



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3133
Fax: (248) 758-3292

Dated: February 29, 2012

ORDER NO. S-157

RE: Ordinance to regulate municipal cemeteries

TO: Sherikia Hawkins, City Clerk
Detroit Memorial Park

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **(dd)** [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and **19(2)** ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

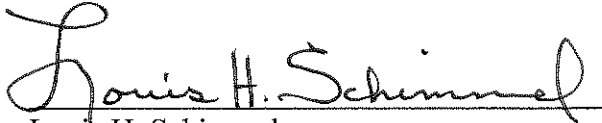
It is hereby ordered:

1. That the attached Ordinance No. 2235, an ordinance to regarding the regulation of municipal cemeteries is adopted, and effective upon publication.
3. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Ordinance No. 2235

An ordinance to amend Chapter 34 of the Pontiac Code of Ordinances regarding the regulation of municipal cemeteries

The City of Pontiac Ordains:

Section 1. Amendments.

Chapter 34 of the Code of Ordinances shall be amended in its entirety to read as follows:

Sec. 34-1. - 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:

Cemeteries mean and include any cemetery owned and/or maintained by the city for the purpose of receiving the remains of deceased humans.

Division means the cemetery division of the department of public works and services.

Superintendent means the management company under contract with the city to manage the cemeteries.

Sec. 34-2. - Burial of dead in cemeteries.

The burial of the dead within the corporate limits of the city is prohibited except within formally organized and officially recognized public or private cemeteries.

Sec. 34-3. - Operation of cemeteries; rules and regulations.

The management and operations of cemeteries owned by the city shall be governed by the management agreement, which shall have been approved by the city council.

Sec. 34-4. - Regulations.

The superintendent shall promulgate regulations in accordance with the management agreement and upon approval by the city council.

Sec. 34-5. - Requirement for interment.

No deceased person shall be interred in municipal cemeteries until the superintendent has found:

- (1) A burial transit permit has been obtained as required by law;
- (2) The lot in which the burial is to be made has been fully paid for;
- (3) The person arranging for such burial has the right to the use for such lot;

- (4) Such lot is not used beyond its capacity; and
- (5) The proper record is made of the name and age of the deceased person and of the exact location of the grave.

Sec. 34-6 - Valuation of unsold lot; sale; installments.

(a) The superintendent shall place a value upon all unsold lots in the cemeteries subject to approval of the city council. It shall record such valuation upon an official map or plan of such cemeteries that shall be kept on file, open to public inspection, in the office of the cemeteries. Such valuation shall be the fixed and established value of such lot and the price at which such lot shall be sold.

(b) There shall be no discrimination in the sale of lots because of race, creed, color, sex, ethnic background, or other reasons.

(c) Any person desiring to purchase a particular lot for the purpose for which it is intended shall be permitted to do so upon payment of the price fixed for such lot or upon arranging, according to rules and regulations that may be established by the superintendent, for the purchase of such lot on an installment plan.

Sec. 34-7. - Lot records.

The superintendent shall keep full and complete records of:

- (1) The ownership of all lots in the cemeteries;
- (2) The burial capacity of each lot, sold or unsold;
- (3) The location of each grave;
- (4) The name of each person buried in each grave that has been or shall hereafter be used; and
- (5) The date of the burial of each person.

Sec. 34-8. - Cemetery expenditure records; moneys.

The superintendent shall keep full and detailed accounts of the receipts and expenditures of the cemeteries.

Section 2. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Emergency Declaration

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect from the time of its adoption and publication as required by law.