

# RIVERSIDE CEMETERY RULES AND REGULATIONS

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**RIVERSIDE CEMETERY**  
**Menominee, MI**

**PREAMBLE**

American cemeteries are the most beautiful in the world, and the desire of the American people is that burials should be made where the quiet repose of the dead may be assured forever. Such grounds, sacredly devoted to the burial of the dead, should be considered as a park set aside for a special purpose, where the entire community is interested and the wishes and interests of individual lot owners are subordinated to the interests of the whole. In cemeteries today, there should be no place for the grave mound, or the unsightly headstone or enclosures. Lots should present the appearance of well-kept lawns, monuments, markers and plantings, to conform to such regulation that the cemetery as a whole should present the appearance of a large, beautiful memorial park.

**SECTION 1.** No lot or part thereof in the Riverside Cemetery shall hereafter be sold, leased or any rights granted therein until the purchaser thereof shall pay to the Clerk of the Board of Cemetery Trustees, a sum of money, the interest or income from which sum, the Board of Cemetery Trustees shall determine as reasonably necessary for the perpetual care of such lot or portion thereof.

**SECTION 2.** Upon receipt of any money received for perpetual care on lots, it shall be the duty of the Clerk of said Board to deposit the same in any bank which bank shall be designated as Trustee of such funds and said Trustee shall have power to invest and re-invest said sums from time to time in any kind of investments in which said Trustee shall by law, at the time of such investments be authorized to invest funds, and provided further that all investments shall first be approved by said Board of Cemetery Trustees.

**SECTION 3.** Said Trustee shall make collections of interest, premiums and income as accrue, from time to time, on securities held by said Trustee and any and all such interest, premiums and income so collected shall, upon the time of collection, be paid to the Board of Cemetery Trustees.

**SECTION 4.** All such interest, premiums, and income received from such Trustee shall be deposited by the Clerk of the Board of Cemetery Trustees in such bank as the Board may direct, said deposit to be made in the name of the Board of Cemetery Trustees -- "Current Cash" account, to be used for perpetual care liability, ornamental plants and general care of cemetery grounds, and shall be subject to checks or orders when signed by the Clerk of the Board of Cemetery Trustees and countersigned by the Chairman of said Board.

**SECTION 5.** Purchasers of lots acquire simply the right and privilege of burial of the dead. The term "lot or grave owner" is intended to mean and shall be construed as meaning the owner of burial rights. A single lot has one grave space. Multiple lots have more than one grave space. City of Menominee residents may purchase burial rights for themselves, their spouse and their dependents at resident rates established by the Board of Cemetery Trustees. City of Menominee residents may purchase additional graves for other family members at the rate determined by the family member's residency status at the time of purchase. Non-residents may purchase lots at the non-resident rates established by the Cemetery Board of Trustees.

**SECTION 5A.** Resident fees apply to City residents and to persons who already have a spouse buried in the cemetery who was buried as a resident, or have resided within the City for no less than one year immediately preceding the person's death or purchase of burial rights in the cemetery. Resident fees also apply to lifetime City residents who have moved to an assisted living facility elsewhere.

A Burial Grant and Perpetual Care Agreement is the property of the purchaser of the grant and identifies the owner of the grant. The Burial Grant and Perpetual Care Agreement give the owner:

1. The right to decide who is buried in the lot or lots identified within specifications approved by the Cemetery Board.
2. The right to erect a memorial within the specifications listed in the cemetery rules.
3. The responsibility of maintaining the memorial in a safe state of repair.

The owner of every burial grant shall be responsible for notifying the City whenever that person's mailing address changes.

Upon the death of the owner or the last to die of joint or multiple owners of a burial grant, ownership thereof shall be governed by the disposition set forth in the last will and testament, in the case of testate estate, or by the laws of descent and distribution of the State of Michigan in the case of an intestate estate. It shall be the responsibility of anyone claiming ownership of a burial grant under these provisions or as a result of any transfer of ownership to provide the City with such proof, as shall be satisfactory to the City, of said person's legal ownership.

Should all owners of a burial grant die without having designated the persons to be buried on all or any part of the lot, the Cemetery Management will permit the burial of persons designated by order of a court of competent jurisdiction upon presentation of the order at the cemetery office. Possession of a Burial Grant and Perpetual Care Agreement is not, in itself, sufficient evidence on which to record the transfer of ownership of a grave or lot. The legal right to ownership of the burial privilege must be established

**SECTION 6.** No transfer of the Burial Grant and Perpetual Care Agreement for any lot or part thereof shall be valid without the consent of the Board of Cemetery Trustees, and their approval endorsed on the conveyance. Graves may only be resold to the City of Menominee and will be purchased at the original selling price. Upon such transfer, such lot shall become the sole property of the City and may be sold to others at such price including perpetual care, consistent with current schedules of rates and charges thereof.

The Burial Grant and Perpetual Care Agreement and these rules and regulations as amended by the Cemetery Board of Trustees from time to time, shall constitute the sole agreement between the City and a burial rights owner. No oral statement of any officer, employee or agent of the City, shall be binding on the City.

**SECTION 7.** A burial unit in a designated Unit Section may be less, but in no case more than fifty square feet of ground in any ordinary burial lot.

**SECTION 8.** The Board of Cemetery Trustees shall establish grades and all grading will be done before any lot or unit is sold. Turfing, seeding, tree removal and other work will be done by the order of the Board of Cemetery Trustees, and paid for by the Burial Grant owner.

**SECTION 9.** The throwing of rubbish on the avenues or any part of the ground is strictly prohibited. Proper receptacles are provided at convenient points on the grounds for the deposit of weeds, flowers, plants, etc.

**SECTION 10.** Dwarf trees, shrubs, flowering or any other plants may be cultivated on lots, but only such varieties subject to the approval of the Cemetery Board. No tree or shrub growing within the lot may be removed or injured without the consent of the Cemetery Board or the Cemetery Director, and subject to the provisions of Rule Number 11, and no plant, flower, tree or shrub can be taken out of the Cemetery without special permission of the Cemetery authorities. The planting of trees and shrubs shall be done by Cemetery employees only. Flowers may not exceed the length of the monument and must be planted no further than eighteen inches (18") out in front of the monument. Shrubs are not to exceed individual lot markers. The trimming of trees/shrubbery will be done by cemetery employees only by request of the lot owner.

**SECTION 11.** If any trees or shrubs, situated in any lots, shall in the opinion of the Cemetery Board, become, by means of their roots or branches, or in other ways, detrimental to the adjacent lots, streets, alleys, or walks, or prejudicial to the general appearance of the grounds, or dangerous or inconvenient to passengers, the Cemetery Board shall have the right to enter said lot, and remove the said trees or shrubs, or such parts thereof as they may consider detrimental, prejudicial, dangerous or inconvenient.

**SECTION 12.** The proprietor of each lot may erect any proper monument or index stone thereon. Only one monument on each lot and one index stone or marker at each grave will be allowed, except that on any small lot designed and laid out for two or three graves, if a monument is erected, stones to mark individual graves must be flush markers, but if no monument is intended, each grave may have a separate marker. Bench monuments are allowed in place of a traditional monument and are limited to two (2) pieces. One monument is allowed per two (2) grave lot, and the base of the monument shall be limited to 54" in length and 16" in width. The foundations must extend three inches (3") on each side. Monument and marker foundations shall not exceed 22" in width and shall not exceed 60" in length.

HISTORY: A: 8/8/00, A: 8/13/13 A: 9/12/13

**SECTION 13.** In the Single Grave Section index stones or markers may be erected at the head of each grave. Monuments, with a base not to exceed 30" in length, will be allowed in the Single Grave Section. Monument and marker foundations shall not exceed 22" in width.

HISTORY: A: 6/10/97, A: 8/8/00

**SECTION 14.** In the erection of monuments, vaults, tombs, or other structures, a place will be designated by the Director for the deposit of the stone, brick and other materials, which shall not remain longer on the ground than is actually necessary for their construction, otherwise they will be removed by the Director at the expense of the proprietor. All monuments shall be erected as near the center of the lot as practicable.

**SECTION 15.** No monument, vault, tomb, effigy, decoration, nor any structure whatever, nor any inscription thereof which shall be determined by the Cemetery Board to be improper, shall be placed in or upon any lot. The following guidelines for grave decorations have been established to accommodate all families with loved ones interred at Riverside Cemetery, with consideration given to the close proximity of lots with respect to privacy and the overall serene atmosphere of the Cemetery.

A. No decoration shall have a height greater than forty-eight inches (48").

B. No decoration shall have a length or width greater than eighteen inches (18") in front of the monument. All decorations must be placed at the head of the grave. No decorations are allowed by flush markers unless the flush marker is the only marker and is at the head of the grave.

C. With exception of flowers, decorations shall be of a serene color in nature to blend with the natural, quiet setting of the Cemetery.

D. No decoration shall be in a state of disrepair, faded, tattered, worn or discolored to such an extent as to be unsightly.

E. No decorations shall be allowed which are intended to generate sound.

F. With exception of U.S. flags on the side of a marker, due to underground water pipes and live underground wires, no decorations shall be pushed into the ground. Poles for windsocks or hanging baskets may be brought to the cemetery office for cemetery personnel to install and are limited to one pole per lot.

G. No decorations shall be allowed behind monuments.

H. No bird feeders shall be allowed due to the uncleanliness of bird droppings and spilled food.

All decorations shall be in good taste with respect to the tranquility of the interment of the dead and are subject to removal for failure to follow established guidelines. Families are encouraged to call the cemetery office with questions regarding decorations prior to placement to avoid any inconvenience due to removal.

HISTORY: A: 5/12/98

**SECTION 16.** Hedges, wooden trellises, iron fences, or fences in whatever nature and kind for the purpose of enclosure of any articles are prohibited in the Cemetery.

**SECTION 17.** The Director or his designee shall annually establish and announce dates for seasonal placement and removal of plantings/decorations. Decorations not removed by the set dates shall be removed and disposed of by cemetery personnel.

HISTORY: A: 5/14/02

**SECTION 18.** The term "Perpetual Care" shall mean the cutting of the grass upon the lots or graves at reasonable intervals; the raking and cleaning of the lots or graves; the trimming of trees upon request; and such other work as may be necessary to keep the lot or grave in good and neat condition. However, the Board does not agree to maintain, repair or replace any grave stones or monumental structures erected upon lots or graves therein, or to plant flowers, or ornamental plants, or to do any special unusual work.

**SECTION 19.** The charges for burial rights, perpetual care, turfing, burials, moving of bodies, sodding, building foundations, tree and foundation removals, and any other services rendered by the Board of Cemetery Trustees shall be set by the Board, and shall be adjusted whenever deemed necessary by a majority of the members of the Board.

### **RULES CONCERNING BURIALS**

**SECTION 20.** The Director of the Cemetery or his designate is required to be in attendance at every interment and all committal services for burial in Menominee Riverside Cemetery. All funerals on entering the Cemetery shall be under the charge of the Director or his designate.

**SECTION 21.** No burial other than of a known member of a family of the lot owner will be allowed on any lot in the Cemetery except on written permission of such lot owner, filed with the Board of Cemetery Trustees. No lot owner will be allowed to dispose of any place of space for a grave or graves on his lot without the written approval of the Board of Cemetery Trustees. Remuneration must not exceed the original price.

**SECTION 22.** Application for burial in any lot or burial unit must be made at least eight business hours before the time of such burial and no permit will be issued except to lot owners or owners of one or more burial units. All burial fees and charges must be paid in advance. No disinterment shall be allowed without a written application from the lot owners or authorized representative.

Under no condition will the City assume responsibility for errors in opening grave spaces when orders are given by telephone. Orders by a funeral director for the opening of a grave space will be considered as an order from the lot or grave space burial rights owner.

While the cemetery personnel will make all reasonable efforts to establish the identity of the person or persons claiming burial rights ownership of the lot or grave space or making arrangements for the interment, the City and cemetery personnel shall not be responsible for misrepresentations or errors made by the person or person(s) purported to be the burial rights owner or his legal representative or other agent.

**SECTION 23.** Persons applying for burial permit must be able to give the following information: Name of deceased; place of death; last residence; and must produce a burial permit of the Michigan Department of Public Health or other state.

**SECTION 24.** Two interments in one grave will not be permitted, except in the case of a vault and infant child, or twin children, or two children buried at the same time. Two or more interments of cremated remains may be allowed together in one grave. Cremated remains may be interred in a grave with a vault burial but the maximum height of the cremation container shall be 10 inches. Urn vaults will not be allowed interment with an existing vault burial. See Section 15 (B) regarding decorations for multiple markers on a gravesite.

HISTORY: A: 9/18/01

**SECTION 25.** Funerals may be conducted on Sundays or legal holidays at the discretion of the Director or his designee.

HISTORY: A: 9/18/01

**SECTION 26.** All caskets must be placed in a sealed vault, concrete, fiberglass, or other substance subsequently approved by the Board of Cemetery Trustees, before burial. No baby body shall be accepted for burial unless enclosed in a fiberglass container. The Board of Cemetery Trustees in approving the use of vaults of various materials does not by such approval endorse the use of such vaults and cannot be held responsible for the failure of such vaults.

also see Sections 45 & 46

### **CHAPEL**

**SECTION 27.** The Chapel at the entrance of the grounds is for conducting committal services for all burials in Riverside Cemetery and may be used for Memorial Day and like services and upon due notice the Director or his designate will have the same ready for use without charge.

### **VAULT**

**SECTION 28.** The vault is for the use of members of families owning lots in Riverside Cemetery. The burial charges to be paid prior to placing casket in vault. By approval of the Board of Cemetery Trustees, bodies not to be buried in Riverside Cemetery may be store in the vault and charges set by the said Trustees.

### **MAUSOLEUMS, MONUMENTS, MARKERS, GENERAL WORK**

**SECTION 29.** Contractors and others having work to do in the Cemetery must make known their business to the Director before the work is begun.

**SECTION 30.** Persons engaged in erecting vaults, monuments, or other structures, are prohibited from attaching ropes, etc. to trees, shrubs, or other objects without permission of the Cemetery authorities.

**SECTION 31.** Workmen must not scatter materials over adjoining lots, or leave same on the ground any longer than it is necessary, but in all cases must proceed and act in accordance with the rules of the Cemetery.

**SECTION 32.** Obstructions to drives, avenues, and paths, incidental to improvements or changes must be as slight as possible and there shall be no unnecessary delay in finishing after work has begun.

**SECTION 33.** In order to protect drives, paths and grass from injury, planks must be laid on them when heavy material is to be moved over them. Contractors and workmen will be held strictly responsible for all damage through neglect to observe proper care.

**SECTION 34.** Erection of vaults, monument, and general work on lots cannot be done during the winter, or in the spring when the frost is coming out of the ground, nor in wet weather, without a special permit from the Director.

**SECTION 35.** No heavy trucking will be allowed in the Cemetery in wet weather, and no vehicle can pass through the grounds at a rate faster than fifteen miles per hour, or under any circumstances leave the roadway.

**SECTION 36.** Any workman or contractor failing to conform to these regulations, and such others as may be made by the Cemetery Board from time to time, may forthwith be excluded from the grounds, and the persons employing him shall be responsible for injuries to the property of the City sustained through the neglect of such workman or contractor.

**SECTION 37.** All workmen in any capacity within the confines of the Cemetery, whether as mason, stone-cutter, erectors, gardeners or helpers, are subject to the direction and control of the Cemetery Director. Workmen who do not regard the regulations and proprieties of the place, will not in the future be admitted to work in the Cemetery.

**SECTION 38.** Mausoleums may be constructed only in such places and in such style as shall be approved by the Board, complete plans and specifications of the same being furnished to them on application for permission for their construction. No burials shall be made therein except in hermetically sealed single compartments in a manner satisfactory to the Cemetery Board.

**SECTION 39.** Foundations for mausoleums and memorials must be built of concrete to require grade and finished off to proper grade as no building up or underpinning with chips, spalls, cement or other material will be allowed. The foundations must extend three inches (3") on each side beyond the base of the structure above. Monument and marker foundations shall not exceed 22" in width.

HISTORY: A: 8/8/00

**SECTION 40.** In sections south of 14th Avenue only one monument will be allowed upon a two grave lot or a single unit and shall be placed in the center of the lot/unit. Monument bases are limited to a width of 16" and length of 54" on two grave lots and length of 30" on single unit lots. Foundations are limited to 22" in width and 60" in length including a 3" border on all sides. Bench monuments are allowed in place of a traditional monument and are limited to two (2) pieces. All monuments/markers will be set on the west lot line and face east, except in Section 2. In Section 2 all monuments/markers will be set on the south lot line and face north.

HISTORY: A: 7/10/01 A: 8/13/13 A: 9/10/13

**SECTION 41.** On lots where markers or index stones were set previous to the enactment of these rules, similar markers or index stone may be erected with special permission.

**SECTION 42.** Monuments or markers constructed of any material other than granite, marble or real bronze will not be allowed unless approved by the Board of Cemetery Trustees.

History: A: 9/12/06

**SECTION 43.** No corner markers, stones or marble curbing, platforms, steps, or other structures, whether of stone or marble, will be allowed on any lot.

**SECTION 44.** As a guarantee of good work to lot owner, and protection of the interests of the City, the Director will excavate for and install foundations in the Cemetery at the expense of lot owners/monument companies, at a uniform price as established by the Board of Cemetery Trustees. All foundations shall be concrete.

**SECTION 45.** Graveside burial will be allowed upon request. Device and greens only will be permitted. As a method of burials the "Wilbert-Way" of vault and casket presentation will not be permitted due to the inappropriate soil conditions within the cemetery. Due to the precarious nature of gravesite unstableness, the safety of the Wilbert staff as well as the Riverside Cemetery crew and members of the funeral party must be maintained.

HISTORY: A: 03/11/2003

**SECTION 46.** Burial of any animals or pets is prohibited.



## **RULES CONCERNING VISITORS**

**SECTION A.** Automobiles, bicycles, or other conveyances are restricted to a speed not to exceed fifteen miles per hour, and must not leave the roadway.

**SECTION B.** Alcohol is prohibited within the cemetery. Metal detectors are prohibited within the cemetery. No buses or horses will be admitted within the Cemetery unless by special permission of the Director. No dogs, except confined to an automobile, will be allowed in the Cemetery.

**SECTION C.** Children shall not be permitted to run at will through the grounds or use the same in any way as a playground.

**SECTION D.** Persons with firearms will not be admitted unto the Cemetery, except military companies attending funerals or participating in ceremonial events.

**SECTION E.** Sitting or lying on the ground, or sitting on monuments and grave markers is prohibited.

**SECTION F.** Any person disturbing the quiet and good order of the place by noise, or other improper conduct, will be compelled instantly to leave the grounds.

**SECTION G.** All persons are prohibited from taking flowers, or any ornaments on lots or graves from the Cemetery without special permission; or from picking any flowers, either wild or cultivated, or breaking any tree, shrub or plant, or writing upon, defacing or injuring any monument or other structure in or belonging to the Cemetery.

**SECTION H.** The cemetery will be opened at 8:00 A.M. and closed at sunset. At the discretion of the Board, roads in the Cemetery, except 14th Avenue from Memorial Drive west, may be closed when use of such roads would result in undue damage to same.

HISTORY: A: 9/12/06

**MISCELLANEOUS.** Visitors are reminded that these grounds are appropriated for the interment of the dead. It is imperative that there should be a strict observance of all the proprieties due the place. Trespassers are liable to criminal prosecution and to fine; and will also be subject to pay such damage and to repair such injuries as they may have occasioned.

A standing reward is offered by the Board of Cemetery Trustees for information which will lead to the detection and conviction of any person stealing from the Cemetery grounds, lots or graves, any flowers, plants, ornaments, or any article of value, or destroying the same, or defacing or injuring any monument, headstone, marker or other structure or building.

Lot owners are invited to help beautify the Cemetery and can render great assistance to the Cemetery management by removing from their lots and graves all wilted flowers and faded decorations, and deposit them in the refuse cans provided for that purpose.