

# EVERGREEN CEMETERY REGULATIONS

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## I. DEFINITIONS

- A. Lot.** A cemetery lot is any Cemetery space purchased for burials. The number of burials allowed on a particular lot will vary and will be as denoted in the Cemetery regulations or as authorized by the Cemetery Division Head.
- B. Burial Space.** A burial space is an unoccupied area set aside for the burial of one person's remains or cremains within one purchased lot.
- C. Gravesite.** A gravesite is the area occupied by one person's remains within a purchased lot.
- D. Grave Marker Line.** A line common to the front and back of all adjacent headstones.
- E. Marker.** A marker is a stone or plaque either rising above the ground or flush with it indicating the given and family name(s) of the deceased.
- F. Monument.** A monument is a stone rising above the ground that does not indicate the given name(s) of the deceased.
- G. Immediate Family.** Immediate family is described as spouse, parent, grandparent, children, and grandchildren. The term is to include "great-" where applicable.
- H. Cemetery Division Head.** The Cemetery Division Head is that employee of the City of Alpena who serves in the Department of Public Works as the person officially charged with supervising the day-to-day operations of the Cemetery.
- I. Designated Assistant.** The person herein described as the "designated assistant" is that employee of the City of Alpena who serves in the Department of Public Works as the chief assistant to the Cemetery Division Head and who is charged with the Cemetery Division Head's duties in his absence.

## II. GENERAL INFORMATION and REGULATIONS

- A. Cemetery Hours:** 7 a.m. to 9 p.m. Entry at other times is prohibited.
- B. Records.** The City Clerk's Office maintains records primarily concerning the finances of the Cemetery and the ownership of lots within it. The Cemetery Division Head maintains records relating to the platting of Cemetery property and burials within it. Any person seeking particular information should contact the office best suited for the information desired.

**C. Fees and Payments**

1. A copy of current fees and rates of payment for Cemetery services is attached.
2. The Municipal City Council of the City of Alpena reserves the right to periodically alter fees by Resolution, and to waive fees at its discretion.

**D. Traffic on Cemetery Grounds**

1. All vehicle operators, including those on bicycles off the City's Bi-Path, must obey the posted speed limit and be on official or personal cemetery business.
2. Vehicles and motorized equipment not belonging to the City of Alpena shall not be operated or parked on a burial lot.
3. During a funeral procession, vehicles not part of the procession must yield the right-of-way until the procession passes.
4. Vehicles not belonging to the City of Alpena shall not be left unattended without permission from the Cemetery Division Head or his designated assistant. For individuals wishing to utilize the Cemetery for walking shall park their vehicle in close proximity to the Cemetery Chapel building or at the undeveloped area at the northwest corner of the Cemetery property.
5. Snowmobiles, ATVs, skateboards off from the designated bike path, and other such recreational vehicles and equipment are prohibited.
6. Pets are allowed, providing they are on a maximum 6' leash and under the control of the owner. This shall not apply to service and police dogs. Owners shall be responsible for cleaning up after their pet.
7. Persons who are not Cemetery Division personnel shall avoid walking on or across burial lots unless it becomes necessary to gain access to a particular lot.

**E. Assemblies.** Cemetery grounds may only be used for assemblies that are hosted by the Cemetery Division or held as part of an authorized funeral or memorial service or preparation for the same. Exceptions to this rule can only be made by the Cemetery Division Head, the City Manager, or the City Council.

**F. Conduct on Cemetery Grounds.** No Person Shall:

1. Pick or mutilate any flower or disturb any tree, shrub, or other plant material.

2. Deposit trash, except in receptacles provided. Debris collected in the care of a burial lot may be placed in receptacles or left on the edges of drives for pick-up by Cemetery Division personnel.
3. Carry or consume alcoholic beverages on cemetery property.
4. Use profane, obscene or boisterous language, or act in a disorderly manner.

**G. Admittance of Children.** Persons under 16 years of age must be accompanied by adults. In special circumstances, this rule may be waived by the Cemetery Division Head or his designated assistant.

### **III. BURIAL LOTS**

**A. Purpose.** Cemetery lots are sold for only two purposes: the burial of human remains and/or the placing of memorials for the deceased. Purchase for any other intent requires the written consent of the City Council.

#### **B. Purchase Restrictions**

1. A person must be at least eighteen (18) years of age before he or she may purchase a cemetery lot.
2. The deed for a particular lot will not be issued prior to the receipt by the City Clerk of full payment for that lot.
3. In order to avoid speculative purchases, no one person shall be allowed to purchase lots for more than eight (8) burial spaces in his or her lifetime.

#### **C. Ownership Rights**

1. The person named on the deed for a particular lot shall be considered the owner of the burial rights for that lot.
2. Cemetery lots and burial spaces are exempt from property taxation and cannot be seized from or forfeited by the owner through bankruptcy or other legal proceedings nor attached to any mortgage or other encumbrance transaction.
3. Burial space ownership may be transferred to another person by registering the change with the City Clerk's Office, paying the applicable fee(s), and obtaining a new deed. *(Note: Transfers from grandparents to children or grandchildren shall be without charge.)*
4. If the owner of a particular lot dies without having designated the person(s) to be buried in his or her remaining burial space(s), the City of Alpena will allow the burial of heirs at the direction of a court of competent jurisdiction. Or, if so directed by the same court, the City will refund the original purchase

price of the remaining burial space(s)—minus any payment for Perpetual Lot Care, if applicable - to the estate of the deceased and will thereby reclaim ownership and right of sale.

**D. Change of Address.** It shall be the responsibility of the lot owner to notify the City Clerk's Office of any change of address. The City of Alpena will not be responsible for any change, error, lack of communication, or other circumstance arising from its not being in possession of a lot owner's current address.

**E. Forfeiture through Vacancy.** Lots or burial spaces remaining vacant for sixty (60) years or more from the time of purchase shall revert back to the ownership of the City of Alpena upon the occurrence of both of the following:

1. After the passing of the sixty-year period of vacancy, the City Clerk's Office sends notice by first-class mail to the last known address of the last owner of the vacant or partially vacant lot informing him or her of the impending forfeiture if the City Clerk does not receive written indication within sixty (60) days of his or her desire to retain burial rights; and
2. No written response is received by the City Clerk from the last owner of record or his or her heirs or legal representative within sixty (60) days of said notice.

**F. Perpetual Care**

1. The costs of Perpetual Care must be paid in full before a lot may be used for burial.
2. Perpetual Care shall consist of the mowing of lots on a schedule determined by the Cemetery Division Head or his designated assistant, the raising of sunken graves, and the application of seed or sod over the surface of lots lacking sufficient groundcover.
3. Perpetual Care shall not include the watering of particular lots or gravesites or the watering or trimming of anything planted or placed on a lot by anyone other than Cemetery Division personnel. It shall also not include the maintenance, repair, or replacement of any marker, monument, planter, or other structure placed on a lot, except in the case of damage caused by an employee of the City. *(Nothing in this rule shall prevent the Cemetery Division from exceeding Perpetual Care services at its own discretion.)*

## IV. BURIALS

**A. Hours.**

1. The Cemetery will be open for burials from 8 a.m. to 3:30 p.m. daily, Monday through Friday. Burials performed on Saturdays, holidays, or after 4 p.m. on weekdays will include an additional charge in accordance with the most current fees established by the City.
2. No burials shall be performed on Sundays except by order of the designated health officer or with the permission of the Cemetery Division Head or his designated assistant. Sunday burials shall include an additional charge in accordance with the most current fees established by the City.

**B. Notice.** Notice of burials, with the exact location of the lot and the burial space to be used, must be provided to the Cemetery Division Head or his designated assistant at least two working days prior to burial. The Cemetery Division Head has the authority to waive this requirement when circumstances dictate

**C. Supervisor in Charge.** All funeral services and burials on Cemetery grounds shall be under the direction of the Cemetery Division Head or his designated assistant. This shall include use of the Evergreen Chapel and/or the Mausoleum.

**D. Burial Permit.** A burial permit from the local Health Office signed by proper authorities shall be required before a burial is performed.

**E. Multiple Burials per Site.** Burial of the remains or cremains of more than one person in one burial space is not permitted except as authorized by the Cemetery Division Head or outlined herein.

1. Two Cremations may be permitted on an individual burial lot.
2. Additional family member cremations may be allowed for special circumstances but shall not be allowed as standard practice.

**F. Burial Containers.** All full burials shall be in steel or concrete receptacles or vaults.

**H. Grave Sizes**

1. Spaces for child graves shall be not more than six feet in length.
2. Spaces for infant graves shall be not more than four feet in length.

**I. Placing of Graves.** Graves shall be placed in a regular appearance relative to graves on the same or adjoining lots.

**J. Placement of Cremains.** Cremains shall be buried after being sealed inside a durable container. They may not be scattered over the surface of the ground.

**K. Attendance Area.** The Cemetery Division Head or his designated assistant may, at his discretion, establish an area in which only persons attending a funeral or burial service may enter.

**L. Errors**

- a. The City of Alpena will not be held financially liable for errors - including gravesite location errors - caused by misinformation provided to Cemetery management by persons who are not Cemetery Division personnel.
- b. Cemetery management reserves the right to correct any errors made in making interments, disinterments, or removals.
- c. Cemetery management reserves the right to correct any error in the description and/or transfer of ownership of any interment property, either by canceling such transfer and substituting in its place other interment property of equal value and similar location or by refunding through the City Clerk's Office the amount of money paid on account by the purchaser.

**V. GRAVE MARKERS and MONUMENTS**

**A. Approval.** No grave markers, monuments, or any other structure may be placed on a lot without prior approval from the Cemetery Division Head or his designated assistant.

**B. Temporary Markers.** Individual, temporary burial markers (such as supplied by funeral directors) shall be permitted to remain at a gravesite for a maximum of thirty (30) days after burial.

**C. Foundations**

1. Foundations will be of poured concrete, four (4) inches thick unless otherwise specified by the Cemetery Division Head or his designated assistant.
2. In the case of raised markers (rising above the level of the lawn), foundations shall be poured level with the ground surface, extending approximately four inches from the marker on all sides.
3. In the case of flush markers (level with the lawn), a foundation shall not be required.
4. In all cases, foundations shall be installed by the monument company setting the monument and upon approval by the Cemetery Division personnel.

**D. Material and Construction.** All grave markers and monuments shall be of quarried stone or other material that is solid and considered, for all practical

purposes, permanent and indestructible. This shall include marble, stainless steel, bronze plaques, and similar materials. Markers shall be moveable if necessitated for other burials. They shall also consist of not more than two parts or pieces unless pre-authorized by the Cemetery Division Head.

**E. Placement.** All markers, monuments, urns, and other structures that are allowed on a burial site shall be placed in line with the edge considered the headstone line of the lot. The Grave Marker line shall be determined by the Cemetery Division Head or his designated assistant. Government and other flush markers shall be allowed at the foot of the burial space

**G. Raised Markers**

1. One raised marker—considered the grave marker—is permitted per lot. Additional markers shall be installed flush with the ground surface.
2. For a raised marker embracing more than one gravesite, the lot owner shall bear the cost of removing and resetting the marker, if necessary, for burials beyond the first.
3. Size. A marker for a single gravesite shall be between 8 and 16 inches wide and between 18 and 36 inches long. A marker embracing more than one gravesite shall be between 8 and 16 inches wide and between 36 and 84 inches long.

**H. Flush Markers**

1. One flush marker is permitted for each gravesite within a lot.
2. For a flush marker embracing more than one gravesite, the lot owner shall bear the cost of removing and resetting the marker for burials beyond the first, if necessary.
3. Size. A marker for a single gravesite shall be between 8 and 16 inches wide and between 18 and 36 inches long. (An exception is made for markers on infants' gravesites, which may be 8 inches wide and 10 inches long.) A marker embracing more than one gravesite shall be between 8 and 16 inches wide and between 36 and 84 inches long.

**J. Memorials and Monuments.** Approval for any memorial, monument, or other structure that does not conform to the size restrictions on grave markers must be sought from the Cemetery Division Head or his designated assistant.

**K. Mausoleums and Crypts.** Evergreen Cemetery operates a mausoleum on the premises. Individual mausoleums and crypts are prohibited.

**VI. LOT DECORATIONS**

**A. Location.** Decorations are permitted only on lots containing at least one gravesite. *All allowable decorations shall be placed in line with what is considered the headstone line of the lot and are restricted to a width of 16 inches,* in accordance with the maximum allowable width of a grave marker.

**B. Floral.** Non-artificial flowers or plantings with pots or in urns may be placed at gravesites beginning May 1 and may be maintained there until October 1 of the same year.

**C. Winter Decorations.** Winter decorations such as grave blankets, wreaths, Christmas in nature type decorations which can easily be removed, etc. are allowed. The City does reserve the right to not allow a winter decoration if it creates a hazard or concern for the cemetery property. Approved decorations may be maintained on graves until April 15, and shall then be disposed of by the owner. Those remaining beyond that date shall be disposed of by Cemetery Division personnel.

**D. Plantings**

1. Authority. Plantings on cemetery graves or lots shall be permitted only under the direction of the Cemetery Division Head or his designated assistant.

2. Flower Beds. Beds of non-artificial flowers may be planted on the grave side of the grave marker, provided the flower beds shall be within the limits of the lot, be within 12" of the grave marker, and shall not interfere with lawn care.

3. Hedges. No hedge planting shall be permitted.

4. Trees and Shrubs. All plantings of trees and shrubs must be approved in advance by the Cemetery Division Head or his designated assistant.

**E. Artificial.** Artificial grave decorations resembling allowable non-artificial decorations are permitted in pots or urns.

**F. Prohibited Items and Materials**

1. Fences, curbing, steps, arches, toys, signs, and other non-living decorations are prohibited. Temporary exceptions in particular circumstances may be made by the Cemetery Division Head or his designated assistant.

2. Benches are prohibited except in the case of a bench set and engraved as the grave marker of a lot. In that case, the bench must be made of material that is solid and considered, for all practical purposes, permanent and indestructible. The cemetery employee or division head shall have the



authority to allow for the placement of benches, other than as stated above, with the understanding that they may be removed in the future.

3. Decorations or structures made of wood or other perishable materials are prohibited.
4. For lawn-care reasons, decorations containing glass or clay are prohibited.
5. Decorations, other than as identified in E above, containing metal (including wire) are prohibited except for military service-related decorations at the gravesites or memorials of veterans.

#### **F. Ground Work and Elevations**

1. No grading, leveling, or other landscaping is permitted without the prior permission of the Cemetery Division Head or his designated assistant.
2. No elevated mounds shall be permitted above the grade determined by the Cemetery Division Head.

### **VII. REMOVAL OF ITEMS**

- A. Cemetery Division personnel reserve the right to remove and dispose of any existing decoration, structure, or enclosure when it hinders lot care, when it has become unsightly by reason of neglect or age, or if it was placed without proper authorization. Such removal may occur without notice.
- B. The City Council reserves the right to disallow and/or remove any marker, engraving, etching or decoration which, in its opinion, is openly or suggestively profane or obscene.

### **VIII. DISINTERMENTS**

- A. The disinterment of remains or cremains shall not be performed without due cause and the written consent of the lot owner, the Cemetery Division Head or his designated assistant, and the City Manager. The City of Alpena reserves the right to also require the permission of the Alpena County Health Department.
- B. Disinterment of remains or cremains for legal inspection or investigative purposes shall require an order signed by a court of competent jurisdiction.
- C. No disinterment shall be performed by persons who are not Cemetery Division personnel.

## **IX. DAMAGE**

- A. The City shall not be financially responsible for any damage to lots, grave markers, or to structures or objects thereon, or for flowers or articles removed from any lot or gravesite.
- B. Costs to repair damage caused on Cemetery property may, at the discretion of the City Manager, be charged to the person(s) found responsible for the damage. In all cases involving a vehicle, the operator shall be responsible.

## **X. EXCEPTIONS and TEMPORARY REGULATIONS.**

The Cemetery Division Head or his designated assistant shall have the right to make exception to any existing regulation and/or to establish a temporary regulation whenever, in his judgment, the best interests of the Cemetery require it. Such exception or temporary regulation shall not amend or repeal any existing regulation, but must be reported immediately to the City Manager.

## **XI. IMPLEMENTATION.**

The regulations shall take effect with adoption by the Alpena City Council. Past practice or existing similar variances shall not be a basis for allowing deviation from these regulations