time to time, as necessary to carry out the intent of this Ordinance.

Sec. 6507. **PROHIBITED CONDUCT.** Conduct in Cemeteries. No person shall:

- A. Drive any vehicle on other than established drives, except for maintenance personnel.
- B. Deposit rubbish or debris on cemetery grounds, except on the edge of drives or in receptacles provided.
- C. Pick or mutilate flowers, either wild or domestic, or disturb any tree, shrub, or damage, either intentionally, recklessly, carelessly, or negligently, any sprinkler head, sprinkler line or pipe, or connection thereto.
- D. Consume alcoholic beverages in a cemetery or carry same upon the premises.
- E. Permit any domestic or nondomestic (domesticated) animals into or remain in any cemetery.
- F. Use any form of advertising on cemetery premises, unless placed, distributed or permitted by the City Manager or Clerk.
- G. Discharge a firearm in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial services.
- H. Permit or approve a vehicle to be driven in the cemetery faster than ten (10) miles per hour.

Sec. 6507a. **RULES AND REGULATIONS.**

- A. Time and date for burials from the vault shall be set by the City Manager or City Clerk. Notification will be given to the Funeral Director.
- B. Funeral Directors, upon arrival at the cemetery, must present the necessary burial permit.
- C. At least eight regular working hours notice must be given whenever an interment is to be made.
- D. All memorials, monuments and grave markings must be cut from quarries granite, marble or cast from genuine bronze.

Sec. 35.000
Health/Environment

- E. No artificial stone, native boulders or field stone will be permitted.
- F. The City Manager or City Clerk, or designate, shall reserve the right to remove funeral designs and floral pieces as soon as they become unsightly.
- G. No winter burials will be permitted between October 1st and April 15th, except at the discretion of the City Manager or City Clerk (weather permitting).

Sec. 6508. **ADMITTANCE OF CHILDREN TO CEMETERIES.** No person or persons under 18 years of age shall enter a cemetery unless attended by an adult or adults responsible for their conduct or until permission to enter has been obtained from the cemetery management.

Sec. 6509. **FINANCIAL RESPONSIBILITY OF CITY FOR PROPERTY DAMAGE.** The City shall not be financially responsible for any damage to lots and structures or objects thereon, or for flowers or articles removed from any lot or grave.

Sec. 6510. **PLANTING OF TREES, SHRUBS, ANNUALS, BUSHES AND ORNAMENTAL TREES.** The City of Gaylord reserves to itself the sole right to plant and maintain all permanent plantings within the cemetery. Lot owners desiring special permanent plantings on their lots shall make a request in writing to the City Manager or City Clerk, who may permit such plantings to be done at the lot owner's expense. All requests shall be responded to in writing, stating either approval or denial of the request. Any such planting shall immediately become the property of the cemetery. Trees, shrubs, annuals, bushes, ornamental trees or plantings will be allowed limited growth and trimmed or cut back when they overhang lots of a different owner.

Sec. 6511. **CITY OF GAYLORD RESERVES THE RIGHT.** The City of Gaylord reserves the right to remove any flowers, shrubs, plants, or other vegetation which, in the judgment of the City Manager or designee, has become diseased or infested by insects, is no longer living, or is otherwise a risk to other vegetation or to human health.

Sec. 6511a. **FLOWERS AND DECORATIONS (Apr. 1st through Oct. 1st)** Any flowers (real or artificial), or other decoration, may be placed either upon a grave or planted or placed in urns or containers so as not to interfere with cemetery maintenance. All such containers must be metal, concrete or clay and be above the surface of the ground. All flowers and decorations, other than urns and containers or those considered to be winter decorations, shall not be placed until April 1st of each year and shall be removed by October 1st of each year. If such flowers and decorations are not removed by October 1st, they shall be considered abandoned and the City Manager, City Clerk, or designee, shall have the right to remove and dispose of the same. Furthermore, any flower (real or artificial), or any container, or decoration, that is placed, maintained or becomes in violation of this section shall be subject to removal and disposal by the City Manager or City Clerk, or designee.

Sec. 6511b. **CEMETERY MAINTENANCE.** If at any time any decoration, flower planting, vegetation, container, or other personal property or fixture interferes with cemetery maintenance, the Sexton shall have the right to remove and dispose of the same.

Sec. 6512. **WINTER DECORATIONS (Oct. 1st through Apr. 1st)** Grave blankets or wreaths will be permitted to be placed from Oct. 1st to Apr. 1st each year. Other types of decorations, including, but not limited to, artificial flowers, shepherd hooks, solar lights, monuments, tributes or displays are not permitted during this time period. If such winter decorations are not removed by Apr. 1st, they shall be considered abandoned and the City Manager, City Clerk, or designee, shall have the right to remove and dispose of the same. Furthermore, any decoration or flowers placed that are in violation of this section shall be subject to removal and disposal by the City Manager or City Clerk, or designee.

Sec. 6513. **CEMETERY HOURS.** The entrances of the cemeteries shall be open from 7:00 a.m. to one half hour after sunset and no person shall be permitted to enter the cemetery grounds other than during such hours except by special permission of the cemetery management.
(ord. eff. Sept. 1, 1991)

35.302

CEMETERY CERTIFICATES.

Sec. 6514. **ISSUANCE.** Each purchaser of a lot or lots will be issued a certificate or burial right and cemetery care, duly issued and recorded by the City Clerk. Such certificates will be issued in a form as prescribed by the Cemetery Commission.

Sec. 6515. **CONDITIONS OF LOT PURCHASES.** A cemetery lot is defined as any plot of ground within any platted section of any city cemetery containing four (4) or more full size grave spaces. All lots shall be sold subject to these rules and regulations or those hereafter adopted and the muniment of title shall so state. No lot shall be used for any other purpose other than the burial of human remains and the placing of appropriate memorials. Interments of the remains of any person other than the owner of lot or any member of the immediate family will be permitted only after written consent of the owner, owners, or authorized agent has been filed with the City Clerk. In the case of a minor, the guardian or authorized agent thereof shall give such consent upon proof of authority to act. The City may impose specific charges against graves.

Sec. 6516. **PURCHASE PROCEDURES.** The purchase of a lot shall be evidenced by execution of a purchase contract and a certificate or burial right issued and signed by the City Clerk, describing the lot and stating the purchase price and amount paid. No lot will be regarded as sold until fully paid for.

Sec. 6517. **PURCHASE AND TRANSFER LIMITATIONS.** The purchase and transfer of burial rights in the City of Gaylord owned cemeteries for the purpose of resale or speculation is prohibited and the City reserves the right to refuse any such offer to purchase or transfer.

Sec. 6518. **TRANSFER OF LOTS.** Transfer of cemetery lots or individual grave spaces shall be permitted only in accordance with the following:

- A. **Procedure.** Cemetery certificates are non-transferrable except through the execution of an appropriate instrument of transfer issued by the City Clerk, upon surrender of the previous certificate. A recording fee shall be charged for this service as provided in the schedule of rates and charges.
- B. **Transfer to "Legal Relative".** Lots or grave spaces may be transferred to a legal relative upon payment of a nominal charge for each certificate issued. For the purpose of this provision, "legal relative" is defined as a spouse, brother, sister or lineal descendent of the transferor, i.e., grandparent, parent, child, grandchild, etc.
- C. **Other Transfers.** Lots or grave spaces may be transferred to other than a legal relative, as defined above, by payment to the City of the difference between the price paid at the time of original purchase and the price in effect on the date of transfer.
- D. **Right of Successorship.** Upon the death of the lot owner, or owners in cases of joint ownership, the lot descends to those named in his/her will or to his/her heirs as designated by law. It shall be the responsibility of the heirs to provide the City with proof, to the City's satisfaction, of any legal assignment or transfer of ownership. The City shall in no way be held responsible for a failure to properly determine the legal successorship of any lot owner or purchaser.
(ord. eff. Sept. 1, 1991)

35.302a DESIGNATIONS.

Sec. 6518a. **TIME OF DESIGNATION.** At the time of purchase of any lot or grave space, or at the time of any transfer if a designation is not then in effect, the purchaser or transferee shall designate the person who is to be buried in each grave space purchased or transferred, or shall, at his or her option, leave such grave space nondesignated. Designation or nondesignation shall be for the purpose of determining the applicable fees and charges as hereinafter provided.

Sec. 6518b. **PERMITTED DESIGNATIONS.** A person may only designate a legal relative, as that term is defined in Section 6518B (35.302).

Sec. 6518c. **RESIDENT DEFINED.** A "resident" as used herein, shall mean a person who, at the time of designation, has his or her principal place of domicile within the corporate limits of the City.

Sec. 6518d. **DETERMINATION OF RESIDENCY.** The determination of residency is to be made at the time of designation or at the time of a change of designation. Such determination shall be made by the City Clerk or City Manager.

Sec. 6518e. **DETERMINATION OF FEES AND CHARGES.** The applicable fees

Sec. 35.000
Health/Environment

and charges for purchase and perpetual care of any grave space shall be determined at the time of purchase and designation. Fees and charges shall be assessed for each individual grave space. If the designee for an individual grave space is, at the time of designation, a resident (as defined in Section 6518c), resident rates will apply. If the designee for an individual grave space is other than a resident (as defined in Section 6518c) or if an individual grave space is left nondesignated, nonresident rates will apply.

Sec. 6518f. **CHANGE OF DESIGNATION.** The owner of any individual grave space may, at any time and subject to the limitations of Section 6518b, change the designation for such grave space. Provided, however, that if the designee is changed from a resident to other than a resident, there shall be paid to the City at the time of the change of designation, the difference between the fees and charges for purchase and perpetual care that were originally assessed and those nonresident fees and charges in effect at the time of the change. There shall be no refund of fees and charges upon a change of designation from a nonresident to a resident or from a nondesignation to a resident designation.

Sec. 6518g. **LIMITATION OF BURIALS.** As to any individual grave space upon which there is a designation in effect, no person shall be buried or interred in such grave space other than the designee unless and until the designation has been changed by the owner and the fees and charges, if any, determined in accordance with Section 6518f, have been paid.
(ord. eff. Sept. 1, 1991)

35.303

FEES AND CHARGES.

Sec. 6519. **ESTABLISHMENT.** The fees and charges for the sale of cemetery lots and grave spaces and the use of cemetery grounds and lots, for the purpose of recovering the costs of acquisition, construction, reconstruction, maintenance and operation, shall be established, adopted and amended from time to time by resolution of the City Council, upon recommendation of the Cemetery Commission.

Sec. 6520. **TYPES.** Such fees and charges may be established for, but are not limited to the sale of lots and perpetual care of such lots, burials, removals, foundations, certificates issued, certificate transfer and operational and maintenance services as may be determined.

Sec. 6521. **SCHEDULE OF FEES AND CHARGES.** The following fees and charges shall apply to residents and nonresidents. (Amend. by resolution eff. Sept. 9, 2013)

RESIDENTS:

Single Grave (Adult)	\$300.00
Single Grave (Infant)	100.00
Columbarium Lot	1500.00
Perpetual Care (Adult)	150.00
Perpetual Care (Infant)	50.00
Perpetual Care (Columbarium)	500.00

Sec. 35.000
Health/Environment

General Maintenance Lot Care - Yearly	25.00
Disinterment (Adult)	1,000.00
W/Reinterment (Adult)	300.00
Disinterment (Infant)	100.00
W/Reinterment (Infant)	100.00
Certificate of Transfer	10.00
Winter Storage	100.00
Other Cemetery Winter Storage	300.00

Foundations (excluding Columbarium Foundations) are charged \$.45 per square inch
Columbarium Foundations are charged \$.50 per square inch

Adult Grave Opening (Minimum)	300.00
Infant Grave Opening (Minimum)	100.00
Remains - Graveside (Ashes)	100.00
Columbarium Opening/Closing	200.00
Holiday Burial (Minimum)	1,000.00
Holiday Cremation Burial (Minimum)	800.00
Holiday Columbarium Opening/Closing	900.00
Saturday Burial (Minimum)	500.00
Saturday Cremation Burial (Minimum)	300.00
Saturday Columbarium Opening/Closing	400.00
Sunday Burial (Minimum)	600.00
Sunday Cremation Burial (Minimum)	400.00
Sunday Columbarium Opening/Closing	500.00
Hourly Rate Charged Per Person	Current

NONRESIDENTS:

Single Grave (Adult)	\$500.00
Single Grave (Infant)	150.00
Columbarium Lot	3500.00
Perpetual Care (Adult)	300.00
Perpetual Care (Infant)	100.00
Perpetual Care (Columbarium)	500.00
General Maintenance Lot Care - Yearly	60.00
Disinterment (Adult)	1,000.00
W/Reinterment (Adult)	500.00
Disinterment (Infant)	200.00

W/Reinterment (Infant)	200.00
Certificate of Transfer	10.00
Winter Storage	100.00
Other Cemetery Winter Storage	300.00

Foundations (excluding Columbarium Foundations) are charged \$.45 per square inch
Columbarium Foundations are charged \$.50 per square inch.

Adult Grave Opening (Minimum)	500.00
Infant Grave Opening (Minimum)	150.00
Cremains - Graveside (Ashes)	150.00
Columbarium Opening/Closing	300.00

Holiday Burial (Minimum)	1,000.00
Holiday Cremation Burial (Minimum)	800.00
Holiday Columbarium Opening/Closing	900.00

Saturday Burial (Minimum)	700.00
Saturday Cremation Burial (Minimum)	350.00
Saturday Columbarium Opening/Closing	500.00

Sunday Burial (Minimum)	800.00
Sunday Cremation Burial (Minimum)	450.00
Sunday Columbarium Opening/Closing	600.00

Hourly Rate Charged Per Person Current

(ord. eff. Sept. 1, 1991, amended by resolution Sept. 23, 2002, eff. Jan. 1, 2003;
further amended by resolution Sept. 10, 2007; eff. Jan. 1, 2008; Sept. 9, 2013)

35.304 VETERANS MEMORIAL PLOTS.

Sec. 6522. **USE OF VETERANS MEMORIAL PLOTS.** Certain sections of the cemeteries have been set aside to honor those Veterans who have honorably served in the Military of the United States during time of War. Burial spaces in these sections are furnished without charge to eligible Veterans. Permission for burial in a Veterans Memorial Plot may be obtained at the City Clerk's office.

Sec. 6523. **CARE OF GRAVES IN VETERANS MEMORIAL PLOTS.** All graves in the Veterans Memorial Plots will receive the same type of care as lots with perpetual care.

Sec. 6524. **DECORATION OF GRAVES IN VETERANS MEMORIAL PLOTS.** The restrictions regulating the decoration of lots shall apply to the decoration of graves in the Veterans Memorial Plots.
(ord. eff. Sept. 1, 1991)

35.305

LOT CARE.

Sec. 6525. **GENERAL MAINTENANCE.** General Maintenance of the cemeteries, which is designated to improve their over-all appearance and condition, shall be the responsibility of the City of Gaylord. It shall include such items as upkeep of drives, buildings, sewers, water lines, sprinkler system and fences. It shall also include the following items of basic lot care: Annual spring cleanup, periodic cutting of grass and raking of leaves. General maintenance shall apply to all lots and graves in all cemeteries.

Sec. 6526. **PERPETUAL LOT CARE.** All graves purchased after November 9, 1981 will be required to purchase Perpetual Care for all graves sold. In general, standard Perpetual Care services include regular cutting and trimming of turf, watering, top dressing and reseeding as required for the maintenance of a good turf, and the removal of debris. Any other maintenance, improvement or special service item is limited to earnings of the invested endowment.
(ord. eff. Sept. 1, 1991)

35.306

MONUMENT, MARKERS AND FOUNDATIONS.

Sec. 6527. **MONUMENTS.** Where permitted, monuments shall be restricted to the following: To avoid the appearance of congestion only one monument shall be placed in the center of a four, six, or eight grave lot in which graves are back to back, not all in a row. No monument shall be placed upon a lot unless such lot has been paid for in full. All foundations of monuments shall be constructed by the City, at the owner's expense.

Sec. 6528. **MARKERS.** All single, double or three grave markers shall be placed at the outer edge of the grave site nearest to the adjacent foot path. No more than one marker shall be placed on a grave. All foundations for markers shall be constructed by the City, at the owner's expense. No marker shall be set on any grave site unless the grave is paid for in full.

Sec. 6529. **FLUSH MARKER SECTION.** In sections or portion of sections, designated as flush marker areas, all markers shall be set so that the top is flush or level with the ground. No memorial other than grave markers may be set on any section or portion of a section, so designated. No materials except granite or standard bronze shall be used for flush markers. All foundations for flush markers shall be constructed by the City, at the owner's expense.

Sec. 6530. **LOCATION OF MARKERS ON A LOT.** In upright marker sections, only flush markers will be allowed at graves located in other than a platted grave space. (Pauper Section) No marker shall be placed nearer than four inches to a lot line. Not more than one marker shall be placed at any one grave. No marker shall embrace two or more graves, except on a two or three grave lot where a double or three-grave marker is permitted. No marker shall be set unless it is first approved by the cemetery supervisor and the grave space is paid for in full.

Sec. 6531. **MONUMENTS AND MARKER FOUNDATIONS: INSTALLATION.** All

Sec. 35.000
Health/Environment

foundations for markers and monuments shall be constructed by the City at the owner's expense. All marker and monument foundations must be eight inches wider and eight inches longer than the base of the marker and/or monument. The sides of all foundations must be perpendicular. Fresh concrete must be used in all foundations. Single grave marker foundations must be at least 12 inches deep, not to exceed 500 pounds. Double and three-grave marker foundations must be at least 18 inches deep, not to exceed 1,000 pounds. All monument foundations must be at least 24 inches deep. For charging purposes, all foundations shall be charged for by the inch. Width times length, with minimum rates for marker and monument foundations. All marker and monuments shall be installed by the City at the owner's expense.

(ord. eff. Sept. 1, 1991)

35.307

GENERAL INTERMENT RESTRICTIONS.

Sec. 6532. **INTERMENT.** Only one interment in any one grave shall be permitted, except that one container of cremated remains may be buried above another grave with approval of the cemetery management. The cemetery management shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners or funeral directors. Under no circumstances shall the City assume responsibility for error in opening graves when orders are given over the telephone. No grave shall be opened except under the direct supervision of the cemetery management or supervisor. Notice for opening a grave shall be given sufficiently early to allow at least eight regular working hours for the work to be completed. In cases when death occurs on the weekend and a Monday interment is desired, notice shall be given to the cemetery management by 7:00 A.M. on Monday. Funeral Directors are to arrange the time of funeral so that cemetery workmen can complete interment by 3:00 P.M. In case this cannot be done, an extra charge as provided herein shall be made after 3:00 P.M. any day of the week. All interment equipment not owned by the City shall be under the direction of its owner and any misuse of equipment shall be the responsibility and liability of same.

Sec. 6533. **SUNDAY AND HOLIDAY INTERMENTS.** No interments shall be made on Sunday or City designated holidays for New Year's Day, Good Friday, Memorial Day, Independence Day (July 4th), Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Day before Christmas, Christmas Day, and Day before New Year's Day. In cases of emergency, interments will be scheduled with the holiday overtime rate in effect.

Sec. 6534. **CONDITIONS TO BE FULFILLED BEFORE INTERMENT.** No interment shall take place without a Burial Permit, nor until the person making arrangement for the interment has complied with all laws, ordinances and rules and regulations relative to burials. Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or his agent. When an interment is to be made on a lot in any other than a recorded grave space, a written request will be filed with the City Clerk and the supervisor of the cemeteries.

Sec. 6535. **FUNERALS.** All funerals within the cemeteries shall be under the direction of the Cemetery Management and Supervisor. An additional charge as

Sec. 35.000
Health/Environment

provided herein shall be made for a service on Saturday, Sunday and Holidays. The Cemetery Management reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.
(ord. eff. Sept. 1, 1991)

35.308 DISINTERMENT RESTRICTIONS.

Sec. 6536. **DISINTERMENT.** General Restrictions, Disinterment of a body once properly interred shall not be made without a properly executed disinterment/reinterment permit. Graves to be opened for inspection for official investigation shall require an order signed by a court of competent jurisdiction. Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.
(ord. eff. Sept. 1, 1991)

35.309 CASKET, OUTSIDE BURIAL CONTAINERS AND COLUMBARIUMS.

Sec. 6537. **CASKET.** In all interments, the minimum casket requirement shall be an unfinished wood box or alternative approved by the Cemetery Management. The casket shall be enclosed in a permanent outside container.

Sec. 6538. **PERMANENT OUTSIDE BURIAL CONTAINER.** The following is considered a permanent outside burial container:
Concrete Boxes.
(ord. eff. Sept. 1, 1991)

Sec. 6539. **COLUMBARIUM.** A personal columbarium is allowed in the designated area established at Fairview Cemetery and requires completion of a Columbarium Agreement between the lot owner and the City of Gaylord.

35.310 GENERAL.

Sec. 6539. **ERRORS MAY BE CORRECTED.** The supervisor of cemeteries shall have the right to correct any errors that may be made, either in making interments, disinterments, removals, description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible or as may be selected by the supervisor, or by refunding the amount of money paid on account of that purchase.

In the event the error shall involve the interment of remains of any person in such property, the supervisor shall have the right to remove and reinter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Sec. 6540. **CONTRACTORS AND OUTSIDE WORKERS.** Contractors and others having work in the cemeteries must make known their business to the supervisor of cemeteries and receive a permit before work is commenced.

Sec. 6541. **EXCEPTION TO RULES AND REGULATIONS.** Lot owners desiring an exception to any rule or regulation in this Ordinance shall make a request in writing to the City Manager or City Clerk. All requests shall be responded to in writing, stating either approval or denial of the request. The City Manager or City Clerk shall have the right without notice to make exception to any rule or regulation, but such exception shall not amend any rule or regulation.

Sec. 6542. **EFFECTIVE DATE.** This Ordinance shall become effective September 9, 1991.

Sec. 6543. **SUNSET PROVISION.** This Ordinance shall continue in effect for five years from the effective date. Prior to the end of the five year period, the City Council of Gaylord may after review of said Ordinance, renew or extend the duration and existence of this Cemetery Ordinance upon such terms and for such time as the City Council shall determine.

Sec. 6544. **PAUPER GRAVES.** A section of the cemetery will be set aside for pauper graves at regular rates.

Sec. 6545. **BABYLAND.** A section of the cemetery will be set aside for infant burial graves. The outside container shall not exceed 3 feet by 3 feet. Charges will be per Schedule of Fees and Charges.

Sec. 6546. **PENALTIES.** Anyone found guilty of violating any of the provisions of this Ordinance shall upon conviction thereof be subject to all penalties provided by Section 1104 (12.028) of this Code.
(ord. eff. Sept. 1, 1991)