

ORDINANCE #112

AN ORDINANCE TO REGULATE THE SPRINGPORT CEMETERY, TO READ AS AMENDED.

THE VILLAGE OF SPRINGPORT ORDAINS:

ARTICLE I: ADMINISTRATION AND PROCEDURES

Section 1. Purpose

The purpose of this ordinance is to establish proper operations, administrative and maintenance procedures to regulate the Springport Cemetery in a proper manner. This ordinance is applicable to all employees and officials of the Village of Springport and Springport Township, as well as all members of the general public.

Section 2. Definitions

Section 3. Declared a Public Cemetery

The cemetery known as “Springport Cemetery” is hereby declared to be a public cemetery within the limits of the village and the place thereof respecting lots of interment is hereby continued.

Section 4. Establishment of Board of Cemetery Trustees

A Board of Cemetery Trustees shall be established by the Village Council in accordance with the General Law Village Act, as amended.

Section 5. Administration of Cemetery

The cemetery shall be ultimately, governed by the Village Council. Recommendations on rules, regulations, rates and other administrative functions, shall be made to the Village Council by the Board of Cemetery Trustees. In the event that a Board of Cemetery Trustees does not exist, the Village Clerk shall be responsible for all duties of the Board. The Village Clerk shall be responsible for proper maintenance of all cemetery records. The Village Clerk and the Village Manager shall carry out the directions of the Board of Cemetery Trustees, pursuant to approval from the Village Council and shall serve in an advisory capacity to the Board.

The Board of Cemetery Trustees shall meet as often as they deem necessary. However, under no circumstances shall the Board meet less often than quarterly.

Section 6. Sale of Lots

Any person desiring to purchase a lot in the cemetery shall approach the Village Clerk.

- a) If such person pays for a lot in full, the Clerk shall take the money, give the purchaser a receipt indicating payment in full, and issue a deed to the purchaser. All lots will be paid for before interment.
- b) Burial lots may also be transferred, provided that all individuals involved present a signed letter to the Village Clerk at the time of transfer. All burial right transfers must be recorded with the Village Clerk. The Village will not recognize any persons whose names are not recorded as burial lot owners.
- c) The purchase price of every lot and single grave includes Perpetual Care and such care is made part and condition of each sale. This Perpetual Care is defined as:
 1. Mowing of lots at regular intervals;
 2. The seasonal cleaning of leaves and other debris from the lots;
 3. The re-grading and re-seeding of sunken graves;
 4. Re-seeding of bare area(s) on all lots.
- d) Complaints regarding the care of lots must be submitted in writing to the Village Clerk, or the Board of Cemetery Trustees. The Village Clerk and the Board of Cemetery Trustees will take appropriate action to resolve any reasonable complaint.
- e) The Village reserves the right to perform all works for the care and upkeep of all graves and lots.

Section 7. Determination of Prices

Prices for sale of lots, grave openings, cremation opening, rates for weekend, holiday, after hours operations, and any other charges related to the operation or function of the cemetery shall be set by the Cemetery Board of Trustees, subject to ratification by resolution of the Village Council after a public hearing. The public hearing shall be posted in a local newspaper no less than two weeks prior to the hearing. The Board of Cemetery Trustees shall recommend price adjustments in conjunction with the Village Clerk and the Village President or Manager as is appropriate.

Section 8. Disposition of Cemetery Funds

All moneys raised for the cemetery, and all moneys raised from the sale of lots therein, or otherwise there from, shall be deposited into the Village treasury as follows:

- a) One-half (1/2) of the income from lot sales shall be placed into the Cemetery Fund within the General Fund.
One-half (1/2) of the income from lot sales shall be placed into the Cemetery Trust Fund.
- b) All of the interest earned from the Cemetery Trust Fund shall be placed into the Cemetery Fund within the General Fund to be used for the perpetual care of the Cemetery.

Section 9. Inquiries

Any inquiry for information concerning the Springport Cemetery shall be submitted to the Village Clerk in writing.

ARTICLE II: OPERATIONS AND MAINTENANCE

Section 1. Interment

- a) All interments shall be in grave liners, cement or steel vaults except for cremations.
- b) The cemetery sexton, as appointed by the Village Council, or his/her assistants, shall be in attendance and have charge of all interments in the cemetery.
- c) Graves will be opened for burial purposes at the request of the lot owner or funeral director representing the owner, but no interment will be made without the burial transit permit as required by law and all of the Burial Procedures shall be followed.
- d) Twenty-four (24) hours notice must be given to prepare for a burial. All graves will be opened by employees of the cemetery with the exception of the cremain interment by a family member. The charges include opening and closing of the grave, and sodding and seeding where perpetual care is provided.
- e) The interment of more than one body in a grave is strictly prohibited, except in the case of a parent and infant, two (2) children buried at the same time, a body and a cremation above it, or cremations. In the case of cremations, a total of four interments shall be allowed on the same gravesite.
- f) Where arrangements for indigent burials are made through an authorized welfare agency, the sexton 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 a regular lot, with the exception of the marker provided by the Village.
- g) The sexton shall mark each new grave with a marker provided and installed by Village the day of burial or as soon as possible.
- h) The sexton and the Village shall not be held responsible for errors in the location of graves or lots arising from improper instructions of lot owners. Orders from funeral directors shall be construed as orders from owners.
- i) The Clerk shall keep a register and record of all interments made in the cemetery. The record shall disclose the name of the deceased, name of the nearest relative, last known address, and name and address of funeral home. The record shall be part of the public records of the Village.
- j) The DPW will open the grave and fill out the appropriate areas of the Burial Procedures and Interment Form. Cremations must be accompanied by the cremation certificate, which is to be presented to the clerk. If cremation burial is done by other than DPW, the sextant or his representative must be present and there will be a placement fee charge to cover records and other expenses. If a cremation is buried by the family, and not in the proper site, a charge for the removal and reburial will be incurred.

- k) All workers in the cemetery must suspend all labor until the conclusion of a service, if working on the cemetery grounds.

- l) All graves shall be level with the surrounding grade and seeded or sodded. Perpetual care will be provided on all lots sold. Perpetual care will include:
 - 1) Mowing of lots at regular intervals.
 - 2) The seasonal cleaning of leaves and other debris from the lots.
 - 3) The re-grading and re-seeding of sunken graves.
 - 4) Re-seeding of bare area on all lots.
- m) All graves must be covered with at least twenty-four (24) inches of earth.

Section 2. Reopening Graves; Removals; Disinterment and Reinterment

- a) No disinterment/reinterment shall be made without a signed order accompanied by the disinterment unless it is due to improper burial remains by the family.
- b) Disinterment/reinterment is to be scheduled during weekday work hours only.
- c) The sexton or an assistant shall be in attendance and have charge of all removals.

Section 3. Lot or Grave Enclosures

No enclosure of any kind whether of stone, metal, wood or shrubbery, will be permitted around any lot or grave. Those structures established previous to the adoption of this ordinance which have, in the judgment of the Village Manager and the Village Clerk, become unsightly because of age or neglect, dangerous to the public, or an impediment to maintenance, shall be removed.

Section 4. Prohibited Objects on Lots or Graves

- a) Wooden or iron headboards, markers, marble chips, stones, trellises, tripods, chains, ornaments, glass bottles, fruit jars, tin cans, or any other than standard flower pots on movable stands shall not be allowed on any lot or grave. Trellises may be erected over monuments, or markers, if they are of approved design and are placed with the permission of the sexton.
- b) Cement or metal urns placed previous to the adoption of this ordinance may be removed if, in the judgment of the Village Manager and Village Clerk, they have become unsightly for reason of age or disrepair.
- c) The sexton shall have the right to remove and destroy all unsightly or forbidden objects.

Section 5. Markers, Headstones, and Foundations

- a) The cemetery sexton reserves the right to prohibit the erection of any type of marker or headstone not purchased from a monument company that may be considered faulty either in material, design, workmanship, location or for any other justifiable reason.

- b) The proper size of foundations for stone work will be three (3) inches above ground level, two (2) inches wider on all horizontal dimensions and a minimum of 18” deep.
- c) No marker or headstone, with the exception of the village temporary marker, shall be placed on any lot not fully paid for or against which any fees remain unpaid.
- d) In all burial sections in which wheelbarrows or trucks are used, precautions must be taken to protect the sod. This shall be done by; laying planks or sheets of plywood that any and all vehicles shall drive upon.
- e) Upon completion of any work done at the lot, the contractor shall restore the lot and surroundings to its original condition, at their cost, as determined by the sexton.
- f) The Village assumes no responsibility for damage from storms, vandalism, damage to a stone or foundation caused by opening or closing a grave when they have been previously set, or other causes beyond its control.

Section 6. Landscaping and General Maintenance

All landscaping and general maintenance shall fall under the direction of the Village Clerk and Village Manager and with the approval of the Cemetery Board.

Owner’s responsibilities are as follows:

- a) The planting of trees or shrubs is prohibited.
- b) Real, plastic or silk flowers must be in containers. Wreaths must be equipped with standards and anchored in the ground.
- c) Plants, urns, containers and flag markers must be placed in line with headstones.
- d) All summer decorations to be removed by November 1.
- e) All winter decorations to be removed by April 1.
- f) The Village reserves the right to maintain the cemetery with Department of Public Works personnel or privately contract for its maintenance.
- g) Flowers, that have become unsightly, shall be removed by the cemetery sexton or private contractors under his/her direction.

Additional Village responsibilities are as follows:

- a) Make sure markers on corner lots are in place and visible.
- b) Trash barrels to be placed at each driveway and emptied weekly.
- c) Provide weed killer and mole control.
- d) Keep signs stating current cemetery rules and regulations.

Section 7. Private Contractors

If the Village chooses to privately contract for the maintenance and upkeep of the cemetery, contractors shall do the following:

- a) Provide the Village with certificate(s) of insurance indicating general liability coverage of \$500,000.
- b) Mow the entire cemetery property, trim grass around headstones and markers and complete general clean up of various fallen tree branches at the cemetery from April 16 to October 31.
- c) Complete and submit to the Village, a monthly report indicating areas of the cemetery that are in need of improvements that are not provided for in Article 2, Section 7.b by

the private contractor. The Village will provide the report form for the private contractor.

ARTICLE III: GENERAL REGULATIONS

Section 1. Cemetery Rules

- a) No person shall:
 - 1) Throw rubbish or debris on a walk, driveway, or on any part of the cemetery grounds;
 - 2) Mutilate or pick any flowers, or disturb any tree, shrub, or other plant material;
 - 3) Consume alcoholic beverages in the Cemetery, or carry it on premises;
 - 4) Permit any dog, or domestic animal to run at large in the Cemetery;
 - 5) Be on Cemetery property from sunset to sunrise with the exception of Village employees performing Village work, Village or Township officials on cemetery related business, law enforcement officers or emergency personnel.
- b) Any violation of this section shall be deemed a misdemeanor, subject to the following penalty: a fine not exceeding five hundred dollars (\$500.00) plus costs of prosecution or imprisonment not exceeding ninety (90) days, or both.

Section 2. Property Damage

- a) The Village of Springport shall not be financially responsible for any damage to lots and structures, objects thereon, any flowers, or articles removed from any lot or grave.

Section 3. Traffic Regulations

- a) No person shall:
 - 1) Drive in excess of fifteen (15) miles per hour on any cemetery road;
 - 2) Drive off established roads unless permission is given in writing by the Village Clerk.

ARTICLE IV: LEGAL

Section 1. Effective Date

This ordinance shall become effective _____.

Adopted the 11th day of June, 1998.

Reviewed By:

Signed: _____
Mary Ward, Village President

Rosalee Terpening,
Village Manager

Signed: _____
Lydia Yoder, Village Clerk

Stuart Saunders, Village Attorney

AMENDED: SECTION 5 on the 12th day of November 1998.

AMENDED: ARTICLE II SECTION 1 (j) on the 14th day of October, 2004.

AMENDED: ARTICLE II SECTION 5 (f) on the _____ day of _____, 2005.