

Chapter 14 CEMETERIES AND PARKS

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cemetery means a place for burials which is owned by the city.

City superintendent means the person appointed by the city council per the terms of the city Charter.

Designate means a supervisor who reports to the city superintendent or a full-time city employee who works in a park or cemetery.

Employee means any employee of the city whose job functions include maintaining, repairing or supervising a park or cemetery or whose job functions include enforcing this chapter.

Park means a place designated by the city as a park, reservation, playground, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term "vehicle" shall include any trailer in tow or of any description, not including baby carriages and vehicles in the service of the city parks.

(Ord. No. 885, § 2(7.10), 4-20-2009)

Sec. 14-2. Cemetery and parks commission.

- (a) *Creation.* A cemetery and parks commission is hereby created and shall consist of seven members who are qualified electors of the city, appointed by the mayor, by and with the consent of the city council, provided that one member shall be a city councilmember. The term of office for the six at-large members shall be five years and such terms shall be established on a rotating basis. Terms shall expire on the first Monday in May. The initial at-large members of the cemetery and parks commission shall include the members of the cemetery commission who were serving at the time of the adoption of the ordinance from which this chapter is derived. The term of the councilmember shall be established at the time of his appointment, provided that such term may not exceed a councilmember's term as a councilmember.
- (b) *Meetings; compensation.* The cemetery and parks commission shall meet whenever the affairs of the commission demand, upon call of the chairperson. The commission shall meet not less than once every three months. All services provided by the commission shall be gratuitous, or as otherwise provided by city council resolution.
- (c) *Officers; powers and duties.* The cemetery and parks commission shall appoint one of its members as chairperson and one of its members as secretary. Such commission shall, from time to time, recommend to the city council the necessary grounds needed for municipal cemetery and parks purposes. A cemetery shall be laid out in a system of plats, lots, roads and walks, properly named and numbered by means of recorded measurements from fixed landmarks. The commission shall recommend to the city council the price of cemetery lots; provide for the sales thereof, the conveyance of monies from such sales to the city treasurer,

and the execution by the city clerk of burial right cemetery care certificates. The commission shall cause the keeping of a complete record of all lots, lot owners and interments in the cemeteries of the city. The commission shall also recommend the fees for the use of parks.

- (d) *Promulgation of rules and regulations.* The cemetery and parks commission shall recommend to the city council such rules and regulations as are necessary for the operation, maintenance, use and protection of municipal cemeteries and parks.

(Ord. No. 885, § 2(7.32), 4-20-2009)

Sec. 14-3. Activities by persons in cemeteries and parks.

No person in a cemetery or park shall:

- (1) *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) *Restrooms and washrooms.* Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
- (3) *Removal of natural resources.* Dig, or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.
- (4) *Erection of structures.* Construct or erect any building or structure of whatever kind, whether permanent or temporary in character or run or string any public service utility into or upon or across such lands, except on special permit issued hereunder.
- (5) *Injury and removal.* Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (6) *Climbing.* Climb any building, walkway, or bridge, stand upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.
- (7) *Hunting.* Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, or bird; nor shall anyone remove or have in their possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird, provided that fishing shall be permitted in designated areas.
- (8) *Feedings.* Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.
- (9) *Pollution of waters.* Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (10) *Refuse and trash.* Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash when the contents of items were not lawfully consumed or used in the park prior to the use or consumption of the

contents of such items. No refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof except in designated waste containers.

- (11) *State motor vehicle laws apply.* Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.
- (12) *Enforcement of traffic regulations.* Fail to obey all traffic officers and city employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may subsequently be issued by the city superintendent.
- (13) *Obey traffic signs.* Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.
- (14) *Speed of vehicles.* Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour.
- (15) *Operation confined to roads.* Drive any vehicle on any area except the roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the city superintendent.
- (16) *Designated areas.* Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.
- (17) *Removal of vehicles.* Park or store without permission any vehicle overnight in any cemetery or park owned by the city. Members of the police department are hereby authorized to remove any vehicle so parked or stored.
- (18) *Emergency procedure.* Fail to immediately notify a city employee of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.
- (19) *Double parking.* Double park any vehicle on any road or parkway unless directed by a city employee.
- (20) *Designated racks.* Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
- (21) *Immobile bicycles.* Leave a bicycle lying on the ground or paving or set against trees, in such a manner that other persons may trip over or be injured by it.
- (22) *Unlicensed vehicles, all-terrain vehicles, snowmobiles.* Use any unlicensed vehicles or all-terrain vehicles or snowmobiles in any park, unless authorized by the city superintendent or police or fire chief in an emergency, and designated in certain areas.
- (23) *Water area restrictions.* Swim, bathe or wade in any waters or waterways, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or as may be hereafter adopted. In addition, no skating or walking on any ice on any water or waterways shall be permitted, except on such ponds or waterways and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or as may be hereafter adopted.
- (24) *Diving.* Dive off any bridge, boardwalk, dam, or other structure.
- (25) *Boats and other devices.* Bring into or operate any boat, canoe, raft, or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating by the city

superintendent. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

- (26) *Fishing.* Fish in any waters, using hook-and-line, net, trap, or other device, except in waters designated by the city superintendent for that use and under such regulations and restrictions as have been or may be prescribed by the city superintendent.
- (27) *Hunting and firearms.* Hunt, trap or pursue wildlife at any time. Shooting into cemetery or park areas from beyond park boundaries is forbidden. Public safety employees, honor guards, historic reinactors and individuals who have received a special use permit for weapons from the city superintendent are not subject to this regulation.
- (28) *Directions.* Fail to comply with any directions of city employees which are given to regulate activities when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all.
- (29) *Use of facilities.* Violate the regulation for the use of the individual grills, tables and benches of "first-come, first-served" unless one has a permit for the use of such items.
- (30) *Duty of picnicker.* Leave a picnic area before the cooking grill is completely extinguished, and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
- (31) *Camping.* Set up tents, shacks, or any other temporary shelter for the purpose of overnight camping unless permission is granted by the city superintendent, or leave in a park after closing hours any movable structure, or special vehicle to be used or that could be used for such purposes as a house trailer, camp-trailer, camp wagon, or the like.
- (32) *Games.* Take part in or abet the playing of any games involving potentially dangerous propelled objects such as golf balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation.
- (33) *Intoxicating beverages.* Be under the influence of intoxicating beverages or controlled substances in any park, or consume or possess any intoxicating alcohol.
- (34) *Domestic animals.* Fail to restrain their dog, pet, or other domestic animals at all times by adequate leashes. Owners of such animals shall be responsible to clean up the defecation left by their animals.
- (35) *Reservation of facilities.* Occupy any seat or bench, enter into, or loiter, or remain in any pavilion or other park structure or section thereof which may be reserved for another person or group.
- (36) *Fires.* Build or attempt to build a fire except in designated fire pits or grills unless a burning permit has been obtained from the city superintendent's office. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.
- (37) *Closed areas.* Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.
- (38) *Exhibit permits.* Fail to produce and exhibit any permit from the city superintendent which he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

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- (39) *Interference with permittees.* Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit. In addition, no person shall publicly beg.
 - (40) *Vending and peddling.* Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing or solicit other individuals for the sale of any good or other item, unless permitted by the city superintendent.
 - (41) *Advertising.* Announce, advertise, or call the public attention in any way to any article or service for sale or hire unless a permit has been issued for the same.
 - (42) *Signs.* Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands, highways, or roads adjacent to a park, except as such signs may be permitted by the city superintendent.

(Ord. No. 885, § 2(7.80), 4-20-2009)

Sec. 14-4. Fees.

Cemetery and parks fees shall be set by resolution of the city council.

(Ord. No. 885, § 2(7.90), 4-20-2009)

Sec. 14-5. Enforcement.

- (a) *Officials.* The city police, the city superintendent and city employees shall take such actions as are necessary for the enforcement of this chapter consistent with city ordinances and state law.
- (b) *Ejection.* The city police, city superintendent and a designee of the city superintendent shall have the authority to eject any person who violates this chapter. Repeated violations of this chapter may result in permanent ejection from any cemetery or park. A person shall leave a cemetery or park upon being ordered to leave by a city employee. Failure to leave a park or cemetery after being ordered to leave shall be an act of trespassing.

(Ord. No. 885, § 2(7.100), 4-20-2009)

Sec. 14-6. Violations.

Any person violating any provision of this chapter shall be held responsible for a municipal civil infraction.

(Ord. No. 885, § 2(7.101), 4-20-2009)

Sec. 14-7. Other applicable laws, rules and regulations.

Where provisions of any applicable local, state or federal law, rule or regulation, impose greater restrictions or higher standards than those restrictions and standards contained in this chapter, or the rules and regulations adopted pursuant to this chapter, then the provisions of such law, rule or regulation shall control.

(Ord. No. 885, § 2(7.111), 4-20-2009)

Secs. 14-8—14-32. Reserved.

ARTICLE II. CEMETERIES¹

DIVISION 1. GENERALLY

Sec. 14-33. Management, supervision and operation.

Pursuant to the authority contained in the city Charter, the management, supervision and operation of municipal cemeteries shall be and remain under the authority of the city council.

(Ord. No. 885, § 2(7.30), 4-20-2009)

Sec. 14-34. Designation of manager.

The city superintendent is hereby designated as the person responsible for the efficient management and operation of the municipal cemeteries.

(Ord. No. 885, § 2(7.31), 4-20-2009)

Sec. 14-35. Cemetery regulation and burials.

All cemeteries now owned or which may hereafter be acquired by the city are declared to be public burial grounds. No person or organization of persons shall establish any cemetery within the city, nor shall any person bury any body in public burying grounds except in accordance with the state law and the regulations of the state and the city. It is the purpose of this chapter to establish the authority and control necessary for the regulation and protection of public cemeteries within the city.

(Ord. No. 885, § 2(7.20), 4-20-2009)

Secs. 14-36—14-58. Reserved.

DIVISION 2. CEMETERY CERTIFICATES

Sec. 14-59. Issuance.

Each purchaser of a lot will be issued a certificate of burial right and cemetery care, duly issued and recorded by the city clerk. Such certificates will be issued in a form as prescribed by the cemetery and parks commission.

(Ord. No. 885, § 2(7.40), 4-20-2009)

¹State law reference(s)—Authority to acquire and maintain cemeteries, MCL 128.1 et seq.; cemetery regulations act, MCL 456.521 et seq.

Sec. 14-60. Rights of usage.

Burial in any lot shall be restricted to the owner of such lot and his parents, children and spouse, unless written authorization is obtained from such owner or his heirs. In the event of a disagreement relating to such rights, a determination by the current possessor of the cemetery certificate will be considered as binding. In the absence of a valid certificate, a determination by the city will be considered as binding on all parties.

(Ord. No. 885, § 2(7.41), 4-20-2009)

Sec. 14-61. Transferability.

- (a) *Procedure.* Cemetery certificates are nontransferable except through the execution of an appropriate instrument of transfer issued by the city, upon surrender of the previous certificate and payment of the charge therefor.
- (b) *Legal relative defined.* Lots may be transferred to a legal relative upon payment of a transfer fee for each certificate issued. For the purposes of this provision, a legal relative is defined as a father, mother, son, daughter and grandchildren, or a stepfather, stepmother, stepson, stepdaughter, and step-grandchildren.

(Ord. No. 885, § 2(7.42), 4-20-2009)

Secs. 14-62—14-80. Reserved.

DIVISION 3. STANDARDS, RULES AND REGULATIONS

Sec. 14-81. Full force and effect.

The standards, rules and regulations promulgated by the cemetery and parks commission to carry out the purposes of this chapter shall be adopted by resolution of the city council prior to their becoming effective.

(Ord. No. 885, § 2(7.50), 4-20-2009)

Sec. 14-82. Hours; restrictions.

Municipal cemeteries shall be available for visitation and enjoyment by the public at posted times. Motor vehicles and bicycles are permitted to be operated on cemetery roads and drives in a safe and appropriate manner. Pets on leashes are permitted in the cemetery but are restricted to roads and drive areas and their owners will be responsible to clean up after them. Parking within the cemetery is limited to grave visitations, interments and other cemetery/burial activities. The cemeteries shall not be used for recreational purposes.

(Ord. No. 885, § 2(7.51), 4-20-2009)

Sec. 14-83. Nuisances.

No person shall, within any municipal cemetery, create a nuisance or disturbance through the conduct of any of the following acts:

- (1) *Damaging cemetery property.* The injuring or defacing of any cemetery lot, monument or marker.
- (2) *Removal of vegetation.* The removal or injuring of any trees, flowers, lawns or shrubbery.

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- (3) *Wrongful dumping.* The deposition of rubbish or refuse except as may be generated from the operation and maintenance of cemetery grounds, placing of flower urns or baskets on lots, except in rubbish containers provided for such purposes.
 - (4) *Funeral interference.* Interfering with or obstructing the conduct of a funeral or burial ceremony.
 - (5) *Other wrongful conduct.* Engaging in any activity, except that which is normally conducted within a cemetery for the observance of funeral ceremonies, visitation and/or care of grounds, lots, markers and monuments.

(Ord. No. 885, § 2(7.52), 4-20-2009)

Sec. 14-84. Cemetery lots.

The following restrictions are applicable to the care of cemetery lots and to the placing of items, structures and monuments or markers on cemetery lots:

- (1) *Plantings.* No trees, shrubs or flowers shall be planted on any lot or in any part of the cemetery grounds except by and with the permission of cemetery employees.
- (2) *Flowers.* No artificial flowers may be placed on any lot in any part of the cemeteries. Fresh flowers, wreaths and emblems are permitted to be laid on a lot for a short period only immediately following a burial, and immediately before, during and immediately after Memorial Day observances and will be disposed of when determined necessary by cemetery employees.
- (3) *Glass.* Glass containers are not permitted to be used.
- (4) *Removal of items from graves.* No flowers or plants shall be removed from the cemetery or transferred from one lot to another without the permission of the lot owner or the city, as the case may be.
- (5) *Prohibited containers.* Flower pots, upright vases and urns are prohibited in all areas of the cemeteries. Stone or concrete urns which were existent prior to July 19, 1965, are permitted to remain only as long as they continue to be in reasonable condition, as determined by cemetery employees. Damaged or deteriorated urns will be removed, without notice, by cemetery employees and may not be replaced.
- (6) *Permitted containers.* Flower and plant containers that are movable are allowed on individual or group lots in cemeteries, provided the height of such containers does not exceed 15 inches. The illustrated type of basket is recommended because it is visually attractive and is so constructed that it can be moved and will not readily fall over. All such containers shall be green in color. The location of such containers will be subject to determination by cemetery personnel for purposes of reasonable grounds maintenance procedures. All such containers should be removed in the fall (for the winter months). Containers not removed will be removed by cemetery personnel, without notice, after October 1 annually, as time and weather conditions dictate.
- (7) *Monuments and markers.* No cemetery monument or marker may be placed on a cemetery lot unless such a cemetery monument or marker is specifically authorized by the Zeeland City Code or by the City of Zeeland, Michigan, Municipal Cemeteries Rules and Regulations.

(Ord. No. 885, § 2(7.53), 4-20-2009; Ord. No. 907, § 1, 5-16-2011)

Secs. 14-85—14-111. Reserved.

DIVISION 4. FEES AND CHARGES

Sec. 14-112. Purpose.

The fees and charges for the sale of cemetery lots and the use of cemetery grounds and lots, for the purpose of recovering the costs of acquisition, construction, reconstruction, maintenance and operation, shall be established, adopted and amended from time to time by resolution of the city council, upon recommendation of the cemetery and parks commission.

(Ord. No. 885, § 2(7.60), 4-20-2009)

Sec. 14-113. Types.

Such fees and charges may be established for, but are not limited to, the sale of lots and perpetual care of said lots, burials, removals, foundations, certificate issuance, certificate transfer, and operational and maintenance services as may be determined.

(Ord. No. 885, § 2(7.61), 4-20-2009)

Secs. 14-114—14-139. Reserved.

ARTICLE III. PARKS²

Sec. 14-140. Operating policy.

- (a) *Park hours.* City parks shall be open daily to the public between the hours of 6:00 a.m. and 11:00 p.m. No person shall occupy or be present in any park during the hours it is not open to the public, provided that city personnel, police officers on official duty, other city officers, or employees on park duty, and other persons with special permits from the city superintendent's office who are conducting city business are not so restricted.
- (b) *Closed areas.* Any section or part of any park may be declared closed to the public by the city superintendent at any time, and for any interval of time, either temporarily, or at regular and stated intervals (daily or otherwise), and either entirely, or merely to certain uses, as the city superintendent shall find reasonably necessary.
- (c) *Authority for use of facilities.* Any organized club, school, association, or recognized group desiring the use of specific areas of any park, such as picnic areas, athletic fields, or ice rinks, shall file an application with the city superintendent's office, and shall not use said park or area until said permit or lease is granted. The use of the park shall be restricted to the capacity limits of the park. Reservations and the use of the park are subject to the following:
 - (1) *Special permits, agreements and contracts.* Any organized club, school, organization, association, or recognized group desiring the use of a portion of the park system for money-raising affairs, or for a private or semi-private function, shall file an application with the city superintendent's office, and pay to the department as required by the city council, such fees, charges, deposits, rents, or percentages as required for such activities and events. The application, among other

²State law reference(s)—Authority to operate recreation areas and playgrounds, MCL 123.51 et seq.; playground equipment safety act, MCL 408.681 et seq.

information, must designate the portions of the park desired, where ticket sales will be set up, or money is to be collected, and how much per person or other unit of measurement, the location of which shall be under control of the city superintendent's office. Any fees or deposits for the permit may be waived or refunded in accordance with the policies of the city.

- (2) *Exclusive use of park.* No permit shall be issued for the exclusive use of any park and no permittee shall exclude the public from the park, charge any admittance fee, sell tickets or otherwise require anyone to pay any fee for entering any park except as provided in this section.
- (3) *Granting of permits.* The authority for granting permits shall be with the city superintendent's office.
- (4) *Cleanup by permittee.* All permits shall require the permittee to clean up the park area after the activity has terminated and all applications for permits must give the name, address, and phone number of the permittee responsible for the necessary policing thereof. The permittee shall be required to pay a security deposit for cleaning up the area.
- (5) *Honoring special permits.* All persons shall honor any special permits issued by the city superintendent's office for certain areas, days, and times to clubs, organizations, teams, or any other groups, including but not limited to picnic grounds, ball diamonds, skating rinks, and stadiums, provided that such permit is presented on official parks and recreation forms.

(Ord. No. 885, § 2(7.70), 4-20-2009)