

THE GENERAL LAW VILLAGE ACT (EXCERPT)

Act 3 of 1895

CEMETERIES.

67.55 Interments; regulation.

Sec. 55. Any village 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 further interment of the dead within the village, or may limit such interment therein to such cemetery or burial place as the council may prescribe. And the council may cause any bodies buried within the village, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2823;—CL 1915, 2694;—CL 1929, 1603;—CL 1948, 67.55.

67.56 Cemeteries; appropriation by council.

Sec. 56. The council may, within the limitations in 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 of the cemetery grounds.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2824;—CL 1915, 2695;—CL 1929, 1604;—CL 1948, 67.56;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.57 Board of cemetery trustees; appointment; terms; removal; compensation.

Sec. 57. (1) Whenever any village owns, purchases, or otherwise acquires any cemetery or cemetery grounds, the council may appoint a board of cemetery trustees. The council may provide that the powers conferred upon a board of cemetery trustees by this act shall be exercised by the department of public works director, or the village manager, if any.

(2) A board of cemetery trustees shall consist of 3 individuals. The trustees shall hold their office for the term of 3 years, except that at the first appointment, 1 shall be appointed for 1 year, 1 for 2 years, and 1 for the term of 3 years from the second Monday in April of the year when appointed. One trustee shall be appointed annually thereafter. The council may remove any trustee so appointed for inattention to his or her duties, want of proper judgment or skill in or for the proper discharge of his or her duties, or other good cause. The board shall serve without compensation.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2825;—CL 1915, 2696;—CL 1929, 1605;—CL 1948, 67.57;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.58 Board of cemetery trustees; chairperson; clerk; powers; duties.

Sec. 58. The board of cemetery trustees shall appoint 1 of their number chairperson and the village clerk shall be 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 the cemetery, including the cemetery grounds, tombs, monuments, and appurtenances. The board shall perform such other duties as the council may prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2826;—CL 1915, 2697;—CL 1929, 1606;—CL 1948, 67.58;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.59 Board of cemetery trustees; duties; directions of council.

Sec. 59. 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 village clerk. 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 village by the clerk and be recorded in his office at the expense of the purchasers.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2827;—CL 1915, 2698;—CL 1929, 1607;—CL 1948, 67.59.

67.60 Board of cemetery trustees; cemetery employees; ordinances, enforcement; rules.

Sec. 60. 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 village 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 village and the laws of the state.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2828;—CL 1915, 2699;—CL 1929, 1608;—CL 1948, 67.60.

67.61 Board of trustees; cemetery fund; use; reports to council; contents; verification.

Sec. 61. (1) Money raised for any public cemetery authorized by this act, and money received from the sale of lots or from other cemetery operations, shall be paid into the village treasury and constitute the "cemetery fund". The cemetery fund shall be used exclusively for cemetery purposes. The board of trustees shall report to the council annually, on the first Monday in March, and more often when the council requires, all of the following:

(a) For money received into and owing to the cemetery fund, the amount, source, and the payor or debtor.

(b) For expenditures and liabilities incurred, the date, amount, items, and purpose, and to whom paid, and to whom incurred.

(c) Such other matters as the council shall require to be reported.

(2) The report under subsection (1) shall be verified by the oath of the clerk of the board.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2829;—CL 1915, 2700;—CL 1929, 1609;—CL 1948, 67.61;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.62 Necessary ordinances; enforcement.

Sec. 62. The council of a village owning a burial place, whether within or without the village, may pass and enforce an ordinance necessary to carry into effect the provisions of this act concerning burial places, to control or regulate the burial place and the improvement of the burial place, to protect it and its appurtenances 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 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2830;—CL 1915, 2701;—CL 1929, 1610;—CL 1948, 67.62;—Am. 1994, Act 16, Eff. May 1, 1994.

67.63 Cemetery trustees; power to accept gifts; use.

Sec. 63. The board of cemetery trustees may receive in trust money or other property as gifts, grants, devises, or bequests for cemetery purposes. The money or other property shall be held in trust by the board, subject to the terms and conditions on which it was given, granted, devised, or bequeathed, and shall constitute a trust fund. The money shall, unless otherwise expressed by those making such gifts, grants, devises, or bequests, be invested as permanent fund in undoubted real estate security, U.S. bonds, state bonds, or municipal bonds, and the interest thereon after fulfillment of such conditions expressed shall be used in improving the cemetery under the control of the cemetery board. The gifts, grants, devises, or bequests shall be used exclusively for cemetery purposes.

History: Add. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2702;—CL 1929, 1611;—CL 1948, 67.63;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.64 Board of cemetery trustees; rules and bylaws; recording bylaws; appointment, duties, and bond of treasurer; conducting business at public meeting; notice of meeting; availability of certain writings to public.

Sec. 64. (1) The board of cemetery trustees may make all requisite and necessary rules and bylaws to carry into effect the powers vested and duties required by section 63. The bylaws shall be recorded in a book kept for that purpose. The board of cemetery trustees shall also appoint a treasurer from the membership of the board, whose duties shall be, under the direction of the board, to receive, account for, and invest all money received by the board under section 63. The treasurer shall give and execute a bond to the board of cemetery trustees in a sum fixed by the council.

(2) The business which the board of cemetery trustees may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(3) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2703;—CL 1929, 1612;—CL 1948, 67.64;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.