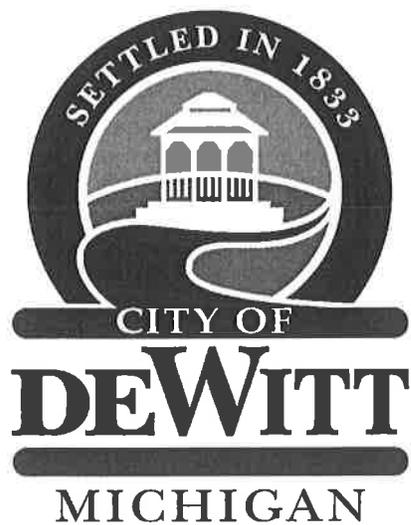


Rules and Regulations
For
DeWitt City Cemetery

Located in the
City of DeWitt



Rules and Regulations for
DeWitt City Cemetery

Chapter 22

City of DeWitt Code

Article I. In General

- Sec. 22-1 Municipal civil infraction
- Sec. 22-2 Cemetery use
- Sec. 22-3 Closing hours

Article II. DeWitt City Cemetery

- Sec. 22-31 Name of Cemetery
- Sec. 22-32 Intent and purpose
- Sec. 22-33 Definitions
- Sec. 22-34 Purchase of burial rights; conditions of purchase
- Sec. 22-35 Transfers
- Sec. 22-36 Perpetual care
- Sec. 22-37 Lots and decorations
- Sec. 22-38 Monument/markers and foundations
- Sec. 22-39 Landscaping
- Sec. 22-40 Burials, holidays, cremated remains
- Sec. 22-41 Funerals and interments
- Sec. 22-42 Burial in incorrect space
- Sec. 22-43 Disinterments: removals
- Sec. 22-44 Cemetery hours
- Sec. 22-45 Alcohol at the cemetery
- Sec. 22-46 Motorized vehicles in the cemetery
- Sec. 22-47 Destruction or removal of objects in cemetery
- Sec. 22-48 Violations

***Cross References** – Parks, Recreation and Cemetery Commission, § 2-161 et seq.; honor guards, § 46-67; streets, sidewalks and other public places, ch. 58; zoning standards for cemeteries, § 78-783.

State Law References – Cemeteries generally, MCL 128.31 et seq., MSA 5.3071 et seq.; authority to acquire and maintain, MCL 128.1, MSA 5.3165; permit for disposition of body, MCL 333.2850, MSA 14.15 (2850).

Article I. In General

Sec. 22-1 **Municipal Civil Infraction**

A person who violates a provision of this chapter, or the published rules and regulations adopted by the City Council governing the use of the parks, the cemetery and their facilities, shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 42-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 42-38.
(Ord. No. 116, § 8, eff. 7-27-1997)

Sec. 22-2 **Cemetery Use**

The use of the cemetery grounds for recreational programs that detract from its solemn character is prohibited. (Ord. No. 116, § 7, eff. 7-27-1997)

Sec. 22-3 **Closing Hours**

- a. *Generally*; The DeWitt City Cemetery shall be closed during the hours from sunset to sunrise, daily.
- b. *Authorized Personnel*; The Cemetery shall be closed during the hours from sunset to sunrise for all purposes and to all persons, except authorized persons for official purposes only.
- c. *Posting of Hours*; The City shall cause signs, setting forth the closing hours, to be posted at or near entrances to the cemetery. (Ord. No. 47, §§ 1-3, eff. 7-1-1968)

Secs. 22-4-22-30 **Reserved**

Article II. DeWitt City Cemetery

Sec. 22-31 **Name of Cemetery**

The public cemetery located in the City is known as the DeWitt City Cemetery.

Sec. 22-32 **Intent and Purpose**

The purpose of this article is to regulate the use of land and the conduct of persons within the DeWitt City Cemetery.

Sec. 22-33 **Definitions**

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

Cemetery means the DeWitt City Cemetery.

Cemetery Record means the official set of cemetery records held at the City Hall.

Cemetery Sexton means the municipal employee designated as such by the City.

Certificate of Title means the document of burial rights given by the City to a title-holder.

City means the City of DeWitt.

Commission means the Park, Recreation and Cemetery Commission established by section 2-161.

Interment means the permanent disposition of the remains of a deceased person by burial, cremation or inurnment (burial of ashes).

Lot or plot means the numbered parcel divisions as shown within the recorded cemetery plats maintained at City Hall.

Lot Marker means any method used by the City to locate corners of the lot or plot/space.

Marker means a memorial flush with the ground.

Memorial means a monument, marker, tablet, or headstone to commemorate a person or persons interred.

Monument includes a tombstone or memorial of a material approved by the City which shall extend above the surface of the ground. Approved materials are:

- 1) Marble, granite or other impervious natural stone
- 2) Non-corrosive metal

Nonresident means anyone who is not defined as a resident.

Perpetual Care Charge means an amount determined by City Council resolution to be deducted from the sale proceeds of each burial rights space and placed in a trust fund for maintenance of the cemetery.

Resident means a person whose legal residence is within the City or who is assessed for real property for taxes as an owner of real property within the City at the time burial rights are acquired for a lot or space within the cemetery.

Space means a parcel within a lot of sufficient size to accommodate one adult interment approximately 45 inches wide by 8½ feet long (outside measurement).

Unightly means an item or view offensive to the sight for reasons that include, but are not limited to, damage, neglect, or deterioration from its original condition due to exposure to the elements. Unightly conditions shall be determined at the discretion of the Cemetery Sexton.

**Cross reference – definitions generally,
§ 1-2.**

Sec. 22-34 Purchase of burial rights; conditions of purchase

- a. Burial rights may be purchased either by payment in full or by payment in amounts and for the number of installments as determined by the City. Burial rights purchased by installments will be sold pursuant to a written agreement furnished by the City. The City reserves the right to prohibit the use of a lot or space for which any balance of payment is owed.
- b. The City will recognize as owners of burial rights only those persons whose names appear in the City cemetery records as titleholders.
- c. Burial rights for cemetery lots and spaces may be sold to residents of the City and to nonresidents at separate rates determined periodically by resolution of the City Council, and subject to restrictions on their transfer. When a purchaser of burial rights is a nonresident, and later becomes a resident of the City, no refund of the difference in price will be given.
- d. The City advises joint ownership of burial rights between husband and wife. In case of partnership or divided ownership, the order of death will determine acceptance for burial of either or any of the recorded owners in the lot/space unless:
 1. The owner or owners have designated and had recorded in the office of the City Clerk the names of those whom they wish be to buried there; or
 2. Written objection is timely made to the City by the titleholder prior to a burial.
- e. A resident purchasing burial rights in the cemetery may, at the time of purchase, or a later date, designate a space for the burial of a nonresident person. The name of the person to be buried shall be identified with the space on the application form which shall be provided by the City. An additional charge equal to the difference in price between the then current resident and the nonresident burial rights charge shall be made due to the nonresident status of the designated person.
- f. Burials by referral from the Michigan Family Independence Agency will be permitted only if the person to be interred was a City resident. The fee for grave opening and the cost of the cemetery space will be the same as that charged for a City resident.

- g. Burial rights shall revert to the City for any cemetery space or lot which remains unoccupied for a period of 75 years. No such revision shall occur, however, until the City has made a reasonable effort to locate the person or persons identified in the City's records as having burial rights in the lot or space to ascertain whether the persons survive and their intent with respect to burial rights.
- h. The City reserves the right to re-purchase burial rights at not more than the price paid by the first purchaser of the burial rights.

Sec. 22-35 **Transfers**

- a. *Application for transfer of burial rights.* Burial rights may be transferred only upon written acknowledgment of the City endorsed upon a certificate of title in original form. An application for transfer of rights shall be filed with the City Clerk and accompanied by a notarized statement showing reasons for requesting transfer. The City will not recognize as a burial rights holder, a person whose name does not appear as such in the cemetery record.
- b. *Fees.* The City Council shall from time to time by resolution establish a transfer fee that reflects the reasonable costs incurred by the City to process the transfer of burial rights. The fees required shall be paid to the City prior to the transfer.
- c. *Transfer from resident to nonresident.* Transfer of burial rights ownership of a cemetery space shall be allowed upon written request of a titleholder on an application form provided by the City and filed with the City Clerk. In addition to the transfer fee, a charge shall be made for the difference in cost between the current purchase price of a cemetery space when purchased by a resident and the price charged to a nonresident. The charge shall be paid when the application is filed.
- d. *Determination of ownership.* The possession of a certificate of title is not of itself sufficient evidence to record the transfer of ownership of burial rights in a lot or space. The legal right to ownership shall be established. When a former owner is deceased, a certified copy of a will and probate court documents may be required to afford evidence of ownership. In the event insufficient documentation of ownership of burial rights is furnished, the City shall provide a form which allows for notarized signatures of all legally interested persons stating their agreement to transfer ownership to one or more specified persons. Once legal ownership has been verified by the City and recorded in the City Clerk's office, and payment is made for the transfer fee, the City will issue a new certificate of title to the person designated within the form.

Sec. 22-36 **Perpetual Care**

- a. The cemetery is a perpetual care cemetery. Perpetual care is intended to cover the basic care of cemetery lots including: raking, cutting of grass at reasonable intervals, fertilizing, reseeding, adding to surface grade, semi-seasonal inspection, and shrub and tree maintenance.
- b. Perpetual care does not include the repair, maintenance or replacement of any monument, marker or other lot adornment nor will it include the watering of plants, urns, beds, or baskets or the annual placing of beds or cut flowers except as such work is done in the normal care incidental to regular maintenance.
- c. The purchase price of burial rights in every lot/space in the cemetery includes the charge for perpetual care and such care is made a part and condition of each sale. The fee for cemetery perpetual care shall be established from time to time by resolution of the City Council.

Sec. 22-37 **Lots and Decorations**

- a. *Grade lines.* Grade lines of all lots are established before lots are sold and will not be changed. Each lot has a 38 inch wide X 46 inch long space designated for monuments, and approved plantings.
- b. *Decorations.* Settees, chairs, and benches left at gravesites are prohibited. Other prohibited items include, but are not limited to: arches, trellises, chains, tripods, birdbaths, sundials, candles, decorative flags, stuffed animals, balloons, vases, wind chimes, solar lights, plaques, toys, etc., and steps and structures of wood or other perishable material. The use of glass or ceramic containers is hazardous and is prohibited. All prohibited or unsightly items will be removed by the city without notice.
- c. *Memorabilia.* Memorabilia must be securely affixed to the upright monument, marker, or foundation, and must be made of material that will not deteriorate. The Memorabilia not securely affixed may be removed by the city without notice. Memorabilia that is considered excessive in amounts or size or is considered inappropriate or unsightly as determined by the Cemetery Sexton may be removed by the city without notice.
- d. *Flags.* Veteran's and other service flags are allowed only during the Memorial Day period and only for fourteen days. (One week before and one week after Memorial Day). At all other times flags must be in an approved flag holder or they may be removed by the city without notice.
- e. *Removal of objects.* The city reserves the right to remove without notice any item placed within the cemetery for reasonable cause.
- f. *Seasonal Decorations.* All summer decorations (hanging baskets) are to be removed from the cemetery by November 1st of each year. All winter decorations (grave blankets and winter arrangements) are to be removed

from the cemetery by April 1st of each year. Easter decorations are allowed one week prior to and one week after Easter Day. Memorial Day decorations are allowed one week prior to and one week after Memorial Day. If such decorations are not removed by these dates, they shall be considered abandoned and may be disposed of by the city. The city shall annually give notice of these dates on the city web page and on the WITT channel.

- g. *Artificial Flowers.* Artificial flowers, shrubs, or similar ornamentation shall not be placed in the ground. They may be placed in an urn/planter if they are properly secured. Artificial flowers that are not properly secured in an urn/planter or become unsightly may be removed by the city without notice.

Sec. 22-38 Monuments/Markers and Foundations

- a. *Installations.* All monument or marker foundations shall be installed by the City. An installation charge shall be periodically determined by resolution of the city council and shall be based on an installation cost per square inch. Payment for a foundation must be received by the city in full prior to its installation. Due to the maintenance border on foundations, the maximum length of a monument base is restricted to 32 inches on a single space and 54 inches on a double space. The foundation shall be at ground level. The maximum height, including the monument base above the foundation is restricted to 38 inches for a single space and double space.
- b. *Placement; restrictions.* The City reserves the right to restrict the placing of monuments and markers on all lots. All headstones shall be placed at the west boundary of a lot/space. The placement of monuments/markers elsewhere is prohibited.
- c. *City not Responsible.* The city assumes no responsibility for damages to markers or monuments whatsoever, including damage caused by regular cemetery maintenance.

Sec. 22-39 Landscaping

- a. *Prohibited Landscaping.* Roping, curbs, fencing, fence railings, hedging, borders, or enclosures, landscape edging, brick walls, aluminum stripping, cinders, tile, terracotta, cement, gravel, sand, marble chips, and stones are not allowed on any lot. All prohibited or unsightly landscaping will be removed by the city without notice.
- b. *Flowers.* Flowers may be planted on graves either in-ground or in an urn. In the case of a planted urn, the urn must align with the north or south edge of the monument or marker. This requirement is made to facilitate cemetery maintenance. Flowers may be planted only after interment has occurred. Planting is permitted up to 12 inches on all sides of the foundation. No plastic, glass, tin cans, buckets, or clay pots are allowed. Plantings may not encroach on adjacent lots owned by others or interfere with cemetery

maintenance. Plantings with thorns are not permitted. The maintenance of the planted area is the responsibility of the lot owner. If the City determines the flowerbed or plantings become unsightly, or interfere with cemetery maintenance, the city may mow, cut, or remove said flowers or plantings.

- c. *Urns & vases.* Any urn that has been damaged, not used, or is deemed unsightly by the city may be removed by the city without notice. Flower vases that are integrated as part of the monument /marker design are permitted.
- d. *Cut Flowers.* Cut flowers are permitted in a container approved by the City to comply with subsection 22-39 (b) above, from June 1st to August 30th, and must be removed when they become unsightly.
- e. *Hanging Plant Holder.* One hanging plant holder (Shepherd's hook) is permitted per lot, and must not hold more than one hanging plant. The hanging plant holder must be made of metal and be of sufficient size to hold the hanging plant upright. The hanging plant holder must be placed in a manner that does not interfere with cemetery maintenance. The city may move/remove without notice holders that interfere with maintenance, or become damaged or unsightly.
- f. *Trees and Shrubs.* There shall be no planting of trees or shrubs at the cemetery without permission from the city.
- g. *Prohibited Species.* The city council, from time to time, shall adopt by resolution a list of prohibited trees, shrubs and other plants for the cemetery. Prohibited species planted at the cemetery will be removed without notice.

- (i) *Prohibited Trees Include:*

Alder	Cottonwood
Ash, fraxinus	Elm, Siberian
Birch, paper	Maple, silver
Black Locust	Mulberry
Boxelder	Poplars
Buckthorn	Tree of Heaven
Catalpa	Willows, all species

- (ii) *Prohibited Shrubs and Bushes:*

Barberry	Butterfly Bush
Lilac	Viburnum
Forsythia	Japanese Quince
Spirea	Hydrangea
Honeysuckle	Euonymus
Mock Orange	Pussy Willow
Fire Thorn	

- (iii) *Other Prohibited Plants Include:*

Roses

Trumpet Vine

h. *General Planting Rules:*

- (i) Permission must be secured from the Cemetery Sexton prior to planting non-prohibited trees, shrubs/bushes, or other plant material.
 - (ii) Shrubs/bushes must align with the north or south edge of the monument or marker. The City encourages the use of Japanese Yew, Dwarf Cyprus, Mugo Pine, and Dwarf White Spruce.
 - (iii) Due to the lot configuration and lot size in Sections I and J, the planting of trees, shrubs, and bushes is only permitted by the City.
- i. *Maintenance.* The trimming, pruning or removal of any branch or bloom from any tree or shrub in the cemetery shall be entirely under the supervision of the city. A titleholder, or immediate family member, may request a shrub be removed from a lot/space provided the requesting party will be responsible for paying a removal fee which amount shall be determined from time to time by resolution of the city council. Additionally, the city reserves the right to remove shrubs or plants that have become overgrown and unsightly.

Sec. 20-40. **Burials, Holidays, Cremated Remains**

- a. No burials within the cemetery shall take place on Sunday or holidays, as holidays are defined by the city's personnel policy or union contract.
- b. A maximum installation of two cremated remains is allowed per adult grave space. The burial of cremains during winter months (October 15th to April 15th) shall be at the discretion of the city. The scattering of cremains over a family lot or anywhere in the cemetery is prohibited. The city also prohibits the encapsulating of cremated remains in a monument or marker and the burial of cremated remains within a space where a casket burial has already occurred.

Sec. 22-41 **Funerals and Interments**

- a. *Under Direction of the Sexton, DPS Supervisor, or Designated agent:* All funerals and interments within the cemetery must be under the direction of the sexton or a designated agent. The cost of any services required to open or close a space, and all other fees and charges, must be paid in full to the city prior to interment. The fees shall be established by city council resolution and are subject to change without notice.
- b. *Permit.* A burial permit issued by a funeral home shall be furnished to the cemetery sexton, DPS Supervisor, or the designated agent before interment can be made.
- c. *Funeral Notice.* Notice of funerals, with the exact location of the grave, must be given to the City 12 regular working hours in advance of

burial. The City will NOT assume responsibility for errors in opening graves due to improper instructions. Orders by funeral directors for opening of graves will be constructed as orders from the burial rights owner or authorized spokesperson.

- d. *Vaults.* All burials shall be in air seal metal or concrete vaults, or concrete rough boxes, except for cremains which shall be placed in a suitable non-decomposable container. Infant caskets of 14 inch by 20 inches or less in size shall be placed in a cement vault or suitable plastic container. All vaults and rough boxes shall be installed only by authorized firms.
- e. *Funeral Decorations.* As soon as flowers, grave blankets, or emblems used at funerals become unsightly, they will be removed, and no responsibility for their return to owners will be assumed by the City.

Sec. 22-42. Burial in Incorrect Space

The City reserves the right to correct any errors made by it as to burial in an incorrect space by disinterment and reburial of bodies of ashes. The City further reserves the right to substitute a lot or a space in another location for burial where ownership is in question.

In that event, the City shall designate a comparable lot or space to resolve the issue.

Sec. 22-43. Disinterments; Removals

Any requests for disinterment/re-interment shall comply with legal requirements.

Sec. 22-44. Cemetery Hours

Hours for the opening and closing of the cemetery shall be from daybreak to sunset.

Sec. 22-45 Alcohol at the Cemetery

Alcoholic beverages are not permitted at the cemetery unless in conjunction with established burial customs and upon written approval granted by the cemetery sexton.

Sec. 22-46 Motorized Vehicles at the Cemetery

The following rules shall apply to motorized vehicles at the cemetery:

1. The maximum speed limit within the cemetery is five miles per hour.
2. Motors of all parked vehicles must be turned off.

3. Vehicles may not be parked in the cemetery for reasons not directly related to business within the cemetery.
4. Vehicles may only travel on the established cemetery driveways.
5. The use of snowmobiles, motor bikes, go-carts, roller-blades or skateboards within the cemetery is prohibited.

Sec. 22-47. Destruction or Removal of Objects in Cemetery

No person shall move, remove, deface, damage or destroy any monument, marker, urn, flag holder or other object placed at a grave or in the cemetery for memorial purposes without authority from the City or person who caused the object to be placed at the grave or in the cemetery.

Sec. 22-48 Violations

- a. A violation of this article is a misdemeanor, with a maximum fine of \$500.00 and 90 days in jail, or both, in the discretion of the Council.
- b. When the codification of City ordinances includes this article, a violation shall be a municipal/civil infraction with penalties prescribed in the Table of Penalties for civil violations.

For further information,
Or any questions,
Call the City Clerk at 517.669.2441
Or DPS Supervisor at 517.669.5466

Amended November 9, 2011

10/8/2010SW