

## THE FOURTH CLASS CITY ACT (EXCERPT)

### Act 215 of 1895

#### CHAPTER XV

#### CEMETERIES.

##### **95.1 City ownership of cemetery; regulation.**

Sec. 1. Any city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3132;—CL 1915, 3046;—CL 1929, 1970;—CL 1948, 95.1.

##### **95.2 Appropriation, cemetery.**

Sec. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement, adornment, protection and care thereof.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3133;—CL 1915, 3047;—CL 1929, 1971;—CL 1948, 95.2.

##### **95.3 Board of cemetery trustees; appointment, term, removal.**

Sec. 3. Whenever any city shall own, purchase or otherwise acquire any cemetery or cemetery grounds, the mayor, by and with the consent of the council, shall appoint 5 trustees who shall be freeholders and electors in the city, and who shall constitute a "board of cemetery trustees." The 5 trustees so appointed shall hold their offices for the term of 5 years, except that at the first appointment 1 shall be appointed for 1 year, 1 for 2 years, 1 for the term of 3 years, 1 for the term of 4 years and 1 for the term of 5 years from the first Monday in May of the year when appointed, and annually thereafter 1 trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3134;—CL 1915, 3048;—CL 1929, 1972;—CL 1948, 95.3.

##### **95.4 Board of cemetery trustees; chairman, clerk; powers.**

Sec. 4. The board of cemetery trustees shall appoint 1 of their number chairman, and the city clerk shall be the clerk of the board. And the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs, and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3135;—CL 1915, 3049;—CL 1929, 1973;—CL 1948, 95.4.

##### **95.5 Board of cemetery trustees; property management powers, duties.**

Sec. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof, to be made and recorded in the office of the city clerk. Such board shall also have power in its discretion to take, receive and hold any property, real or personal, by devise or otherwise, which may be granted, transferred or devised to such board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3136;—CL 1915, 3050;—CL 1929, 1974;—CL 1948, 95.5.

##### **95.6 Board of cemetery trustees; necessary employees; ordinances, enforcement.**

Sec. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the

grounds, as may be consistent with the ordinances of the city and the laws of the state.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3137;—CL 1915, 3051;—CL 1929, 1975;—CL 1948, 95.6.

#### **95.7 Board of cemetery trustees; cemetery fund, accounting; report to council, contents.**

Sec. 7. All moneys raised for any public cemetery authorized by this act and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3138;—CL 1915, 3052;—CL 1929, 1976;—CL 1948, 95.7.

#### **95.8 Cemetery; city owned; ordinances; passage; enforcement.**

Sec. 8. If a city owns a public cemetery, whether within or without the city, the council of a city may pass and enforce ordinances necessary to carry into effect the provisions of this chapter, to control or regulate the cemetery and the improvement of the cemetery, to protect the cemetery and the appurtenances of the cemetery from injury, and to impose sanctions for a violation of a lawful order or regulation made by the board of cemetery trustees.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3139;—CL 1915, 3053;—CL 1929, 1977;—CL 1948, 95.8;—Am. 1994, Act 19, Eff. May 1, 1994.

#### **95.9 Privately owned cemeteries; ordinances governing.**

Sec. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3140;—CL 1915, 3054;—CL 1929, 1978;—CL 1948, 95.9.