

ORDINANCE NO. 2015-16

AN ORDINANCE TO AMEND CHAPTER 14, CEMETERY, SECTIONS 14-3 AND 14-4 OF THE CODE OF THE CITY OF ROCHESTER REGARDING RULES FOR INTERMENT INTO VETERANS' SECTION.

THE CITY OF ROCHESTER ORDAINS:

Sec. 14-1. - Governing organization.

[No changes]

Sec. 14-2. - Administration.

[No changes]

Sec. 14-3. – Veterans' Section.

The Veterans' Section of Mt. Avon Cemetery (located to the west of the mausoleum) is designed for the burial of former members of the United States of America armed forces. Due to the special nature of the Veterans' Section, the City has developed the following additional specific criteria for interment in this area:

- (1) Burial in the Veterans' Section is limited to military veterans and their spouses only. Verification of military services of the Veteran is required.
- (2) Spaces will not be assigned on a pre-need/pre-sold basis. Administration will designate the space to be used at the time of the Veteran's burial (not at the time of the Veteran's spouse). One space can accommodate one full burial and one cremation, or two cremations.
- (3) An adjacent space may be purchased for the Veteran's spouse at the time of the Veteran's interment for a fee as set by city council in the fee schedule. If one or both of the burials is a cremation, the Veteran's spouse may be buried in the same space as the Veteran at no additional cost, except for the required open and closing fee.
- (4) The Veteran's space open and closing fees are waived. All other fees apply (i.e., headstone, installation, disinterment). Burial of the Veteran's spouse is subject to the open and closing fees at the time of burial.

- (5) No other family members (i.e., parent, son, daughter) or pet may be interred in the Veterans' Section.
 - (6) The Veteran must have been a resident of and lived in the City of Rochester or Rochester Hills.
 - (7) Persons that own spaces in Mt. Avon Cemetery may not "exchange" their spaces for spaces in the Veterans' Section.
 - (8) Headstone markers must be the government issued 24" x 12" bronze plaque mounted on a granite base for the Veteran, and an identical bronze plaque mounted on a granite base for a spouse, if applicable. Double wide granite bases and monuments are prohibited.
 - (9) This ordinance does not guarantee that space will be available at the time of any Veteran's death. Burials in the Veterans' Section will cease when spaces are no longer available.
- (10) All other provisions of Chapter 14 apply to the Veterans' Section except where conflicts exist. If conflicts exist, the provisions of this section control.

Sec. 14-4. - Ownership restrictions.

(a) *In ground space.* The deed to a lot or space grants the right or privilege of interment, the ownership in fee to the land remaining in the cemetery (or with the city). Sale of lots shall be restricted to residents of the city and Rochester Hills for their personal use or for use by members of their immediate families. Notwithstanding, sale of lots to persons who are not residents of either the City of Rochester or the City of Rochester Hills may be permitted only by written petition for resident status, for purposes of this chapter only, to the Rochester city clerk based upon such petitioner being able to substantiate having family ownership of filled lots by family members, which family members shall include any of the following relatives: grandparent(s), parent(s), brother(s), sister(s), husband, wife, child or children, and grandchild or grandchildren. After review of the written petition for resident status, should the city clerk deny the request, said petitioner shall have the right to appeal to the Rochester city council. Lots may not be purchased for speculative purposes and any resale of lots by purchasers shall not exceed the going rate at that time and shall be subject to the approval of the city administration.

(b) *Columbaria.* The deed to a niche in a columbarium grants the right or privilege of interment, the ownership to the columbarium remaining in the cemetery (or with the city). Sale of a niche shall be restricted to residents of the city and Rochester Hills for their personal use or for use by members of their immediate families. Notwithstanding, sale of niches to persons seeking resident status, but who are not residents, may be permitted as set forth in [section 14-4\(a\)](#).

Columbarium niches may not be resold, transferred or inherited except as set forth in this paragraph. The purchase fee is nonrefundable. If a columbarium niche remains vacant 100 years after purchase, interment rights are forfeited to, and may be resold by, the city. Columbarium niches may be voluntarily transferred back to the city upon application to the city clerk. The city clerk may consider a refund of a portion of the original purchase price for the transfer as set forth in a fee resolution adopted by city council. Decisions by the city clerk as to the refunding may be appealed to the Rochester city council.

Engraving of a columbarium niche shall be completed upon interment. Engraving shall be in compliance with adopted policy as to form, font, etc. as may be adopted by city council from time to time. Adhering plaques, flower vases, portraits, etc. is prohibited, with the exception of veterans' affairs medallions recognizing military veterans, subject to approval from the city.

(c) *[Agreement to rules and regulations.]* In purchasing a lot or lots in Mt. Avon Cemetery, the purchaser agrees to abide by all rules and regulations as established by either local ordinance or state law.

Sec. 14-5. - Lot charges.

[No changes]

Sec. 14-6. - Service charges.

[No changes]

Sec. 14-7. - Memorials.

[No changes]

Sec. 14-8. - Interment regulations.

[No changes]

Sec. 14-9. - Maintenance regulations.

[No changes]

Sec. 14-10. - General rules and regulations.

[No changes]

Sec. 14-11. - Perpetual maintenance fund.

[No changes]

Sec. 14-12. - Advisory board establishment.

[No changes]

Sec. 14-13. - Membership and term.

[No changes]

THIS ORDINANCE shall become effective immediately upon passage and publication.

A true copy of this ordinance may be purchased or inspected at the office of the City Clerk at the Rochester Municipal Building, 400 Sixth Street, Rochester, Michigan, 48307, during regular business hours, 8:00 a.m. to 5:00 p.m. daily, except weekends and holidays.

Made and passed by the City Council of the City of Rochester, State of Michigan, this 12th day of October, 2015.

CITY OF ROCHESTER

A Michigan Municipal Corporation

By: _____
Jeffrey T. Cuthbertson, Mayor

By: _____
Lee Ann O'Connor, City Clerk