

CITY OF LUDINGTON

MASON COUNTY

ORDINANCE NO. 547 - 24

AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF LUDINGTON TO REVISE AND CLARIFY CERTAIN PROVISIONS RELATED TO THE CITY CEMETERY

THE CITY OF LUDINGTON ORDAINS:

Section 1. Findings & Purpose.

The City Council of the City of Ludington hereby finds and determines that certain portions of the City’s municipal code relating to the city cemetery are in need of revision and clarification in order to enable staff and the general public to understand the operate under said code provisions with clarity and efficiency. As a result, the Council deems the amendment of said provisions to be necessary in order to more efficiently serve the interests of the City and to protect the health, safety, and general welfare of the City’s residents and the community as a whole.

Section 2. Amendment of Section 14-26. Three specific terms in Section 14-26 (“Definitions”) of Article II (“City Cemetery”) of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington are hereby amended to read in full as follows:

Section 14-26. – Definitions.

...

Burial space means a single grave, lot, group of graves, or lots under the ownership of one person or family.

A *grave* means an area of sufficient size to accommodate an interment.

Marker means a stone or plaque, either flush or above the ground, indicating the given or family name of the deceased. It shall be placed at a location approved by the supervisor/sexton.

Section 3. Amendment of Section 14-27. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by adding “/sexton” after the words “cemetery superintendent” in the first sentence of Section 14-27, so that said sentence shall now read in its entirety as follows:

Section 14-27. – Purpose.

The city, through its City Council, the City Manager, and cemetery superintendent/sexton, administers Lakeview Cemetery.

Section 4. Amendment of Section 14-29. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by removing the term “lots” in subparagraph (5) of Section 14-29 and replacing said term with the word “graves,” such that Section 14-29 shall now read in full as follows:

Section 14-29. Standards.

...

(5) The general health, safety, and welfare of the residents of the city and those persons using the cemetery or who own any graves within the cemetery.

Section 5. Amendment of Section 14-30. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by removing the term “lots” in the first sentence of Section 14-30 and replacing said term with the word “graves,” as well by adding language relating to liability for damages, such that the entirety of the text of Section 14-30 shall now read in full as follows:

Section 14-30. – Financial responsibility for damage.

The cemetery shall not be financially responsible for any damage to graves and structures or objects thereon or for flowers or articles removed from any lot or grave.

The city shall not be liable for any loss or damage caused by an act of God, common enemy, thieves, vandals, unavoidable accidents, the elements, subsidence, riots, or order of any military or civil authority to any grave, family lot, nor the loss or damage or bodily injuries sustained by any person or persons in the cemetery.

Section 6. Amendment of Section 14-31. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by removing the term “lots” in Section 14-31 and replacing said term with the word “graves,” such that Section 14-31 shall now read in full as follows:

Section 14-31. Right of ingress and egress by personnel.

Perpetual right of ingress and egress over cemetery graves for the purpose of operation and maintenance is reserved.

Section 7. Amendment of Section 14-32. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by removing the term “lots” in both the title and operative provisions of Section 14-32 and replacing said term with the word “graves,” such that Section 14-32 shall now read in full as follows:

Section 14-32. Work on graves for private compensation.
City employees are not permitted to work on cemetery graves for private compensation during working hours.

Section 8. Amendment of Section 14-33. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by replacing the words “any” and “a” with the word “the” so that the complete text of Section 14-33 shall now read as follows:

Section 14-33. – Permission for work and liability for damages.
No person shall perform any work within the cemetery except with the permission of and in accordance with the directions of the cemetery management. Any person causing damage within a cemetery shall be liable to the city for such damage. Any person performing work in the cemetery without permission shall be liable to the city for the cost of restoring the cemetery to the condition that it was in before the work was done.

Section 9. Amendment of Section 14-35. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by the addition of multiple provisions relating to the closure and operation of the cemetery, such that the complete text of Section 14-35 shall now read in full as follows:

Section 14-35. Hours.
The cemetery is closed at dusk and reopens at dawn. Office hours are from 7:00 a.m. to 3:00 p.m. Monday through Friday except on holidays.

Any part of the cemetery may be declared closed to the public by the supervisor/sexton:

- At any time and for any interval of time;
- Either temporarily or at regular and stated intervals; and/or
- Merely to certain specified uses as may be reasonably necessary.

Section 10. Amendment of Section 14-37. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by adding “/sexton” after the words “cemetery superintendent” in Section 14-37, such that the complete text of said Section shall now read in full as follows:

Section 14-37. Advertising.
No person shall use any form of advertising on cemetery premises, unless placed, distributed, or permitted by the cemetery superintendent/sexton when such advertising is of minor or incidental nature only.

Section 11. Amendment of Section 14-39. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to add a provision allowing the

use of golf cars on designated roadways under Section 14-39, such that the complete text of said Section shall now read in full as follows:

Section 14-39. Unlicensed recreational vehicles.

No unlicensed recreational vehicles (snowmobiles, three/four wheelers, etc.) are permitted within the cemetery grounds. The use of golf carts is permitted, but only on designated roadways within the cemetery.

Section 12. Amendment of Section 14-42. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to encourage the removal of certain items from the cemetery under Section 14-42, such that the complete text of said Section shall now read in full as follows:

Section 14-42. Disposing of trash and rubbish.

All trash, trimmings, dead flowers, etc., from the cemetery shall be removed from the cemetery.

Section 13. Amendment of Section 14-44. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to prohibit non-cemetery parking within the cemetery grounds under Section 14-44, such that the complete text of said Section shall now read in full as follows:

Section 14-44. Traversing grounds.

Walking or driving through the cemetery grounds to property or land outside of the cemetery for the purpose of saving time or distance is prohibited. No one may park a vehicle(s) in the cemetery for reasons not directly related to business within the cemetery.

Section 14. Amendment of Section 14-45. Section 14-45 of Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended in its entirety such that the complete text of said Section shall now read in full as follows:

Section 14-45. Placing objects on lots.

No object, except a permanent grave marker, shall be placed on any cemetery lot, except for an approved type of flower urn or flower basket as permitted by the superintendent/sexton (grave blankets are not permitted).

No summer decorations will be permitted prior to May 15, and they must be removed by October 15. Urns should also be turned by October 15. No winter decorations, such as artificial flowers or wreaths, will be permitted prior to Thanksgiving, and they must be removed by April 1.

Decorations remaining after April 1 will be removed and disposed of by cemetery personnel. A one-week exception shall be made for Easter decorations when the holiday falls in the month of April.

Relevant dates shall be posted in the cemetery one month prior to each season.

The city shall supply one universal veteran flag holder at no charge and place it grave-side when a veteran's burial has been completed.

Volunteers may place one city-supplied 12" x 18" American flag at each veteran's grave prior to Memorial Day. The flags will remain in place until after Labor Day, when they shall be collected and disposed of in a flag retirement ceremony.

Section 15. Amendment of Section 14-46. Article II of Chapter 14 ("Cemeteries") of the Code of Ordinances of the City of Ludington is hereby amended to allow for the use of sprinklers in the cemetery under Section 14-46, such that the complete text of said Section shall now read in full as follows:

Section 14-46. Operation of sprinklers.

In the cemetery, the public may use or move the cemetery-provided sprinklers at any time. Overnight water is not allowed in the cemetery.

Section 16. Amendment of Section 14-47. The title and operative provisions of Section 14-47 of Article II of Chapter 14 ("Cemeteries") of the Code of Ordinances of the City of Ludington are hereby amended in its entirety to govern the placement of various plantings and decorations, such that the complete text of said Section shall now read in full as follows:

Section 14-47. Placement of plantings and decorations.

All plantings and decorations which, in the reasonable opinion of the superintendent/sexton, hampers maintenance or degrades the appearance of the cemetery may be removed by the superintendent/sexton without advance notice. Any plantings and all baskets must be placed to the left or right of a monument, not in front of or behind a monument, and shall be placed within twelve (12") inches of an upright marker so as not to impede mowing of the cemetery grass. No glass receptacles, wooden structures, ceramic items, wood chips, landscaping or memorial rocks/stones, loose stones, hanging or wire baskets or shepherd's hooks will be permitted. Artificial flowers shall not be placed in the ground; they may be placed in an approved urn if they are properly secured – limit two approved urns per monument. Unsecured artificial flowers will be removed immediately; the cemetery is not responsible for returning any such contents to the owner.

Structures of wood or other equally perishable material, fence, curbs, edging, hedges, enclosures, roping, and coping are prohibited.

Non-organic decorations/mementos are limited to two per monument and shall be removed during the spring or fall debris cleanup seasons. This limitation does not include veterans' flag holders.

No necklaces or ribbons around, over, or through monuments are permitted.

Winter decorations must be placed as close as possible to monuments so as not to interfere with winter burials. The cemetery shall not be liable for any such decorations that need to be removed for the purpose of burial and/or that are damaged.

Section 17. Amendment of Section 14-48. Section 14-48 of Article II of Chapter 14 ("Cemeteries") of the Code of Ordinances of the City of Ludington is hereby amended by removing the option to plant dwarf evergreens and by revising other language in said Section such that the complete text thereof shall now read in full as follows:

Section 14-48. Plantings generally.

- (a) *Plantings.* No bushes nor any plant with thorns may be planted on a grave in the cemetery.
- (b) *Removal.* The cemetery superintendent/sexton shall have the right to remove, without notice, trees and shrubs and flowers planted in violation of this article. The superintendent/sexton reserves the right to trim, cut down, and/or remove any plantings by a grave owner which interfere with cemetery maintenance or which detract from the general appearance of the cemetery.
- (c) *Planting area.* All real flowers or floral plantings (no artificial flowers) may be planted in a bed placed within twelve (12") inches of an upright marker, next to the monument or headstone, but not spread out over any grave space, or placed in approved urns or containers. Cemetery personnel will not be responsible for flowers or plantings that may prohibit necessary grounds-care activities. No vines or flowers that cascade into an area that requires regular cemetery maintenance shall be permitted. Flower urns may be removed at any time when they have fallen into disrepair and may be disposed of by the city at any time; the cemetery is not responsible for returning any such items to the owner.

Section 18. Amendment of Section 14-49. Section 14-49 of Article II of Chapter 14 ("Cemeteries") of the Code of Ordinances of the City of Ludington is hereby in its entirety, such that the complete text of said Section shall now read in full as follows:

Section 14-49. Monuments.

- (a) *Prior approval.* No person, including any professional monument worker, shall install or place any monument(s) without obtaining permission from the cemetery superintendent or sexton at least twenty-four (24) hours before such placement. For any work to be done on any weekend or holiday, permission must be obtained at least one business day prior to the weekend or holiday. Persons requesting permission to install any monument must provide the superintendent with proof of liability

insurance in an amount not less than \$300,000.00 per person or per occurrence, which insurance names the city as an additional insured.

(b) *Fully paid graves.* No monument may be erected on a grave which is not paid in full.

(c) *Foundations.* All monuments must have a foundation purchased and installed by the city. All flush monuments will be placed by the city. Costs of installing such foundations/monuments by the city shall be as follows:

All foundations and monuments must be pre-approved by the superintendent/sexton for size and style.

Monuments and markers shall not be delivered to grave sites until foundations have been installed.

Any monuments that have offensive or derogatory language will be removed without notice or liability to the city.

All monuments or markers shall be made of durable granite or bronze. Other materials such as marble, wood, or steel are not permissible, unless such a monument or marker was already in place prior to the adoption of this ordinance provision 2024.

All flush markers must be a minimum of four (4") inches thick, unless placed on a foundation.

All foundations/settings must be paid for in advance.

Foundation Lengths

0" – 24" \$125.00

25" – 32" \$150.00

33" – 39" \$250.00

40" – 47" \$275.00

48" – 54" \$325.00

55" – 62" \$375.00

63" + Estimate to be provided.

Flush memorial: \$125.00

Veteran's memorial: \$100.00

Add eight (8") inches to the length of a foundation for all memorials that are under twenty-nine (29") inches in length. Add a minimum of ten (10") inches to the length of a foundation for all monuments that are over thirty (30") inches in length. City personnel shall determine the appropriate size of foundation necessary for each memorial.

- (d) *Number and size.* Other than monuments that are flush with the ground, not more than one monument or marker shall be erected on any one grave site, and the monument maximum length will be thirty (30") inches on a single grave, sixty-four (64") inches for a double grave, and a maximum of sixteen (16") inches in width; height shall not exceed forty (40") inches without approval of the cemetery superintendent/sexton.

Benches designated as a marker require prior approval from the superintendent/sexton.

Any monument, marker, or bench with a niche(s) for cremains must have a Burial Transit Permit, Cremation Certificate, or Death Certificate provided prior to the placement of the cremains. The placement shall be made by cemetery personnel and customary burial fees will be charged.

Grass tablets designated as a marker shall not be allowed.

- (e) *Placement of monument.* No monument may be placed on any lot or within the cemetery permanently or temporarily, except upon a foundation as provided in subsection (c) above.
- (f) *Moving monument.* All monuments which are moved, including upon the same or adjoining gravesites, shall be placed upon a foundation as provided in subsection (c) above.

Section 19. Amendment of Section 14-50. Section 14-50 of Article II of Chapter 14 ("Cemeteries") of the Code of Ordinances of the City of Ludington is hereby amended in its entirety, such that the complete text of said Section shall now read in full as follows:

Section 14-50. Interments and disinterments.

- (a) *Weekend burials.* Interments in the cemetery may be made on a Saturday or Sunday or city-designated holidays only with prior approval of the cemetery superintendent/sexton. All weekend and holiday interments shall be charged at overtime rates. Overtime rates are to be paid for by the funeral home at the time of burial unless other satisfactory arrangements have been made.
- (b) *Permit.* A copy of the Burial Transit Permit shall be required for all full body burials. A copy of the Burial Transit Permit, Cremation Certificate, or Death Certificate shall be required for a cremation burial.

- (c) *Number of burials per grave.* No more than one burial may be made per grave, except for a parent/infant, two infants or two children buried at the same time; also, a regular burial and a cremation or two cremations per grave site. Scattering of cremains over a family grave or anywhere in the cemetery is prohibited.
- (d) *Human remains.* No burial shall be allowed for other than human remains, except that cremains of pets may be placed within caskets prior to burial, and further except that if the pet of an individual who was previously buried dies after such human burial, pet cremains may be buried only on the same grave as the human remains. Burial of such pet cremains shall require the same fee for grave openings as any other grave opening. In no event shall any animal remains be buried, other than such pet cremains, and any pet cremains buried must be in a container approved by the superintendent/sexton. All human cremains which are no buried in a vault shall be buried only in a container approved by the superintendent/sexton.
- (e) *Vaults.* All full body burials shall be in metal or concrete vaults or concrete rough boxes, and infant burials in a casket size of two feet six inches or less. All vaults and rough boxes shall be installed only by persons authorized by law. All cremated remains must be buried in a superintendent/sexton-approved non-biodegradable container.
- (f) *Damage.* Persons installing vaults are responsible for damage to turf, landscape, and surrounding markers and monuments, even if cemetery staff assists in vault installation; planking should be used when and where necessary to protect the turf.
- (g) *Processions.* Cemetery employees will assist with funeral processions if requested.
- (h) *Work by cemetery employees.* All interments and disinterments shall be performed by cemetery employees.
- (i) *Opening of graves.* Graves cannot be opened for inspection except under court order or pursuant to statute.
- (j) *Funeral designs.* Cemetery staff will remove funeral designs and floral pieces one week after a funeral, and the cemetery assumes no responsibility for their return.
- (k) *Winter burials.* Weather permitting, burials may be made during the winter months, except that no graveside services, including tent services or chairs, may be conducted during the period in which winter weather conditions exist. Such period shall be approximately between November 1 and April 1, but the specific commencement and ending dates shall be determined by the superintendent/sexton, who shall notify the local funeral directors of the commencement and ending of such period.

Notice of funerals must be given to the superintendent/sexton at least forty-eight (48) hours in advance of the scheduled burial in the established cemetery.

After the close of a funeral service at the grave, it shall not be permissible for anyone to open the casket or touch the remains therein without the consent of the legal representative that shall be present at the time.

The city and its agents and employees shall not be held responsible or liable for errors in interment location arising from instruction by the grave owner(s). Orders from the funeral directors shall be construed as order from the grave owner(s).

Funerals scheduled for arrival to the cemetery after 1:30 p.m., Monday through Friday, will be assessed an additional charge of \$100.00 for cremation burial and \$150.00 for full body burial, per hour, for any time the funeral goes past 3:00 p.m.

Section 20. Amendment of Section 14-51. Section 14-51 of Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended in its entirety, such that the complete text of said Section shall now read in full as follows:

Section 14-51. Columbarium regulations.

- (a) *Number of burials per niche.* No more than two cremains shall be permitted in a double niche.
- (b) *Interments and disinterments.* All interments and disinterments shall be performed by cemetery personnel.
- (c) *Bronze name plates.* The cemetery superintendent/sexton shall be responsible for design, ordering, and placement of all nameplates and emblems on the niches. No other attachment or marker shall be attached to a niche.
- (d) *Flowers/shrubs.* No flowers, glass containers, or decorations, other than those placed by cemetery personnel, are permitted on or around the columbarium; however, one small bouquet of fresh flowers may be placed on the base at the time of interment for one week after the funeral.
- (e) *Personal items.* Personal items shall be allowed in the niche with approval of the superintendent/sexton.

Section 21. Amendment of Section 14-52. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to add the following sentence to the end of Section 14-52 to permit leashed, domestic animals on designated roadways in the cemetery:

Section 14-52. Animals.

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Domestic animals that are kept on a leash and which are restricted to designated roadways within the cemetery may be allowed. Cemetery patrons and visitors shall ensure that any leashed animal they bring into the Cemetery does not soil any grave site and that all pet waste is removed from the Cemetery and deposited in an appropriate trash receptacle.

Section 22. Amendment of Section 14-82. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to replace each use of the word “space” with the word “grave,” and to add reference to the “superintendent” alongside each use of the word “sexton,” with the remainder of all subparagraphs (a) through (h) and all associated provisions of said Section being otherwise preserved and unchanged.

Section 23. Amendment of Section 14-83. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to replace the word “lots” with the word “graves” in Section 14-83, such that the complete text of said Section shall now read in full as follows:

Section 14-83. Rates.

Rates for cemetery graves shall be set by ordinance by the City Council in accordance with section 10.9 of the Charter.

Section 24. Amendment of Section 14-84. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to replace the word “lot” with the word “grave” and to remove subparagraph (b) in its entirety, thereby rescinding the option to pay for graves on installment under Section 14-84, such that the complete text of said Section 14-84 shall now read in full as follows:

Section 14-84. Installment purchase.

No cemetery grave may be purchased on installment; all graves shall be paid for in cash at the time of purchase.

Section 25. Amendment of Section 14-88. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to replace the word “lot” with the word “grave” in Section 14-88, such that the complete text of said Section shall now read in full as follows:

Section 14-88. Curbing.

Concrete, stone, or other curbing shall not be placed around any cemetery grave.

Section 26. Amendment of Section 14-89. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to replace the word “lot” with the word “grave” in Section 14-89, such that the complete text of said Section shall now read in full as follows:

Section 14-89. Special care.

A cemetery lot owner who desires special attention for their grave(s), such as special care for flowers, trees, and shrubs, must make arrangements for such care with a person not employed by or otherwise directly connected with the city.

Section 27. Amendment of Section 14-90. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to provide for cremation burials within the veterans’ block in the cemetery under Section 14-90, such that the complete text of said Section shall now read in full as follows:

Section 14-90. Veterans.

Certain sections of the cemetery have been set aside to honor those veterans who have honorably served in the military or naval forces of the United States during time of war. Permission for burial in the veterans’ memorial section may be obtained at the office of the cemetery superintendent/sexton. No spousal full body burials will be permitted in the veterans’ block unless the spouse is a veteran. Cremation burials, in the same grave as their spouse, will be allowed, regardless of whether the spouse was a veteran or not.

Section 28. Amendment of Section 14-91. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to add a reference to the sexton next to the reference to the superintendent under Section 14-91, such that the complete text of said Section shall now read in full as follows:

Section 14-91. Public expense.

The cemetery will provide a designated single grave for a person buried at public expense. A charge will be made for the grave and the opening and closing of the grave. Selections of these grave spaces will be entirely at the discretion of the superintendent/sexton.

Section 29. Amendment of Section 14-121. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to add language to subparagraph (1) of Section 14-121, such that the complete text of said subparagraph shall now read in full as follows:

Section 14-121. Designation of residents.

For purposes of this division, the following shall be considered residents for purposes of applicable rates, and all others shall be considered nonresident:

(1) Any adult resident of the city (currently or at the time of death).

Section 30. Amendment of Section 14-122. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to adjust the costs of purchasing grave spaces in the cemetery under Section 14-122, such that the complete text of said Section shall now read in full as follows:

Section 14-122. Grave purchases.
The cost of purchasing grave spaces in the cemetery shall be as follows:

<i>Grave Purchases</i>	<i>City Residents Per Grave Site</i>	<i>Nonresidents Per Grave Site</i>
Grave Sites – Family Selected	\$600.00	\$1,050.00
Grave Sites – City Selected	\$400.00	\$800.00

The cost of purchasing niches in the columbarium shall be as follows:

<i>Niche Purchases</i>	<i>City Residents Per Niche</i>	<i>Nonresidents Per Niche</i>
Companion Niche – Columbarium #2	\$1,100.00	\$1,500.00
Companion Niche – Columbarium #3	\$1,300.00	\$1,700.00

Columbarium emblems shall cost \$175.00 each. (Prices for columbarium to include perpetual care, bronze nameplate, and opening/closing). These rates shall become effective on January 1, 2025.

Section 31. Amendment of Section 14-123. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to adjust the costs associated with grave opening and closing services under Section 14-123, such that the complete text of said Section shall now read in full as follows:

Section 14-123. Grave openings/closings service charge.
(a) The following charges shall be made for all cemetery grave openings and closings for services conducted Monday through Friday, except on holidays, which are concluded no later than 3:00 p.m.:

<i>Interment type:</i>	<i>City Residents</i>	<i>Nonresidents</i>
Full burial; Adult:	\$600.00	\$1,050.00
Full burial; Child, age 5 or less:	\$350.00	\$600.00
Cremaains (Buried/Inurnment):	\$225.00	\$425.00

Disinterment; Full Body:	\$1,350.00	\$1,500.00
Disinterment; Cremated Remains:	\$400.00	\$500.00

- (b) For all grave openings, whether for residents or nonresidents, which are made on Saturday, there shall be a charge of \$500.00 for full burials and \$225.00 for cremains, in addition to the charges stated in subsection (a) for this Section.
- (c) For all grave openings made on Sundays or on holidays recognized under any employee contracts, there shall be a charge of \$700.00 for full burials and \$300.00 for cremains, in addition to the charges stated in subsection (a) of this Section.
- (d) For all grave openings made on Monday through Friday, but not on any holiday, which extend after 3:00 p.m. there shall be a charge of \$150.00 per hour for full burials and \$100.00 per hour for cremains, in addition to the charges stated in subsection (a) of this Section, with a minimum charge of one hour for services which extend beyond 3:00 p.m.
- (e) These rates shall become effective on January 1, 2025.

Section 32. Amendment of Section 14-124. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended to modify storage parameters under Section 14-124, such that the complete text of said Section shall now read in full as follows:

Section 14-124. Storage.
 For any burials made in the city cemetery, there shall be no additional charge for reasonable storage awaiting burial, due to weather or other like causes. For storage awaiting burials in another cemetery, there shall be a charge of \$100.00. Such storage shall not exceed a date stated when the decedent is received. If storage shall continue beyond the date stated, the city may charge such additional, reasonable fees as the city’s superintendent/sexton shall deem appropriate under such circumstances.

Section 33. Addition of Section 14-126. Article II of Chapter 14 (“Cemeteries”) of the Code of Ordinances of the City of Ludington is hereby amended by the addition of Section 14-126, which shall read in full as follows:

Section 14-126. Best interests of the cemetery.
 (a) The superintendent/sexton is hereby authorized to establish a temporary rule(s) making an exception(s) to an existing rule(s) whenever, in their judgment, the best interests of the cemetery demand the application of such an exception(s). The temporary rule(s) or exception(s) must be reported to the Cemetery and Parks Committee at the next regularly scheduled meeting thereof.

- (b) Perpetual care of the cemetery includes the mowing and trimming at reasonable intervals, the seasonal cleaning of leaves and debris, maintaining trees at a healthy standard of care (whether that includes trimming or removal).
- (c) The perpetual care fund may be used for improvement and development within the cemetery as deemed necessary by the superintendent/sexton and/or the Cemetery and Parks Committee for the good of the cemetery.
- (d) The superintendent/sexton shall provide a copy of the cemetery ordinance to all purchasers and shall prepare a standard form for all purchasers to sign to acknowledge their receipt of said ordinance.

Section 35. Addition of Division 4. – Natural Burial Area. and Sections 14-130 to 14-____.

Article II of Chapter 14 (“City Cemetery”) of the Code of Ordinances of the City of Ludington is hereby amended by reserving Sections 14-127 – 14-129 and by the addition of a new Division 4, to be entitled “Natural Burial Area” which shall include the new Sections 14-130 through 14-____, all of which shall now read together as follows:

Secs. 14-127. – 14-129. – Reserved.

Division 4. – Natural Burial Area.

Section 14-130. Definitions.

In addition to the definitions set forth in Section 14-26 of Division 1 of this Article II, the following words, terms, and phrases, when used in this Division 4, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biodegradable means items that can break down into natural materials in the environment without causing harm and are capable of being decomposed by bacteria and other living organisms.

Biomass means wood chips or other organic matter used to create energy that aids in the decomposition process when added to a grave.

Biodegradable burial container means a casket, shroud, urn, or other biodegradable container capable of being decomposed or biodegraded by bacteria or other living organisms; often made of plant or animal fiber (wicker, sea grass, paper, linen, cotton, wool, willow, bamboo, etc.), and which do not contain metals, glues, resins, plastics, and/or other synthetic materials that are non-biodegradable.

Decomposition means the process of breaking down a biodegradable item by natural means involving the soil, water, heat, and microbes in balance which occurs when no chemicals or non-biodegradable elements (such as metals, glues, resins, plastics, cement, etc.) are present to impede the natural breakdown process.

Eco-friendly refers to products and practices designed to have a range of effects on the natural environment from being beneficial to being the least damaging available option.

Natural (or “green”) burial refers to a form of burial and a way for caring for the decedent with minimal environmental impact that aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and/or preservation of habitat and soils that does not involve chemical embalming of the decedent, and utilizes a biodegradable container, casket, shroud, or urn.

Natural Burial Area refers to that portion of the City (aka. “Lakeview”) Cemetery where natural burials are permitted for full body interment in the ground without embalming or for cremated remains, using a biodegradable burial container and which does not involve the use of a grave liner or vault; pet remains may be accepted in the natural burial area.

Shroud means a fabric cloth or sheet that is wrapped around the decedent for burial; often shrouds are accompanied by a built-in, rigid board for carrying which may be referred to as a shrouding board.

Shrouding board means a board designed to securely carry a shroud-wrapped body to the grave, sometimes also referred to as a body board or trundle coffin. Such a board may be simple or ornate, and may be buried with the body if constructed of biodegradable materials or removed prior to interment for re-use.

Section 14-131. Natural Burial Area. The cemetery committee shall establish at least one area within the City Cemetery to be reserved solely for natural or “green” burials. All burials within the natural burial area shall be conducted solely in accordance with the following provisions:

- (1) Interment shall be only in or with naturally biodegradable materials from renewable resources. Metals, plastics, concrete, or any other synthetic materials may not be included in an interment. The cemetery may, at its discretion, on a case-by-case basis, allow (a) personal jewelry, or (b) non-biodegradable medical implants to be interred.
- (2) No outer burial containers (a.k.a. a “vault” or container made of concrete, plastic or metal that encloses a coffin or casket) are permitted for any interment in a natural burial area. Full bodies buried in a blanket or shroud must be placed on a shrouding board to be lowered into the ground.
- (3) Remains that are embalmed or otherwise chemically preserved with substances that are not approved by the Green Burial Council or another equivalent environmental standard may not be interred in a natural burial area. Outside of such standards, only non-embalmed decedents shall be permitted for burial in the Natural Burial Area.

- (4) The outer dimensions of a casket or shroud must be at least twelve inches (12") smaller than the grave dimensions either in length or width as established by the cemetery. This requirement is for the purpose of the protection of adjacent graves.
- (5) All full-body burials must be buried in a biodegradable burial container, blanket, or shroud.
- (6) Caskets or shrouds that on arrival at the cemetery are leaking or show that they have leaked must be returned until the problem has been resolved and the deceased placed in a new burial container.
- (7) The City requires at least forty-eight (48) hours advance notice for burials. The City will only accept and act on full body burial arrangements through a licensed funeral director.
- (8) Seasonal, grave-side services will be allowed, but tents or chairs are not permitted for funerals.
- (9) City employees will be responsible for all digging operations, and for lowering the decedent into the grave, a process which will utilize a mechanical device. Families may, at the discretion of the Sexton, participate in the ceremonial back-filling of the grave.
- (10) Only one interment will be permitted in any lot in the Natural Burial Area, while two inurnments may be permitted per lot.
- (11) Memorials in this section shall be locally sourced and consist of engraved stone. The memorial stone will be placed in a bed of native pea-sized gravel / stone with at least three inches (3") of stone under the memorial. Permanent headstones are allowed, and must be cut out of natural granite boulders, with the most typical size being 16" x 28" and with the stone laying flush with the ground surface. Memorial stones in this section may be engraved, but must remain simple in appearance, with final design, location, and impression of the headstone subject to the approval of the Sexton. Headstones will be purchased from the City of Ludington for this area of the Cemetery. The City of Ludington will not be liable for damage caused to headstones by the elements, thieves, vandals, or other causes.
- (12) Cremains may be buried in biodegradable burial containers or placed directly into the grave. The burial of cremains must be witnessed by cemetery personnel. Scattering of cremains is prohibited.
- (13) No artificial flowers are permitted in the Natural Burial Area, and no flowers, trees, shrubs, or bushes may be planted, but fresh cut flowers are allowed on the grave sites at any time. The Sexton shall have final approval authority over whether a proposed wreath, statute(s), cone(s), vase(s), shepherd hook(s), solar lights, or other decorations are deemed permissible within or inappropriate for the area. No flag

holders will be allowed; an American flag shall be placed at the entrance to the Natural Burial Area to honor all veterans buried therein.

- (14) No motor vehicles shall be permitted in the Natural Burial Area, outside of City-approved equipment necessary for the burial process.
- (15) Transfer of disinterred full body remains into the Natural Burial Area shall not be permitted. Disinterred cremains may be permitted in the Natural Area if all applicable parameters are deemed to be met by the Sexton. There shall be no disinterments out of the Natural Burial Area for either full body burials or cremains.
- (16) Full body graves will start with a surface dimension of sixty (60") inches by one-hundred and eight (108") inches. The grave will gradually slope to a bottom dimension of thirty-six (36") inches by eighty-four (84") inches. The bottom depth will be forty (40") inches.
- (17) No natural burials as defined in this Section shall be permitted in the current, established cemetery.
- (18) Natural burial / grave purchase forms shall be available within the Cemetery office, and shall be signed at said office in order to effectuate a purchase thereof.
- (19) Burial Purchase Fees:
 - a. The following charges shall be made for all cemetery grave openings and closings for services conducted Monday through Friday, except on holidays, which are concluded no later than 3:00 p.m.:

<i>Fee for Purchase:</i>	<i>City Residents</i>	<i>Nonresidents</i>
Grave Purchase:	\$600.00	\$1,050.00
Full body burial fee:	\$700.00	\$1,150.00
Cremation burial fee:	\$225.00	\$425.00

- b. For all grave openings, whether for residents or nonresidents, which are made on Saturday, there shall be a charge of \$500.00 for full burials and \$225.00 for cremains, in addition to the charges stated in subsection (a) for this Section.
- c. For all grave openings made on Sundays or on holidays recognized under any employee contracts, there shall be a charge of \$700.00 for full burials and \$300.00 for cremains, in addition to the charges stated in subsection (a) of this Section.
- d. For all grave openings made on Monday through Friday, but not on any holiday, which extend after 3:00 p.m. there shall be a charge of \$150.00 per hour for full burials and \$100.00 per hour for cremains, in addition to the

charges stated in subsection (a) of this Section, with a minimum charge of one hour for services which extend beyond 3:00 p.m.

- e. These rates shall become effective on January 1, 2025.

Section 36. Severability.

If any section, clause or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

Section 37. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 38. Effective Date.

This Ordinance shall become effective twenty (20) days following its introduction and publication as required by law.

At a regular meeting of the City Council of the City of Ludington, Mason County, Michigan, held on the ___ th day of _____, 2024, at 6:00 p.m., the votes on this proposed Ordinance were:

AYES:

NAYES:

ABSTAINED:

THE ORDINANCE IS DECLARED ADOPTED / REJECTED.

STATE OF MICHIGAN)
COUNTY OF MASON) ss.

I, Deborah L. Luskin, the duly qualified and acting Clerk of the City of Ludington, County of Mason, State of Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the Ludington City Council at a regular meeting held on the ____th day of _____, 2024, the original of which ordinance is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this ____ day of _____, 2024.

Deborah L. Luskin, City Clerk
City of Ludington