City of Kalamazoo

Rules, Regulations & Ordinances for Cemeteries
Table of Contents

<table>
<thead>
<tr>
<th>Title</th>
<th>Section</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules for City Cemeteries</td>
<td>A</td>
<td>2</td>
</tr>
<tr>
<td>Designation of Sections</td>
<td>B</td>
<td>3</td>
</tr>
<tr>
<td>Regulations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type I Section Restrictions</td>
<td>C</td>
<td>3</td>
</tr>
<tr>
<td>Type II Section Restrictions</td>
<td>D</td>
<td>3</td>
</tr>
<tr>
<td>Type III Section Restrictions</td>
<td>E</td>
<td>4</td>
</tr>
<tr>
<td>Type IV Section Restrictions</td>
<td>F</td>
<td>5</td>
</tr>
<tr>
<td>Type V Section Restrictions</td>
<td>G</td>
<td>5</td>
</tr>
<tr>
<td>Section BB Section Restrictions</td>
<td>H</td>
<td>5</td>
</tr>
<tr>
<td>Section 23 Section Restrictions</td>
<td>I</td>
<td>6</td>
</tr>
<tr>
<td>Sections 25, 26 &amp; 27 Section Restrictions</td>
<td>J</td>
<td>7</td>
</tr>
<tr>
<td>Sections 28 &amp; 29 Section Restrictions</td>
<td>K</td>
<td>8</td>
</tr>
<tr>
<td>Cremated Remains Section Restrictions</td>
<td>L</td>
<td>8</td>
</tr>
<tr>
<td>City of Kalamazoo Code of Ordinances</td>
<td>M</td>
<td>9</td>
</tr>
<tr>
<td>Chapter 10: Cemeteries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--Article I. In General</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>--Article II. Perpetual Care</td>
<td></td>
<td>12</td>
</tr>
</tbody>
</table>
A. GENERAL PROVISIONS

1. These rules shall apply to all cemeteries owned or operated by the City of Kalamazoo.
2. These rules shall not be construed to deprive any person of a vested property right.
3. Visitors to the cemeteries shall maintain proper decorum; there shall be no loud, undignified, or boisterous conduct.
4. There shall be no littering in the cemetery.
5. Pets are not permitted within the cemetery.
6. No grave site shall be used for other than the burial of human remains.
7. No private burial structures shall be erected without the written permission of the cemetery.
8. No person other than the cemetery personnel, the Director of the Department of Public Services, or designee, shall open any grave site or do any excavating within the cemetery.
9. No interments, disinterments, or services shall be permitted on Sundays, before noon on Mondays, or any day recognized as a national holiday.
10. All funerals shall be under the general supervision of the cemetery.
11. The cemetery may insist on twenty-four (24) hours notice prior to any interment and forty-eight (48) hours notice prior to any disinterment.
12. All materials used for memorials are subject to the approval of the cemetery.
13. The principal inscription on a memorial shall face the nearest road or path.
14. Except as otherwise provided in these rules, all landscaping shall be under the control of the cemetery and only the cemetery may make plantings.
15. Nothing may be placed on or around any grave site unless it is provided for in these rules.
16. The cemetery will remove anything placed on any grave site in violation of these rules at the expense of the person or persons who have violated these rules.
17. Any flowers, plants or other decorations properly placed on any grave site will be removed when, in the opinion of the cemetery, they have begun to deteriorate.
18. Glass jars or bottles shall not be used as vases for flowers.
19. All memorials shall be placed on a foundation of a depth and size and of a material approved by the cemetery.
20. All foundations shall be installed by cemetery personnel, the Director of the Department of Public Services, or designee.
21. Winter wreaths, globes or blankets may remain on the grave site from the Sunday prior to Thanksgiving to the first Sunday in March.
22. All burials, except cremated remains, shall be in vaults of a type acceptable to the cemetery. Cremated remains shall be placed in containers of a type acceptable to the cemetery.
23. No rose bushes may be planted in the cemetery.
24. Two containers for cut flowers, in a bouquet-holder which can be submerged to ground level and is of a type approved by the cemetery may be installed on each grave site. If such containers are not installed in a manner that is satisfactory to the cemetery, they will be removed.
B. DESIGNATION OF SECTIONS
1. Sections 8, 14, 15, 16, 20, 22, and VV of Riverside Cemetery shall be Type I Sections.
2. Sections TT, 10, 11, 18 and 24 of Riverside Cemetery shall be Type II Sections.
3. Sections 12, 17, 30 and ZZ of Riverside Cemetery shall be Type III Sections.
4. Sections BB and 23 of Riverside Cemetery have separate section restrictions, and for pricing purposes only are considered to be Type IV Sections.
5. Sections 25, 26 and 27 of Riverside Cemetery have separate section restrictions, and for pricing purposes only are considered to be Type II Sections.
6. Sections 28 and 29 of Riverside Cemetery have separate section restrictions, and for pricing purposes only are considered to be Type I Sections.
7. Section CRI of Riverside shall be designated a Cremated Remains Section.
8. The sections of Riverside Cemetery not otherwise designated shall be Type V Sections.
9. All sections in Mountain Home Cemetery shall be Type V Sections.

C. TYPE I SECTIONS – FLUSH MEMORIALS
1. All memorials shall be flush with the ground.
2. All memorials shall be placed on a line established by the Director of the Department of Public Services and shall face the nearest path or roadway.
3. All memorials placed on a single gravesite shall not exceed 24 inches by 18 inches in area.
4. For two (2) adjacent gravesites, a memorial of not more than 38 inches by 18 inches in area may be used.
5. For three (3) adjacent gravesites, a memorial of 56 inches by 18 inches in area may be used.
6. No memorial of greater than 56 inches by 18 inches shall be used, and no memorial shall extend across more than two-fifths (2/5) of the width of the group of gravesites upon which it is erected.
7. In Section 8 of Riverside Cemetery, one (1) urn not more than fourteen (14) inches in diameter shall be allowed with no other ornaments.
8. In Section 15 of Riverside Cemetery, one (1) cement urn not to exceed fourteen (14) inches in diameter shall be allowed for each group of two (2) gravesites.
9. In Sections 14 and 16 of Riverside Cemetery, one (1) cement urn not to exceed eight (8) inches in diameter shall be allowed for each group of two (2) gravesites.
10. Any flowers or decorations placed in violation of the resolution will be removed immediately. Winter wreaths or blankets will be permitted between Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths and blankets will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

D. TYPE II SECTIONS – UPRIGHT MEMORIALS
1. Each gravesite may have a memorial flush with the ground of not more than twenty-four (24) inches by eighteen (18) inches in area.
2. Each group of two (2) or more gravesites may have a single upright memorial not to exceed thirty-eight (38) inches in length, fifty-four (54) inches in height, and eighteen (18) inches in width. Each group of three (3) or more gravesites may have a single
upright memorial not to exceed fifty-two (52) inches in length, fifty-four (54) inches in height, and eighteen (18) inches in width. Each group of four (4) or more gravesites may have a single upright memorial not to exceed fifty-six (56) inches in length, fifty-four (54) inches in height, and eighteen (18) inches in width.

3. As an alternate to Paragraph 2, an upright memorial with a base no higher than twelve (12) inches may be used to support a die with a height of not more than sixty-eight (68) inches, length not to exceed twenty-four (24) inches, and maximum width of eight (8) inches.

4. In a case of a gravesite or group of gravesites ten (10) feet in depth or less, any upright memorial shall be placed on a line established by the cemetery adjacent to the nearest path or roadway.

5. On all lots of a depth of more than ten (10) feet, any upright memorial shall be centered on a line ten (10) feet back from the nearest path or roadway.

6. In Section TT of Riverside Cemetery, where an entire lot has been purchased by the same owner, dwarf evergreens and shrubs may be planted at the base of any upright memorial. Such plantings shall not be closer than twenty-four (24) inches to a lot line.

7. Sections TT, 10 and 11 of Riverside Cemetery, one of the following may be placed at the base of an upright memorial: a receptacle for cut flowers, a potted plant or an urn. None of the foregoing shall exceed fourteen (14) inches in width, length or height. Flowers will be removed by cemetery personnel, the Director of the Department of Public Services, or designee when found to be wilted or dead.

8. Any flowers or decorations placed in violation of the resolution will be removed immediately. Winter wreaths or blankets will be permitted between Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths and blankets will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

E. TYPE III SECTIONS – INFANT BURIAL
1. All gravesites are for the burial of infants and shall be two and one-half (2 ½) feet by four (4) feet in area.

2. Each gravesite may have a memorial flush with the ground, twenty (20) inches by ten (10) inches in area and shall face the nearest path or roadway.

3. One (1) container for cut flowers that does not protrude above the level of the ground shall be allowed per gravesite. Flowers will be removed by cemetery personnel, the Director of the Department of Public Services, or designee when found to be wilted or dead. Any flowers or decorations placed in violation of the resolution will be removed immediately. Winter wreaths or blankets will be permitted between Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths and blankets will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

4. In Sections 12 and 17 of Riverside Cemetery, one (1) cement urn not exceeding eight (8) inches in diameter may be placed on each gravesite.
F. TYPE IV SECTIONS – ESTATE TYPE
   See specific section restrictions: Section BB in part H of this booklet, or Section 23 in
   part I of this booklet.

G. TYPE V SECTIONS – OLDER SECTIONS
1. The rules in this section shall apply to the older sections of the cemetery.
2. Flowers and dwarf evergreens and shrubs may be planted around any memorial, but
   they shall not extend more than eighteen (18) inches from the memorial. Cut flowers
   will be removed by cemetery personnel, the Director of the Department of Public
   Services, or designee when found to be wilted or dead. Any flowers or decorations
   placed in violation of the resolution will be removed immediately. Winter wreaths or
   blankets will be permitted between Sunday prior to Thanksgiving and the first Sunday
   in March. All winter wreaths and blankets will be removed immediately after the first
   Sunday in March. The cemetery is not responsible for any of these decorations should
   they be removed by someone other than cemetery personnel, the Director of the
   Department of Public Services, or designee.
3. All inscriptions shall face the nearest path or roadway, unless layout of lot is obviously
   set up to the contrary.
4. In Section AA of Riverside Cemetery, one (1) cement urn not to exceed fourteen (14)
   inches in diameter shall be allowed for each group of two (2) gravesites.
5. In Section AA of Riverside Cemetery, Lots 503 through 518 shall have no plantings, all
   memorials shall be flush with the ground, and one (1) urn not more than fourteen (14)
   inches in diameter shall be allowed, with no other ornaments.
6. In Section 4, Lots 409 through 413, 443, 444, 445 of Riverside Cemetery, all
   memorials shall be flush with the ground.
7. In Section 6, Lots 18 through 31 of Riverside Cemetery, all memorials shall be flush
   with the ground.
8. In Section 7 of Riverside Cemetery, where an entire lot has been purchased by the
   same owner, dwarf evergreens and shrubs may be planted at the base of any upright
   memorial, but there shall be no flowerbeds. Such plantings shall not be closer than
   twenty-four (24) inches to a lot line.
9. In Section 7 of Riverside Cemetery, one of the following may be placed at the base of
   an upright memorial: a receptacle for cut flowers, a potted plant or an urn. None of
   the foregoing shall exceed fourteen (14) inches in width, length or height. Flowers will
   be removed by cemetery personnel, the Director of the Department of Public Services,
   or designee when found to be wilted or dead.

H. SECTION BB – REVISED ESTATE SECTION
1. All plantings as established are to be considered as a part of the entire section and as
   such shall not be added to, removed or in any way changed by the lot owners, neither
   shall any employee of the cemetery be allowed to remove, add to or in any way
   change said plantings without the consent of the lot owner on whose lot the changes
   are contemplated, except that the employees of the cemetery will at all times have the
   right to trim, replace or perform other duties of maintenance necessary to insure the
   proper growth and beauty of all plantings.
2. No flower, shrubbery or other ornamental beds or plantings shall be permissible by the owner, but one bouquet of cut flowers or a potted plant may be placed at the base of the upright monument allowed on each lot. Said ornamentation and container to be placed at the owner’s responsibility. Flowers will be removed by cemetery personnel, the Director of the Department of Public Services, or designee when found to be wilted or dead.

3. Any flowers or decorations placed in violation of the resolution will be removed immediately. Winter wreaths or blankets will be permitted between Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths and blankets will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

4. All headstones, footstones or other memorial markers used in this section shall be flush with the surrounding grade and not exceed in area fourteen inches by twenty-four inches except for one central monument allowed on each lot that may protrude above the surrounding grade not to exceed fifty-four inches. Said monument shall have no dimension greater than twenty-four inches in thickness nor may the total length exceed thirty percent of the frontage of the lot on the adjacent path or road, except that in no case shall the length exceed seventy-eight inches nor need it be less than forty-eight inches.

5. The above rules and regulations pertain to Section BB only and do not exclude the lot owners in said section from compliance with all rules, regulations or ordinances that are now in effect or may be enacted in the future by the City Commission of the City of Kalamazoo, governing general use of Riverside Cemetery.

I. SECTION 23

1. All graves shall face north and south, except the flush graves on the east and west perimeter and lot 66-1.

2. On graves restricted to flush markers, being lots 112 through 255, one marker not to exceed twenty-four (24) inches in length and eighteen (18) inches in width shall be allowed on single graves. On each set of 2 or more adjoining graves, one monument, marker or memento not to exceed thirty-six (36) inches in length and eighteen (18) inches in width shall be allowed, or one marker not to exceed twenty-four (24) inches in length and eighteen (18) inches in width on each grave shall be allowed.

3. Said monument, marker or memento shall be placed on a line established by the Director of the Department of Public Services adjacent to and facing the nearest path or adjacent to but not facing the hedge.

4. All flush markers shall not exceed four (4) inches in thickness and the base thereof shall be level and smooth.

5. On two or more adjacent burial spaces in lots permitting upright monuments, being lots 60 through 111 and lots 256 through 259, said monument may exceed in length two-fifths (2/5) of the width of the graves on which it is to be placed, up to the entire width of the graves minus the required foundation collar as established by the Director of the Department of Public Services, its width shall not exceed eighteen (18) inches at any point.
6. Said monument, marker or memento shall be placed on a line established by the Director of the Department of Public Services adjacent to and facing the nearest path or adjacent to but not facing the hedge.

7. No flower, shrubbery, evergreen or other planting by the owner shall be permitted. Two (2) receptacles for cut flowers in a bouquet-holder which can be submerged to ground level into an underground container or containers shall be permitted. On lots 60 through 69 and lots 86 through 95, all vases will be placed near the upright monument. Flowers will be removed by cemetery personnel, the Director of the Department of Public Services, or designee when found to be wilted or dead. Any flowers or decorations placed in violation of the resolution will be removed immediately. Winter wreaths or blankets will be permitted between Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths and blankets will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

J. SECTIONS 25, 26 & 27
1. All graves shall face north and south.
2. All monuments, markers or other mementos shall be flush with the surrounding grade except for a monument, marker or other memento which shall be described in this resolution as an “upright monument”, one of which may be placed on each lot in said section containing two or more burial spaces. All inscriptions shall face the nearest path or roadway.
3. Single burial spaces shall be restricted to flush markers, one marker not to exceed twenty-four (24) inches in length and fourteen (14) inches in width shall be allowed. On two (2) adjacent burial spaces, as an alternative to an upright marker, one marker not to exceed thirty-six (36) inches in length and fourteen (14) inches in width shall be allowed. All flush markers shall not exceed four (4) inches in thickness and the base thereof shall be level and smooth.
4. Each group of two (2) or more gravesites may have a single upright memorial not to exceed thirty-eight (38) inches in length and fourteen (14) inches in width. The total height of said upright monument shall not exceed forty (40) inches above the surrounding grade.
5. Each group of three (3) or more gravesites may have a single upright marker not to exceed fifty-two (52) inches in length and fourteen (14) inches in width. The total height of said upright monument shall not exceed forty (40) inches above the surrounding grade.
6. Each group of four (4) or more gravesites may have a single upright marker not to exceed fifty-six (56) inches in length and fourteen (14) inches in width. The total height of said upright monument shall not exceed forty (40) inches above the surrounding grade.
7. Said monument, marker or memento shall be placed on a line established by the Director of the Department of Public Services adjacent to and facing the nearest path.
8. No flower, shrubbery, evergreen or other plantings by the owner shall be permitted. Two (2) receptacles for cut flowers in a bouquet-holder which can be submerged to ground level into an underground container or containers shall be permitted. Flowers
will be removed by cemetery personnel, the Director of the Department of Public Services, or designee when found to be wilted or dead. Any flowers or decorations placed in violation of the resolution will be removed immediately. Winter wreaths or blankets will be permitted between the Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths and blankets will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

K. SECTIONS 28 & 29
1. All graves shall face north or south.
2. All monuments, markers or other mementos shall be flush with the surrounding grade, the section to be known as a “flush monument” section.
3. Said monument, marker or memento shall be placed on a line established by the Director of the Department of Public Services adjacent to and facing the nearest path or roadway.
4. On single burial spaces, one marker not to exceed twenty-four (24) inches in length and fourteen (14) inches in width shall be allowed. On two (2) adjacent spaces, one marker not to exceed thirty-six (36) inches in length and fourteen (14) inches in width shall be allowed.
5. On three (3) or more adjacent burial spaces, one marker not to exceed fifty-six (56) inches in length and fourteen (14) inches in width shall be allowed.
6. All monuments, markers or mementos shall not exceed four (4) inches in thickness and the base thereof shall be level and smooth.
7. No flower, shrubbery, evergreen or other plantings by the owner shall be permitted. Two (2) receptacles for cut flowers in a bouquet-holder which can be submerged to ground level into an underground container or containers shall be permitted. Flowers will be removed by cemetery personnel, the Director of the Department of Public Services, or designee when found to be wilted or dead. Any flowers or decorations placed in violation of the resolution will be removed immediately. Winter wreaths or blankets will be permitted between the Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths and blankets will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

L. CREMATED REMAINS SECTION
1. All markers or other mementos shall be flush with the surrounding grade, the section to be known as a “flush marker” section.
2. Said marker or memento shall be placed on a line established by the Director of the Department of Public Services adjacent to and facing the nearest path.
3. On single burial lots, one marker not to exceed twenty (20) inches in length and ten (10) inches in width shall be allowed. On two (2) or more adjacent burial lots, one marker or memento not to exceed twenty-four (24) inches in length and twelve (12) inches in width shall be allowed.
4. All markers or mementos shall not exceed four (4) inches in thickness and the base thereof shall be level and smooth.

5. No flower, shrubbery, evergreen or other plantings by the owner shall be permitted. One receptacle for cut flowers in a bouquet-holder which can be submerged to ground level into an underground container shall be permitted per space. Flowers will be removed by cemetery personnel, the Director of the Department of Public Services, or designee when found to be wilted or dead. Winter wreaths will be permitted between the Sunday prior to Thanksgiving and the first Sunday in March. All winter wreaths will be removed immediately after the first Sunday in March. The cemetery is not responsible for any of these decorations should they be removed by someone other than cemetery personnel, the Director of the Department of Public Services, or designee.

6. Only one burial shall be permitted per lot in the Cremated Remains Section. All burials shall be placed in containers of a type acceptable to the cemetery.

7. No tent shall be erected in the Cremated Remains Section. A tent may be erected adjacent to the section.

(The foregoing having been approved by City Commission, March 16, 2015)

M. CITY OF KALAMAZOO CODE OF ORDINANCES

CHAPTER 10: CEMETERIES

--Article I. In General

Sec. 10-1. Definitions.
The following definitions shall apply in the interpretation and enforcement of this chapter:

CEMETERY- Any cemetery owned or operated by the City and, where appropriate to the context, the word shall include the officials in charge of the cemetery.

GRAVE SITE- Any area designated for the interment of a single body and shall include a crypt, vault, niche or any other burial space.

INTERMENT- Includes the permanent disposition of the remains of a deceased person by cremation and interment, entombment or burial.

LOT- Any area shown on the map of the cemetery as a single unit. It may contain any number of grave sites as designated by the cemetery.

MEMORIAL- Includes a monument, marker, tablet, headstone, tombstone, coping, lot enclosure, or like devices.

PRIVATE BURIAL STRUCTURE- Any tomb, sarcophagus, mausoleum, columbarium, or like structure erected by the owner of a lot or burial unit. Each burial space in the structure shall be considered a grave site.

Sec. 10-2. Application of chapter; effect of reference to chapter in documents.
All owners and visitors within a cemetery, and all grave sites sold, shall be subject to the provisions of this chapter, and any reference to this chapter in any document shall have the same force and effect as if set forth in full therein.
Sec. 10-3. To be operated and maintained by Director of Department of Public Services.  
[Amended 9-7-1982 by Ord. No. 1268]
It shall be the duty of the Director of the Department of Public Services to maintain and operate all municipally owned and operated cemeteries. An employee of the Department shall be designated the Superintendent of Cemeteries.

Sec. 10-4. Rules and regulations of City Manager.  
The City Manager is hereby authorized to promulgate rules and regulations, consistent with the provisions of this chapter, governing conduct, work and other activities in City cemeteries and governing the operation, maintenance and management of such cemeteries, including fees to be charged. Such rules and regulations shall be subject to approval by the City Commission. When so approved, it shall be unlawful for any person to violate any provision of such rules and regulations.

Sec. 10-5. Sale of lots and grave sites.  
All lots and grave sites shall be sold according to the map of the respective cemeteries adopted by the City Commission and full payment must be made before the purchaser thereof shall receive the certificate of ownership from the City Clerk. Fractions of lots may be sold, in the discretion of the cemetery.

Sec. 10-6. Grave site owners to give notice of change of address.  
It shall be the duty of the grave site owner to notify the cemetery of any change in his or her post office address. Notice sent to a grave site owner at the last address on file in the office of the Superintendent of Cemeteries shall be considered sufficient and proper legal notification.

Sec. 10-7. General rights of grave site owner.  
A. All cemetery grave sites conveyed shall be presumed to be the sole and separate property of the person named as grantee in the instrument of conveyance; provided, however, that a surviving spouse shall have a right of interment in a lot or grave site when there is sufficient space.

B. In all conveyances to two or more persons as joint tenants, each joint tenant shall have a right of interment of his or her remains in the grave sites so conveyed. Upon the death of a joint tenant, the grave sites theretofore held in joint tenancy immediately vest in the survivor or survivors, subject to the right of interment for the remains of the deceased joint tenant.

C. A right of interment as in this section provided may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto.

Sec. 10-8. Burial unit inalienable by interment; right of owner’s family to interment.  
Whenever an interment is made in a lot that has been conveyed to an individual owner by the cemetery, the whole of such lot thereby becomes inalienable and shall be held as the family lot of the owner, in which one grave site may be used for the owner’s interment, one for the interment of the surviving husband or wife of the owner and in those remaining, the parents and children of such deceased owner may be interred, in
the order of need, without the consent of any person claiming any interest therein. In
the event there shall be no parent or child surviving such deceased, the right of
interment therein shall go the next heirs at law of the deceased owner, as specified by
the statutes of descent. Any surviving husband or wife and any parent, child or heir of
such deceased owner may waive his or her right to interment in said lot in favor of any
other relative of such deceased owner, and upon such waiver, the body of the person
in whose favor the waiver is made may be interred therein.

Sec. 10-9. Descent of rights in empty lot or grave site.
If no interment has been made in a lot or grave site which has been conveyed to an
individual owner by the cemetery, or if all bodies have been lawfully removed
therefrom, in the absence of the specific disposition thereof by the owner's last will and
testament, the whole of said lot or grave site, except the one grave site which must be
reserved to the surviving husband or wife of the owner, shall, upon the death of the
owner, descend in regular line of succession to the heirs at law or the owner.

Sec. 10-10. Transfer of lots or grave sites.
A. No transfer or assignment of any cemetery lot or grave site shall be valid without the
consent, in writing, of the Superintendent of Cemeteries.
B. The transfer of title shall be made by the City Clerk upon receipt of a quitclaim deed to
the City by the title holder, together with the letter of approval issued by the
Superintendent of Cemeteries.
C. The cemetery may act as agent for owners of lots or grave sites who wish to resell them.
The purchaser of such lots or grave sites shall pay the current price for the sections in
which they are located. Upon receipt of the purchase price, the cemetery shall refund
to the original owner the amount paid at the time of purchase, the balance to be
retained by the City.

Sec. 10-11. Subdivision of grave sites not allowed; burial of persons not having an interest in
the grave site.
[Amended 12-10-1979 by Ord. No. 1180]
The subdivision of grave sites is not allowed, and no one shall be interred in any grave site
in which he does not have an interest, except by written consent of all parties
interested in such grave and of the Superintendent of Cemeteries; or as otherwise
provided by this chapter or state law. Except as provided by ordinance or rule, there
shall be only one burial per grave site. With the approval of the cemetery, given at
the time of the first interment, two bodies may be buried in a single grave. A container
containing the cremated remains of a single body may be placed on a grave site in
which a previous interment has been made, if done under the supervision of the
cemetery.

Sec. 10-12. Private burial structure; approval of plans.
Before any private burial structure is erected, its plan must be approved in writing by the
Superintendent of Cemeteries.

Sections 10-13 through 10-24 (Reserved)
Article II. Perpetual Care

Sec. 10-25. Care of lots and grave sites.
[Amended 11-15-2004 by Ord. No. 1778]
A. Owners of lots and grave sites will secure perpetual care of the same upon payment of the charges prescribed by the cemetery rules. If the lot or grave site is not in proper condition, as determined by the Superintendent, the owner shall pay such additional charges as are necessary to put it in condition for perpetual care. Charges for such work will be based on a price to be furnished in advance by the Superintendent. No lots or grave sites shall be sold unless provision is made for perpetual care.
B. The term "perpetual care" shall mean cutting grass, raking and cleaning, pruning of shrubs and trees, and the making of capital improvements to the cemetery, such as constructing or repairing roads or sidewalks within the cemetery, or replacing foundations for existing grave sites.

Sec. 10-26. Care of private burial structures.
A. Before any private burial structure is erected in the cemetery, the proprietor must deposit with the cemetery a sum of money estimated by the Superintendent to be sufficient to yield an income for proper care of such structure in perpetuity.
B. The term "perpetual care," as applied to a private burial structure, shall mean the cleaning and sweeping of the building at reasonable intervals, the replacement of broken glass, the keeping of the roof in repair, proper provision of locks and doors to prevent the entrance of prowlers or undesirable persons.

Sec. 10-27. Exceptions.
[Amended 11-15-2004 by Ord. No. 1778]
Unless stated to the contrary within this article, the term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any private burial structures or memorials; nor the planting or cost of flowers or ornamental plants; nor sprinkling water; nor the maintenance or doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any memorial or private burial structure or other buildings or structures, made necessary by injuries caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, riots, insurrection, or by the order of any military or civil authority, whether the damage be direct or collateral.

Sec. 10-28. Perpetual care fund.
All funds paid for perpetual care shall be placed by the Director of Finance to the credit of a fund known as the "perpetual care fund" to be administered by the City Commission, and to be held in trust and invested by the City Commission, as provided by law, and the interest thereon shall be used for the care and maintenance of lots and grave sites entitled to perpetual care.

Sec. 10-29. Special care.
A lot or grave site owner may enter into an agreement with the cemetery for special care, which shall include only those specific services set forth in the agreement. Special care funds shall be invested with and in the same manner as perpetual care funds.

Sec. 10-30. Perpetual Care Investment Committee and management of funds.
[Added 11-15-2004 by Ord. No. 1778]
There is hereby created a Perpetual Care Investment Committee (PCIC) that shall manage the assets of the system and have full power to invest and reinvest such assets, subject to the provisions of applicable law. The Committee shall have the power to purchase notes, bonds, or other obligations of the City before or after the same are offered to the public, with or without advertising for bids. The Committee shall have power to hold, purchase, sell, assign, transfer, and dispose of any securities and investments in which any of the funds of the system have been invested, as well as the proceeds of such investments and any monies belonging to the system. The provisions of this section shall be subject to such conditions and restrictions as the City Commission may hereafter impose by resolution.

Sec. 10-31. Perpetual Care Investment Committee; membership, appointment, duties.
[Added 11-15-2004 by Ord. No. 1778]
A. Membership, appointment. The PCIC shall consist of no less than three nor more than five members, all of whom shall also serve on the Retirement Investment Committee (RIC). Said members shall be appointed by the City Commission upon the recommendation of the RIC Chair; their term on the PCIC shall be concurrent with their term on the RIC.
B. The PCIC members shall serve without compensation and if any member fails to attend three consecutive regularly scheduled meetings of the Committee, unless in each case excused for cause by the remaining members, his or her office will be deemed vacated. Within 60 days of any time that the number of Committee members becomes less than three, the Chair of the RIC shall appoint enough new members from the RIC to the PCIC so that the PCIC consists of at least three members.
C. The Committee shall hold meetings regularly, at least quarterly, and shall designate the time and place thereof. A majority of the Committee’s membership shall constitute a quorum at any meeting of the Committee. Each member shall be entitled to one vote on each question before the Committee; at any meeting with a quorum, decisions shall be made by affirmative vote of a majority of those present; except that should the Committee’s membership become three, the entire membership shall constitute a quorum and all decisions shall be made by a unanimous vote of the entire membership. The Committee shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the Committee shall be open to the public. The City Commission may appoint a Commissioner as liaison to the Committee.
D. Officers. The Committee shall elect a chairman and chairman pro tem; the Director of Finance shall serve as secretary to the Committee and provide staff support.
E. Duties. The duties of the Investment Committee shall be as follows:
(1) To formulate and recommend to the City Commission investment policies, strategies, and guidelines for approval by the City Commission;
(2) To carry out such investment policies, strategies, and guidelines as approved by the City Commission;
(3) To establish investment performance monitoring systems and report the results of said system quarterly to the City Commission;
(4) To insure that investment records are properly maintained;
(5) To serve as the primary contact with investment managers and advisors;
(6) To insure that the plan is properly audited; and
(7) To perform such other duties as the City Commission may from time to time direct.

Sec. 10-32. Available cash and use of assets.
[Added 11-15-2004 by Ord. No. 1778]
A. There shall be kept on deposit available cash not to exceed 5% of the total assets of the system. All assets of the system shall be held for the sole purpose of meeting disbursements for allowable expenses, as authorized by this article and shall be used for no other purpose.
B. Payment of expenses relating to perpetual care shall be paid from investment income.

CERTIFICATE:
I, Scott A. Borling, City Clerk of the City of Kalamazoo, do hereby certify that the cemetery rules, regulations and ordinances contained in this book are exact copies of the rules, regulations and ordinances that have been adopted and approved by the Kalamazoo City Commission and that are on file in my office.

Certified under my hand and the Seal of the City of Kalamazoo this 31st day of December, 2015

Scott A. Borling, City Clerk