

City of Tawas City Policies and Procedures

Subject: Cemetery Regulations
Effective date: February 19, 2019

Background

This policy establishes standards for the operation and management of the City of Tawas City Memory Gardens Cemetery. These regulations do not supersede the City of Tawas City Code of Ordinances, Chapter 7, Cemeteries.

Definitions

- *Burial*: placing remains of a deceased human body into the ground
- *Columbarium*: an above ground structure with niches designed for the purpose of interring cremains
- *Columbarium Niche*: a single space in a columbarium designated to contain cremains within an urn or container
- *Cremains*: the incinerated ashes of a human body
- *Interment*: the permanent disposition of the remains or cremains of a deceased person
- *Monument*: a tombstone, grave marker, memorial, or headstone identifying a grave or graves, or a nameplate with an inscription identifying a niche
- *Owner(s)*: the person(s) or immediate family (husband, wife, father, mother, son, or daughter) member(s) to whom the City has conveyed burial rights
- *Plot*: a grave space for interment of a deceased person by cremation or burial
- *Section/Block/Lot*: the terms used to describe the location of a plot in the cemetery
- *Urn*: a container that holds human cremains

Management of the Cemetery

1. The Memory Gardens Cemetery (Cemetery) is owned and managed by the City of Tawas City (City). All operations are under the direction of the Cemetery Sexton, who is the City Manager or his/her designee.
2. The fees and charges established for the Cemetery shall be set by and approved by the Tawas City Council.
3. The City is responsible for operating and maintaining the Cemetery, including but not limited to grounds maintenance, the selling of all plots and columbarium niches, maintaining accurate records of all sales and burials, and coordinating interments.
4. The City performs all perpetual care requirements of the Cemetery.

Purchases of Plots and Columbarium Niches

1. All purchase prices and fees will be set by resolution by the City Council.
2. Upon full payment of the purchase price of a plot or columbarium niche, the City will issue a cemetery deed conveying ownership.
3. The City shall have the right to assume at all times that the plot owner acquired a plot for the interment of the owner and/or an immediate family member.
4. The ownership of a plot or columbarium niche shall not be transferred to another individual. Burial plots may be returned to the City for the price at which they were purchased. Columbarium niches may be returned to the City for the price at which they were purchased unless the niche plate has been engraved at which time the purchase price is forfeited.
5. Each deed holder must designate at the time of the purchase the name(s) and birth dates(s) of the person(s) to be interred.

Interments and Disinterments

1. Funeral arrangements will be handled by appropriate funeral home personnel and scheduled through Tawas City Hall.
2. Interments will not be allowed unless all cemetery fees and burial plots or niches costs have been paid in full.
3. Interment services may take place at the gravesite.
4. Only human remains or cremains are allowed in the cemetery.
5. The City assumes no responsibility for errors resulting from any instructions provided by any plot owners or funeral homes, except when those instructions are in writing and have been approved the Cemetery Sexton.
6. No interment or disinterment will be made in the Cemetery until proper arrangements have been made with the proper personnel and all laws and regulations governing such have been met. In addition, disinterment of a body will not be made without the proper authority and in accordance with the laws of the State of Michigan.
7. All caskets shall be interred inside an approved burial vault. Exceptions may be approved in advance by the Cemetery Sexton.
8. For convenience, safety, and appearance, only equipment belonging to the City, the gravedigger, or that of vault companies shall be allow at the gravesite.
9. Graves shall be dug by designated personnel authorized by the Cemetery Sexton.

10. Plot interments:

- a. One (1) full burial and one (1) cremains will be allowed per plot.
- b. Up to two (2) cremains will be allowed per plot provided there are no burials on the plot.
- c. Two (2) or more burials in a plot may be permitted subject to approval by the Cemetery Sexton.

11. Columbarium Interments:

- a. One (1) cremains may be placed in each niche in the columbarium.

Columbariums

- 1. Columbarium niche spaces (11" x 11" x 11") are intended for individual interments of cremains with an urn or container of suitable material. Any other uses of a niche are prohibited and no personal items are allowed in the niches.
- 2. The cremains placement or removal, and sealing niches will be performed by designated personnel authorized by the Cemetery Sexton.
- 3. The engraving and the fee are the responsibility of the owner or his/her designee, and will need to be coordinated with the designated personnel authorized by the Cemetery Sexton.
- 4. The niche plates will be engraved with uniform size and typeface and will include the deceased person's name, date of birth, and date of death only.
- 5. There shall be no attachments to the niche plates other than the standard medallion for military service, public safety service, membership in services organizations, or the like.
- 6. Decorations, wreaths, and flowers may be placed around the columbarium within reason. The City reserves the right to limit decorative items and will remove items when they are no longer attractive or hinder maintenance.
- 7. No glass, decorative items, or photos may be placed on or affixed to the Columbarium structure by any means. All such unauthorized items will be removed by City staff without notice.
- 8. The deed holder will forfeit all fees previously paid and ownership of the niche will return to the City when the cremains of the individual designated on the deed have not been interred in the niche within ten (10) years after the individual's death or 120 years after the individual's birth.
- 9. The City owns the columbarium and all niches. A deed holder acquires no real property

rights to the columbarium, any of its niches, or any of the City's property. The deed confers only the right to inter the cremated remains of the designated person in the identified niche pursuant to the City's rules, as amended by the City from time to time.

10. Columbarium permits and rights of interment will continue as long as the present columbarium stands. If the present columbarium is to be demolished and a replacement columbarium will not be furnished, and rights of interment will cease. In that event, the City will attempt to notify a family member of each person interred in the columbarium that the person's cremains must be removed from the niche. If the City is unable to contact a member of the person's family using information in the City's records within a reasonable period of time, the City may relocate the cremains as it deems proper. No compensation will be due to the deed holder or the person's estate or family.

Veterans' Section

1. A veteran is a former member of the Armed Forces of the United States (Air Force, Air Force Reserve, Air National Guard, Army, Army Reserve, Army National Guard, Coast Guard, Coast Guard Reserve, Marine Corps, Marine Corps Reserve, Navy, and Navy Reserve) who served on active duty and was discharged under conditions that were other than dishonorable.
2. A copy of the DD-214, certificate of release or discharge from active duty is required to determine eligibility for burial in the Veterans' Section of the Cemetery. The document must show release from service under conditions other than dishonorable.
3. Eligibility requirements for a Veterans' plot:
 - Any military branch described above
 - ROTC members of any branch
 - Certain Public Health Service commissioned officers whose services were connected to military operations
 - Merchant Marines whose services were connected to military operations
 - Members of Philippine Armed Forces who were US citizens or legal immigrants in the US at the time of death
4. All monuments or other markers placed at grave sites must meet the requirements of the cemetery and be installed flush with the existing ground level so as to not interfere with maintenance or mowing.
5. The Veteran will be placed in the next available plot.
6. The plot and burial fees are the same as the current Cemetery fees as established by resolution of the City Council.
7. All Cemetery rules and regulations will apply.

Monuments and Markers

All monuments or other markers placed at grave sites must meet the requirements below:

1. The City must be contacted prior to placement of any monuments, markers, or any other stationary items, and the City will be responsible for marking the plot.
2. Upright grave markers are allowed on any plots within the Cemetery except as listed below in number three.
3. Grave markers shall be flush with the existing ground level to not interfere with maintenance or mowing for the following:
 - All monuments and/or markers placed on plots north of N-11 through N-15 of the Cemetery and all future additions, and in the Veterans' Section
 - All secondary monuments and/or markers placed on any plot
 - All footstones or markers at the foot of any plot
4. All monuments and/or markers shall be placed on a concrete pad that extends three (3) inches horizontally beyond the edges in all directions, and shall not exceed a total of three (3) feet, three (3) inches in width for any single plot.
5. All contractors, manufacturers, or persons installing footings, foundations, or concrete pads shall contact City staff prior to installation. No footing, foundation pads, or permanent fixtures shall be placed on any cemetery plot without advanced approval of the City.
6. All footings, foundations, and pads shall be located entirely on the respective plot, and shall not extend into any walkways, roadways, or adjacent grave plots.
7. Any person or persons installing any monument marker or above ground obstruction shall be totally responsible for removing all excess soil or construction debris created by them, and shall clean the area to the satisfaction of City staff. These persons shall be totally responsible for the repair or replacement of all damages to existing trees, shrubs, roadways, walkways, monuments, and markers, in addition to any restoration to adjacent plots including any ruts or tire marks caused by them.
8. All monuments must be set in line with other existing monuments where possible. If the monument cannot be set in line with others, the location must be approved by City staff.
9. The City's staff is not responsible for leveling or straightening monuments or other markers.
10. The City is not responsible for any damage to monuments, markers, footstones, etc.
11. The columbarium shall have no attachments to the niche plates other than the standard medallion for military, public safety, services organizations, or the like.

Decorative Trees, Shrubs, and Other Items

1. A person, firm, or corporation shall not plant any tree, shrub, flower, bush, or other decorative item in the Cemetery.
2. City staff may remove decorations, wreaths, blankets, and flowers when they are no longer attractive or hinder maintenance.
3. City staff shall have the right to remove trees or shrubbery when they are deemed dead, diseased, or detrimental to any adjacent plot, monument, walkway, or driveway because of roots, branches, or as otherwise determined.
4. A plot(s) shall not be defined by a fence, railing, curbing, hedge, or other enclosure or border of any description.

Cemetery Maintenance

The City is responsible for maintenance of the Cemetery and reserves the right to contract all or part of the maintenance. The following guidelines shall be followed:

1. Following an interment, City staff may remove decorations, wreaths, and flowers when they are no longer attractive or hinder maintenance.
2. All decorations, wreaths, flowers, etc. will be removed by the City after April 1st of each year; individuals may replace or place new items by Mothers' Day weekend.
3. Neither the City nor any person acting on the City's behalf is responsible for or liable for any loss or damage to monuments, markers, footstones, decorations, wreaths, flowers, urns, or any other items brought in to the Cemetery.

Visitor Rules

1. Visitors will be allowed in the Cemetery daily from 8:00 am to dusk.
2. Any person disturbing the tranquility of the Cemetery by noise or other improper conduct will be asked to leave the grounds.
3. No person may hunt, discharge any weapon, or have possession of any weapon within the Cemetery grounds at any time except for use during military services, Memorial Day observations, or by law enforcement personnel.
4. Alcoholic beverages, illegal drugs, smoking, and lighted smoking or vaping devices are prohibited within the confines of the Cemetery.
5. Vehicles driven on Cemetery property shall use established roadways.

6. ATV's, snowmobiles, or all-terrain vehicles are not allowed on Cemetery property, except those utilized by City staff for maintaining Cemetery grounds.
7. It shall be unlawful for any person(s) to enter the Cemetery after sunset without prior authorization from City staff.
8. It shall be unlawful for any person(s) to damage or deface, or cause to be damaged or defaced, any monuments, markers, trees, shrubs, buildings, fences, roads, driveways, or any other property within the Cemetery grounds.
9. Visitors shall not bring any animal(s) in to the Cemetery.
10. Persons engaged in work in the vicinity of a burial must suspend their labor during the services at a gravesite.

Donations and Memorial Gifts

Donations for the perpetual care of the Cemetery may be made to the City. These funds will be placed in the City's Cemetery Perpetual Care Fund and be designated for Cemetery use only.

Authority and Revisions

This policy is enacted immediately upon approval of the City Council, as reflected in the regular meeting minutes dated February 19, 2019. Revisions to this policy shall be approved by the City Council. This policy shall be reviewed annually by the City Manager and updated as appropriate.

Michelle M. Westcott
City Clerk

Date

(SBM 1559)