

# CITY OF NEWAYGO CEMETERY

## RULES & REGULATIONS

### SECTION 1: Definitions (General)

- A. **Cemetery:** Land area owned by the City of Newaygo and platted for cemetery use on Croton Road across from Shaw Park.
- B. **Cemetery Board:** The City Council of Newaygo.
- C. **City:** City of Newaygo.
- D. **Clerk:** City clerk or his/her deputy who is responsible for the records and the sale of lots or parts of lots within the cemetery.
- E. **Decorations:** All structures, ornaments, plantings, or other embellishments (with the exception of monuments, markers, or mausoleums) which are placed on cemetery lots with the intention of improving their appearance.
- F. **Disinterment:** To uncover and exhume.
- G. **Grave Site:** A quarter lot, which is of a size to bury one adult.
- H. **Immediate Family:** Shall consist of a persons parents, parent in-laws, step parents, husband, children or step children, brother, sister, or step brother or step sister. If a person can show proof that they serve as legal guardian of individual, that individual is also an immediate family member.
- I. **Interment:** To excavate a gravesite, place the human remains, and cover with earth.
- J. **Lot (full):** Four grave sites adjacent to one another as platted.
- K. **Lot (half):** Two graves adjacent to one another.
- L. **Lot (quarter):** One grave site.
- M. **Marker:** A stone listing the name, date of birth, death, and other information about the person buried at the grave site.
- N. **Mausoleum:** A large, above ground, stately tomb for the burial of more than one human remains.
- O. **Monument:** A structure or statute built as a memorial to a family or individual within the lot.

- P. **Sale:** The change of ownership of lots or parts of lots from the City to an individual, or the individual to the City for a sum of money that is established within the Rules and Regulations.
- Q. **Sexton:** An employee of the City with a job description which includes the responsibility for the care and maintenance of the Cemetery and the enforcement of these regulations and the laws of the State of Michigan with regard to the operations of cemeteries and the burial of human remains.
- R. **Superintendent:** The Superintendent of Public Works for the City of Newaygo, who provides for the general supervision of the cemetery as part of his/her duties.
- S. **Transfer:** The giving of lots or parts of lots to another individual in accordance with the Rules and Regulations.

**SECTION 2: Sale, transfer of lots or parts of lots and burials shall be permit as follows:**

- A. On or after October 13, 1987, the City may sell lots to a person for their use or the use of a member of their immediate family prior to death. In addition, the City may sell a grave site to a person or firm for the burial of an individual within 96 hours of purchase. The sale price shall be determined in part by the age, residency and whether the person to be buried is or has been a property taxpayer of the City.
- B. A person having a deed to lots or parts of lots may sell the lots or parts of lots back to the City for the original purchase price.
- C. Transfer of lots or parts of lots may only be done in accordance with the Deed, which states that the buyer's heirs, executors, administrators, and assigns may receive deed to the lots subject to the regulations of the Cemetery Board. The heir, executor, administrator and/or assigns must show written proof of such and the Clerk shall complete the transfer and charge an appropriate fee for said service. With regard to lots or parts of lots purchased after October 13, 1987, an owner while living may not transfer the deed to a person who is not an immediate family member, but may sell the lots or parts of lots back to the City at the original purchase price and the City will re-sell the lots or parts of lots to the person(s) desired at the current sale price.
- D. No person shall be buried in a grave site unless he/she is the owner of the quarter lot or an immediate family member of the owner of the quarter lot. Except those lots or parts of lots purchased before October 13, 1987 are not subject to the requirement of being an immediate family member.
- E. No person shall be recognized as the owner unless so recorded in the office of the City Clerk.

**SECTION 3: Arrangements for lot care:**

- A. General Maintenance, which is defined as the improvement of the over-all appearance and condition of the Cemetery shall be the responsibility of the City. This

includes up keep of the drives, buildings, sewers, water lines and fences (excluding mausoleum).

- B. Perpetual Care, which is defined as the basic lot care: spring clean up, periodic cutting of grass, raking of leaves, trimming of trees and shrubs, refilling sunken graves, and initial seeding of a grave site after burial.
- C. Watering flower urns, sodding, and sowing grass are not the responsibility of the City. Sodding and sowing of grass must be done in accordance with the guidelines of the Superintendent of Public Works.

**SECTION 4: Decoration of Lots:**

- A. Copings, fences, curbs, benches, steps, structures of wood or other equally perishable material are prohibited. These structures or enclosures established on any lot previously, which have, in the judgement of the Superintendent become unsightly by reason of neglect or age, may be removed.
- B. No elevated mound shall be built over graves and no lot shall be filled above the grade established by the City.
- C. Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn, adjacent to and on either the right or left side of the marker. Use of glass receptacles is prohibited.
- D. Winter decorations may be maintained on graves between September 30 of one year and May 1 of the next year. If such decorations are not removed by May 1, they shall be considered abandoned and may be disposed of by the City.
- E. Urns shall be permitted only if installed to the immediate left or right of the marker. The city shall relocate any urn to the left or right of the marker if not installed in the proper location and shall not be responsible for damage.
- F. Arches for hanging baskets are permitted only when it is use between April 1 and Nov 30 of any given year. Arches left after Nov 30 shall be considered abandoned and may be removed by the City.
- G. Toys, balloons, and other non-conforming objects will not be permitted as grave decorations and if used, shall be removed by the City without notice.
- H. Plantings outside of urns shall not be permitted.
- I. The planting of hedges is strictly prohibited. Existing hedges will be removed whenever they become unsightly or encroach upon an adjoining lot.
- J. The City will remove all flowers, trees and shrubs that have become unsightly or dangerous.

- K. Trees may only be removed, planted or pruned under the direction and consent of the Superintendent of Public Works.
- L. Cement covered graves or ledger monuments above ground are not permitted.
- M. One flag holder will be permitted for the grave of each veteran whose last service was honorable. Suitable United States flags will be supplied once a year by the City for the above holders, prior to Memorial Day.
- N. In the event that a decoration or other type of structure or object for the intended purpose of beautifying a grave site is not mentioned in this section, than it is understood that such shall not be permitted without approval of the Cemetery Board and the Superintendent of Public Works prior to installation. The City may remove any decoration or structure not authorized with or without notice.

**SECTION 5: Disinterments:**

No disinterment will be allowed except by authority of the person owning the lot in which the interment is made, except by order of the court, when proper receipt for the remains must be given. Graves shall not be opened for inspection except for official investigations. Interment and disinterment may be made only by employees of the City under the supervision of the Superintendent of Public Works. The City shall provide reasonable care but shall not be responsible for damage to any casket, burial case, urn, or marker in making the removal. Any markers or monuments designating the location of an interment shall be removed by the owner at the time of disinterment.

**SECTION 6: Monuments and Markers:**

- A. **Monuments.** It is recommended that the approval of the Sexton be obtained before any monument is purchased. The Sexton shall consider the monument size, weight, material, foundations, appearance, empty grave sites near the proposed monument location, and transport of the monument over other lots to the proposed site. The Sexton may refuse placement of a monument based upon the preceding considerations.
- B. **Markers:**
  - 1. Upright Markers. Where permitted, single upright markers shall not be less than 16 inches nor more than 30 inches in length, not less than 8 inches nor more than 16 inches in width, and not more than 16 inches in height. These measurements do not apply to Government Issue markers or to those existing cases where the marker is installed adjacent to old markers on the same lot. Double up-right markers shall not be less than 24 inches in length, not less than 10 inches or more than 16 inches in width and not more than 30 inches in height. Three-grave upright markers shall not be less than 48 inches in length, not less than 12 inches nor more than 16 inches in width and not

more than 30 inches high. All baby markers must not be less than 6 inches in width and not less than 14 inches in length.

2. Flush Markers. In sections designated as flush marker sections, all markers shall be set so that the top is flush or level with the ground. No memorials other than grave markers will be set on any section so designated. The exposed surface of all single flush markers shall be of standard size, 24 inches in length and 12 inches in width (or larger if approved by the Superintendent). Double flush markers shall be 12 inches in width and not less than 24 inches in length. Three-grave flush markers shall not be less than 36 inches in length. Flush markers of granite shall not be less than 4 inches in depth.
3. Location of Markers on a Lot. Markers shall be placed at the head of a grave as platted. No more than one marker shall be placed at any one grave (except Government Issue). No marker shall embrace two or more graves, except on a two or three-grave lot where a double or three-grave marker is permitted. No marker or monument shall be set unless it is first approved by the Sexton and the grave space is paid for in full.
4. Monument and Marker Material. No material except granite or a good grade of white marble from recognized monument quarries shall be used for monuments or upright markers. Bronze may be used on monuments or upright markers if firmly attached to granite or marble base. Only granite, marble or standard bronze shall be used for flush markers.
5. Marker and Monument Inscriptions. Inscriptions on all markers shall read from the same direction as adjacent markers in the same row. If there is a question with regard to this item, the Sexton shall provide the proper decision. All inscriptions and designs on flush markers shall either be sunk or raised not more than three-sixteenths of an inch from the surface. Flush markers with raised letters shall be protected with a raised panel at least one inch in width.
6. Monument and Marker Foundations. All monuments and markers shall be placed on a foundation of a depth and size and of a material deemed adequate by the Sexton of the Cemetery. All foundations shall be installed by the City.
7. Installation of Monuments and Markers. Those persons/firms engaged in placing monuments and markers shall provide planking adequate to protect turf and shall remove materials and equipment immediately upon completion of work. The site shall be left in a clean orderly condition. Delivery of markers and monuments will not be permitted to lots, until a proper order for a foundation installation has been placed with the sexton. If markers or monuments are delivered before a footing is installed, the City will not set the marker or monument on the footing (except flush markers). It is within the best interest of all parties that monuments and markers are delivered when they can be installed.

The City is not responsible for the storage or installation of monuments or markers and will not accept responsibility for same.

**SECTION 7: General Provisions**

- A. Only human remains shall be buried within the Cemetery.
- B. The Cemetery is open from dawn to dusk. No one is permitted in the cemetery after dark.
- C. Cremations- Burial of ashes is permitted in a quarter lot with another cremation or another casket. However, a casket burial can not result in the movement of existing ashes or relocation of a monument or marker. Only two immediate family member's remains may share a quarter lot in this manner.
- D. Mausoleum construction shall not be permitted from this date on. Any existing Mausoleum shall be maintained by the owner in a sound and safe condition.

Revised 04/04/23 J.H