



CITY of NOVI CITY COUNCIL

Agenda Item B
January 22, 2018

SUBJECT: Approval of Ordinance 18-190, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 31, "Streets, Sidewalks, and Other Public Places," to add Article VI, "Public Cemeteries," Sections 31-86 through 31-89 in order to establish General Regulations for City-Owned Cemeteries, to adopt a related Resolution approving the administrative rules prepared by the City Clerk and entitled "City-owned Cemetery Rules and Regulations," to become effective on the effective date of the ordinance. **SECOND READING**

SUBMITTING DEPARTMENT: City Clerk *obb*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Ordinance Review Committee met on December 18, 2017 and discussed the proposed ordinance regarding cemeteries. The City of Novi owns and maintains two cemeteries: Knapp Cemetery on 9 Mile Road and the Novi Cemetery on Novi Road, south of Grand River. Currently the ordinance addresses conduct in cemeteries, but provides no rules and regulations.

In the past year, the Clerk's Office has been approached on two occasions regarding the cemetery, specifically related to improvements or changes to individual plots by family members. Adopting this ordinance and the related Rules and Regulations would allow the Clerk's Office to govern conduct in the cemeteries, as well as approve the placement of grave monuments, markers, and memorials (including foundations).

RECOMMENDED ACTION: Approval of Ordinance 18-190, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 31, "Streets, Sidewalks, and Other Public Places," to add Article VI, "Public Cemeteries," Sections 31-86 through 31-89 in order to establish General Regulations for City-Owned Cemeteries, and to adopt a related Resolution approving the administrative rules prepared by the City Clerk and entitled "City-owned Cemetery Rules and Regulations," to become effective on the effective date of the ordinance. **SECOND READING**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18-190

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES CHAPTER 31, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," IS AMENDED TO ADD ARTICLE VI, "PUBLIC CEMETERIES," SECTIONS 31-86 – 31-89 IN ORDER TO ESTABLISH GENERAL REGULATIONS FOR CITY-OWNED CEMETERIES.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 31, "Streets, Sidewalks and Other Public Places," is amended to add Article VI, "Public Cemeteries," Sections 31-86 through 31-89 to read as follows in its entirety:

Article VI. – NOVI CEMETERIES

Sec. 31-86 – Supervision

The terms in this Article shall have the meanings set forth in this Section:

1. *Cemetery* shall mean the Novi Cemetery and Knapp Cemetery.
2. *Memorial* shall include a monument, marker or headstone for family or individual use.
3. *Monument* shall include a tombstone or memorial of granite or marble which shall extend above the surface of the ground.
4. *Marker* shall mean memorial flush with the ground.

Sec. 31-87 – Supervision

The care, maintenance and operation of Novi Cemetery and Knapp Cemetery shall be under the management and supervision of the City Clerk.

Sec. 31-88 – Administrative Rules

In addition to the regulations contained in this Article, the City Clerk may promulgate rules and regulations concerning Novi Cemetery and Knapp Cemetery. Such rules and regulations, when approved by resolution of City Council, shall have the full force and effect of law and shall be binding upon all persons in and about the Novi Cemetery and Knapp Cemetery. All regulations shall be available at the office of the City Clerk.

Sec. 31-89 – General Regulations

In addition to the rules and regulations promulgated by the City Clerk, as well as the regulations governing conduct in cemeteries contained in Sec. 22-102 of this Code, the following general regulations shall apply to the Novi Cemetery and Knapp Cemetery:

- a) *Access.* No person shall be in the Novi Cemetery or Knapp Cemetery or enter or leave other than by the established and open entrances or gateways established by the City, and during hours allowed in Sec. 22-102 of this Code.
- b) *Alcohol.* No person shall carry or consume any alcoholic beverage in the Novi Cemetery or Knapp Cemetery.
- c) *Animals.* No person shall allow any domestic animal to enter into or run upon the Novi Cemetery or Knapp Cemetery, except for a service animal registered with the United States Dog Registry.
- d) *Lawns.* No person shall walk, ride, or drive upon or across any plot or lawn in the Novi Cemetery or Knapp Cemetery, except as necessary to gain access to a cemetery plot.
- e) *Littering.* No person shall litter in the Novi Cemetery or Knapp Cemetery.
- f) *Property destruction.* No person shall deface, mar, write upon, or otherwise injury any monument, marker, memorial, design, decoration or other property in the Novi Cemetery or Knapp Cemetery.
- g) *Foundations.* All foundation work for grave markers, monuments, and memorials shall be approved by the City Clerk. Foundations for grave markers, monuments, and memorials shall conform to specifications set by the City Clerk. All expenses of foundations shall be responsibility of the grave owner or family.
- h) *Markers, Monuments, and Memorials.* All memorials and monuments require foundations. The material used in the construction of grave markers and monuments shall be of recognized durable granite or standard bronze. All expenses of markers, monuments, and memorials, shall be responsibility of the grave owner or family

Sec. 31-90. – 31-100. – Reserved

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2017.

Cortney Hanson, City Clerk

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

RESOLUTION APPROVING RULES AND REGULATIONS FOR CITY-OWNED CEMETERIES

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on _____, _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

RECITATIONS:

WHEREAS, under Article VI of Chapter 31 of the City of Novi Code of Ordinances, the City Clerk is permitted to promulgate rules and regulations regarding public cemeteries within the City and that such rules and regulations, approved by resolution of the City Council, shall have full force and effect of law; and

WHEREAS, the City Clerk has caused to be prepared the attached "City-owned Cemetery Rules and Regulations"; and

WHEREAS, City Council has determined that it is appropriate to approve such Rules and Regulations:

NOW THEREFORE, IT IS RESOLVED that the City Council approves the City-owned Cemetery Rules and Regulations as prepared by the City Clerk and attached hereto. These rules and regulations shall become effective upon the effective date of Ordinance 18-190.

AYES:
NAYS:
ABSENT:

RESOLUTION DECLARED ADOPTED.

CORTNEY HANSON, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi, at a regular meeting held this _____ day of _____, 2018,

CORTNEY HANSON, City Clerk

CITY OF NOVI

CITY-OWNED CEMETERY RULES AND REGULATIONS

A. Definitions

1. Cemetery: Shall mean the Novi Cemetery or Knapp Cemetery.
2. Grave: Shall generally mean a space of sufficient size to accommodate one adult interment, but may include a space large enough to accommodate two adult interments with permission by the City Clerk.
3. Interment: The permanent disposition of the remains of a deceased person by cremation and interment or burial.
4. Memorial: Shall include a monument, marker or headstone or footstone for family or individual use.
5. Monument: Shall include a tombstone or memorial of granite or marble which shall extend above the surface of the ground.
6. Marker: A memorial flush with the ground.

B. Internment or Disinterment

1. There shall be no interment of anything other than the remains of human bodies in the cemetery.
2. All requests for burials shall be made to the City Clerk in a timely manner to allow at least 7 days for the City to prepare the grave.
3. All applications for internment, disinterment or relation of remains within the cemetery shall be accompanied by a burial permit as required by state law. Such a permit shall be submitted to the City Clerk.
4. Costs for opening and closing graves must be paid to the City by the grave owner, his or her family member, or funeral home before the service.
5. Authorization for burials for anyone other than the grave owner must be provided in writing, signed by the grave owner, unless ordered by a court having proper jurisdiction of such matters or as otherwise required to do so in accordance with State law.

C. Markers, Memorials and Monuments

1. All memorials and monuments require foundations. All foundation work for grave markers, monuments, and memorials shall be approved by the City Department of Public Services prior to beginning construction.
2. Foundations for grave markers, monuments, and memorials shall conform to any reasonable specifications set by the City Department of Public Services.
3. All expenses of foundations are the responsibility of the grave owner or family.
4. All foundation or installation costs must be paid before memorials are delivered to the cemetery.

5. The material used in the construction of grave markers and monuments shall be of recognized durable granite, marble, or standard bronze.
6. All memorials must face in the direction that the Section of the cemetery calls for.
7. No grading, leveling or excavation shall take place within any cemetery without written permission by the City Clerk.

D. Cemetery Care and Ground Maintenance

1. Cemetery care shall only include cutting and trimming of the grass, top dressing and seeding when necessary, tree maintenance and the general upkeep of the cemetery premises. Cemetery care does not include maintenance of any memorials or other items placed within the cemetery.
2. The planting of trees, shrubs, or other such vegetation within the limits of the cemetery shall be only done with approval of the City Clerk. Any plantings, shrubs, or trees wrongfully placed in the cemetery may be removed by the City without notice.
3. If any tree, vine, shrub or plant situated within the cemetery becomes unsightly, dangerous or detrimental, the city shall have the right to remove the same, or such parts thereof as deemed necessary.
4. The City reserves the right to clear the ground of all decorations, including, but not limited to, floral displays, Shepherd's Hook, and standup decorations, twice a year. Spring cleanup begins April 1, Fall cleanup begins November 1, respectively.
5. The city reserves the right to change, maintain and revise any roadway or plat incorporated within any cemetery when necessary to improve the grounds.
6. The City Clerk shall report to the City Council the receipt of any funds by grant, gift, bequest or devise to the cemetery at the next regular City Council meeting.

E. Decorations and Other General Regulations

1. No person shall deface, mar, write upon, or otherwise injury any monument, marker, memorial, design, decoration or other property in the cemetery.
2. No advertisement of any description is permitted within the cemetery unless authorized in writing by the City Clerk.
3. No person shall enter or leave the cemetery other than by the open entrances or gateways established by the City.
4. No person shall carry or consume any alcoholic beverage in the cemetery.
5. No person shall allow any domestic animal to enter into or run upon the cemetery, except for a service animal registered with the United States Dog Registry.
6. The cemetery shall be open to visitors from 6:00 a.m. until 9:00 p.m. or dusk, whichever is earlier.

7. No person shall walk, ride, or drive upon or across any plot or lawn in the cemetery, except as necessary to gain access to a cemetery plot.
8. Snowmobiles, motor bikes, motorcycles, ATV's, or other types of recreational vehicles are not permitted in the cemetery.
9. No person shall litter in the cemetery.
10. Flags placed on graves are permitted from Memorial Day through Independence Day.
11. Decorations are limited to one floral offering per grave. Winter decorations, including artificial wreaths, winter wreaths and winter blankets are permitted from November 15th to April 1st. If such decorations are not removed by April 1st, they shall be considered abandoned and may be disposed of by the City.
12. Expressly forbidden are miscellaneous statues, glass and plastic objects, cans, toys, vigil lights, artificial flowers, pumpkins, balloons, Christmas trees and similar items. Other items deemed unsightly, objectionable or detrimental, shall be removed and disposed by the City without notice.

F. Novi Cemetery Fee Schedule

1. Cemetery Plot Fees

- a. Residents – \$900.00
- b. Non-Residents – \$1,050.00

2. Interment Fees

- a. Monday-Friday (Non-Holiday)
 - i. Resident – \$600.00
 - ii. Non-Resident – \$900.00
- b. Weekend/Holiday
 - i. Resident – \$700.00
 - ii. Non-Resident – \$1,000.00

3. Disinterment Fees

- a. Disinterment
 - i. Resident – \$700.00.
 - ii. Non-Resident – \$1,000.00.
- b. Reinterment for simultaneous interment for City Resident – \$400.00
- c. Reinterment for simultaneous interment for Non-Resident – \$600.00
- d. Reinterment for non-simultaneous interment– \$700.00.
- e. For all disinterment services on Weekends or City Holidays, add \$200.00 to Disinterment Fees.

4. Cremation Burial

- a. Resident – \$200.00
- b. Non-Resident – \$300.00

5. Foundation and Installation Charges

- a. Installations performed by external sources, overseen by the City Department of Public Services – \$50.00

6. Other Applicable Information

- a. Monday-Friday – burials after 2:00 PM, add additional \$200.00 to fees.
- b. Saturday – No burials after 2:00 PM
- c. Sunday burials are currently not available.