



# Lakeside Cemetery Rules

## Port Huron, Michigan

(As amended September 14, 2015)

### **A. Introduction**

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- Sec. 1. Lakeside Cemetery, including the Veterans' Memorial Cemetery, is owned by the City of Port Huron. These rules and Chapter 14 of the Port Huron City Code have been enacted to protect and preserve the decorum and dignity of the cemetery.
- Sec. 2. The City maintains the cemetery grounds, buildings and appurtenances. All graves sold include general care (also known as perpetual care), which is included in the purchase price, and includes the regular cutting, trimming and reseeding for the maintenance of the turf.
- Sec. 3. The cemetery supervisor is responsible for enforcing the rules and laws governing the cemetery. Cemetery records are kept and maintained in a database in the City Clerk's office. When written requests are necessary, they shall be completed on forms provided by or acceptable to the City and submitted to the City Clerk's office. The burden of proof regarding matters pertaining to burial rights, designations, inheritance, etc., shall be placed solely upon individuals to provide acceptable documentation.
- Sec. 4. The City reserves the right to correct any cemetery lot conveyances, burials or removal errors. Such correction may include canceling, refunding, substituting a plot for another of equal value and similar location as best as possible, or removing and relocating a previous burial within the cemetery.

### **B. Conduct in Cemetery**

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- Sec. 5. To maintain order and keep the cemetery as a dignified resting place for everyone's loved ones, certain conduct is prohibited. The following is a brief summary of conduct in the cemetery. Refer to Chapter 14 of the City Code for more specific details:
- Alcohol:** Cannot be consumed or carried upon premises.
  - Animals:** Domestic animals shall be leashed, remain on established drives only and their feces immediately removed from the ground.
  - Closing hours:** No person shall be in the cemetery after dusk or before dawn, except authorized persons.
  - Destruction/removal of objects:** Cannot move, remove, deface, destroy, etc., any cemetery objects.
  - Firearms:** Cannot discharge a firearm, unless authorized, such as burial service volleys.
  - Garbage/trash:** Individuals are responsible for properly disposing of trash, spent flowers, containers or other debris in containers provided for that purpose.
  - Leisure activity:** Cannot camp, picnic, play ball, rollerblade, skateboard, snowmobile, etc.
  - Noise:** Loud music or boisterous/profane language that disturbs the quiet and good order within the cemetery is unlawful.
  - Traffic & vehicles:** Speed limit is 15 miles per hour or less and all other laws governing vehicular traffic are applicable. Driving is restricted to established roads. Parking of motor vehicles in the cemetery is limited to persons engaged in cemetery-related business.

### **C. Definitions in General**

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- Sec. 6. The following words, phrases or terms have the following meaning:
- Burial** means the permanent disposition of the remains or cremated remains of a deceased person by burial in the ground or placement within a niche or crypt.
  - Burial right** means the right of a titleholder to use a plot for burials only.
  - Burial right certificate or certificate** refers to the document given by the City to a titleholder giving the right of burial only in a cemetery plot. This document was referred to as a "lease" or "deed" in previously adopted rules.
  - Cemetery plot or plot** means a grave, niche or crypt within the cemetery used for burials and for no other purpose, other than placing appropriate decorations or markers.
  - Markers** refer to the memorial markers (headstones and monuments) and plaques used to indicate the name of persons buried in a plot.
  - Titleholder** refers to the person possessing the right to use a cemetery plot for burial of a human body.

## **D. Cemetery Plot Purchases**

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- Sec. 7. **Plot types/uses:** The following plots are available for purchase and are subject to the Port Huron City Code and these rules and any subsequent changes that may be made hereafter:
- a. **Babyland:** Graves within Section A are for an infant/child 35" or less in length. Section B is for a child 36" to 59" in length.
  - b. **Graves:** One grave can have one adult plus up to one infant; or one adult plus up to two cremated remains; or up to four cremated remains. See below for grave information within the Veterans' Memorial section.
  - c. **Niches:** Niches are for the placement of cremated remains with up to two containers per niche. See below for niche information within the Veterans' Memorial section.
  - d. **Veterans' Memorial section:** Plots in this section shall be for veterans currently residing in St. Clair County (proof required). Veteran is defined in Sec. 14-41 of the Port Huron City Code. No exceptions shall be granted.
    - Graves:** For veterans only and cannot be pre-purchased.
    - Niches:** For a veteran and his or her spouse (one niche). Other items, such as medals, mementos, etc. are prohibited inside the niche. Niches can be pre-purchased.
  - e. **Mausoleum crypt:** Crypts are located within the mausoleum building and are for the placement of one adult remains or two cremated remains.
- Sec. 8. **Certificate:** A burial rights certificate shall list a person's name as titleholder of a plot. The certificate shall **not** be issued in the name of more than one person, except in the case of a husband and wife planning to be buried in the same plot. No person may be issued a certificate if said person already has burial rights or designation in another plot. Transfer of burial rights to another shall **not** be recognized, except by inheritance (see Sec. 11). See Sec. 13 regarding the City's right to repurchase a plot.
- Sec. 9. **Rates:** The rates and/or fees are set by City Council and revised from time to time. All plots must be paid in full at time of purchase. The following shall also apply:
- a. **Residency:** Persons purchasing a plot at the resident rate must provide proof of their residency. Residency does not extend to such locations that are designed to be short-term in nature, such as hospitals, rehabilitation facilities and homeless shelters, etc., unless the stay has been longer than 6 months and no other residence is owned/rented by the person.
  - b. **Former residents:** Former City residents, having lived here for a period of 20 consecutive years and at the time of purchase have been a non-resident for a period of 5 or less years, may purchase plots at resident rates. This provision does not apply to plots within the Veterans' Memorial section.
  - c. **Residency changes after purchase:** If the titleholder at the time of purchase is a nonresident and later becomes a City resident, no refund of the price difference will be given.
- Sec. 10. **Multiple burials in a plot:**
- a. As certain plots can accommodate multiple burials, a titleholder may file with the City Clerk's office an affidavit designating the burial of additional family members in the balance of the plot. The affidavit can be changed by the titleholder at any time by filing a revised affidavit with the City Clerk's office. If the titleholder is deceased, an affidavit on file cannot be revised unless the designated person agrees to remove their burial designation. If a designated person is deceased and buried elsewhere, their designation is voided.
  - b. **First burial, non-resident:** If the **first** burial in a vacant plot is not the titleholder and the deceased was a **non-resident**, then a one-time fee equal to the difference between the current resident and non-resident rate to purchase a similar plot shall be paid, together with all other applicable burial service fees. This one-time fee is waived if the plot was originally purchased at the non-resident rate or was purchased prior to the adoption of these rules on March 10, 2014.

- Sec. 11. **Inheritance rights**: The following shall apply regarding inheritance rights in a plot, except that plots within the Veterans' section cannot be inherited:
- a. If a titleholder is deceased, then burial rights for unused plots or additional burials in occupied plots shall first transfer to a surviving spouse, unless stated otherwise in a will, trust or other document filed with the City Clerk's office. If there is no surviving spouse, the transfer shall follow the basic law of succession to the next surviving descendant (i.e. the children, children's descendants, parents, siblings).
  - b. Burial of non-family members is prohibited. Any present or future burial designations on file with the City Clerk's office cannot be revised unless the designated person agrees to remove their burial designation. If a designated person is deceased and buried elsewhere, their designation is voided. The fee defined in Sec. 10(b) **does not** apply for inherited plots.
  - c. For **unused plots**, once inheritance is determined, the immediate heirs may:
    - (1) Request the City repurchase the unused plot at the original purchase price (see Sec. 13); or designate in writing the burial of family members in the plot.
    - (2) If there are no burial designations on file and in the event of a death, the plot may be used for immediate burial if written permission is obtained from a majority of the heirs. Any remaining burial space rights in the plot shall then transfer to the heirs of the deceased, unless specified otherwise in writing.
  - d. For **additional burials** in occupied plots, once inheritance is determined, the immediate heirs may:
    - (1) Designate in writing the burial of family members in the plot.
    - (2) If there are no burial designations on file and in the event of a death, a plot may be used for immediate burial of a deceased heir. Permission is not necessary from any other heir claiming a right to interment in the space.
- Sec. 12. **Exchanges**: An unused, vacant plot may be exchanged for a similar plot type.
- Sec. 13. **Repurchase**: The City reserves the right, and at its discretion, to repurchase a plot from a titleholder or heir(s) at the original purchase price, provided no burials or enhancements rendering the plot unusable have occurred.

## **E. Burial Services**

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All burial services shall comply with the conditions set forth below:

- Sec. 14. **Arrangements**:
- a. Burial services and funeral processions shall be under the direction and coordination of cemetery officials and in accordance with state and local laws and these rules.
  - b. Cemetery officials shall coordinate the arrival and departure of all burial services with the City reserving the right to alter the requested date and time as may be necessary. The City also reserves the right to delay a burial when City operations have been shut down or hindered for unforeseen circumstances, such as disasters, inclement weather, etc.
  - c. No burial shall take place without a burial permit or cremation certification.
  - d. No burial equipment, except that provided or authorized by the City, shall be used in the cemetery.
  - e. All caskets shall be enclosed in a permanent outside container (vault), such as concrete or steel, acceptable to cemetery officials. Vaults shall be delivered at days and times determined by cemetery officials.
  - f. Requests for burial services shall be made to the City Clerk's office as follows:
    - Monday through Friday**: Notice shall be made at least **24 hours** prior with arrival no later than 2:30 p.m.
    - Saturday**: Notice shall be made by 3 p.m. on **Thursday prior** with arrival no later than 2 p.m.
    - Sunday or City-recognized holidays**: Burials are not allowed.
- Sec. 15. **Financial responsibility**: Funeral directors making arrangements for burials shall be responsible for all financial fees and charges associated with plot purchases and burial services. Personal checks from their patrons will not be accepted when immediate use will occur. Persons arranging directly with the City for burial of cremated remains shall make payment in sufficient time to guarantee acceptance by the City's financial institution prior to the burial.

- Sec. 16. **Indigent person's burials:** Persons who qualify under the State of Michigan burial assistance program may receive a grave (location determined by the City) and burial services at a reduced fee. Indigent burials are limited to *current* City residents after proof of residency and indigent status is established. If any additional burial service items are ordered, such as tents, greens, chairs or the chapel is used for a memorial/viewing prior to a funeral service, than reduced rates do not apply.
- Sec. 17. **Removal of previous burials:** Requests for disinterment of a previous burial shall be conducted under the direction of cemetery personnel, a funeral home director and in accordance with state law and local health department regulations. Removal can be initiated by an order signed by a court of competent jurisdiction or by a notarized affidavit from the immediate family. Burial markers shall be removed at the time a removal is made at the expense of the party requesting the removal.

## **F. Cemetery Plot Decorations**

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Cemetery plot decorations shall conform to the conditions set forth below.

- Sec. 18. **Decorations, in general:** To maintain the cemetery as a dignified resting place for everyone's loved ones, only the decorations listed herein are allowed. If a decoration is not listed or described, it is **not** allowed. Items that become unsightly, overgrown, diseased or dangerous, interfere with maintenance or violate these rules will be removed, without notice, and the City shall have no responsibility for the return or replacement of such items. The City shall not be responsible, financially or otherwise, for any damage, theft or vandalism occurring to decorations placed on plots.
- Sec. 19. **Columbaria (niche) structures:** The following is allowed by the structure holding niches:
- a. **Patriotic flags** are allowed in front of the structure for a period not to exceed 10 days immediately prior to or after Memorial Day or Veterans' Day each year.
  - b. **Floral displays after a service:** Displays (in non-glass containers) may be placed on the ground in front of the structure, but will be removed and disposed of without notice 72 hours after a burial or when withered, faded or otherwise unsightly before the allotted time.
- Sec. 20. **Crypts in the mausoleum building:** Floral displays on a stand may be placed in front of a crypt, but will be removed and disposed of without notice 72 hours after a burial or when withered, faded or otherwise unsightly before the allotted time.
- Sec. 21. **Graves:** The following applies to the decoration of graves, except as noted for Babyland and Veterans' Memorial sections:
- a. **Babyland section:** No decorations are allowed in this section.
  - b. **Veterans' Memorial section:** An American flag and fresh cut flowers (in non-glass containers) may be placed at the head of a grave for not more than 10 days immediately prior to or after Memorial Day or Veteran's Day each year. Floral displays after a service and winter decorations are also allowed on a grave as provided for in section 21(d)(3) and 21(e). No other decorations are allowed on graves in this section.
  - c. **Patriotic flags** (with or without a flag holder) are allowed any time during the year, if maintained in good condition, as follows:
    - (1) Maximum size is 8" x 12" with a staff height not to exceed 30" and must be placed at the head of a grave as close as possible to the front or side of a marker.
    - (2) For flush markers located in the center or foot of a grave, patriotic flags are allowed for not more than 10 days immediately prior to or after Memorial Day or Veterans' Day each year.
    - (3) Other decorative flags, or holders without a patriotic flag, are prohibited.

- d. Flowers: Only annual or perennial plants are allowed. During the fall, the City may trim the plants flush to the ground in preparation for the winter season. The City is not responsible for keeping plants on individual plots watered, trimmed or weeded. The following shall apply and no other enhancements are allowed:
  - (1) *Planted*: Flowers may be planted at the head of a grave in front of a marker and extend outward no more than 12 inches. Plantings behind a marker, in the center or foot of a grave, and containers/urns placed on the ground are prohibited. All other plantings or enhancements are prohibited (trees, shrubs, hedges, fences, edging material, rocks, wood chips, etc.).
  - (2) *Shepherd's hook with hanging baskets*: A single or double shepherd's hook with a hanging basket may be placed at the head of a grave, immediately behind or beside a marker. Hooks cannot be anchored and plastic or artificial flowers are not allowed. Beginning June 1 of each year, hooks and baskets not in use, or when withered, faded or otherwise unsightly, will be removed. No other items may be suspended from arches, such as balloons, ribbons, flags, lights, toys, decorations, etc.
  - (3) *Floral displays after a service*: Displays (in non-glass containers) may be placed on the grave, but will be removed and disposed of without notice 72 hours after a burial or when withered, faded or otherwise unsightly before the allotted time.
- e. Grave blankets and wreaths are allowed from November 15 through March 31 and will be removed and disposed of without notice beginning April 1 of each year.
- f. Temporary grave markers: These are placed by a funeral home to temporarily mark the location of a grave site and may remain for not more than 6 months after the burial service and will be removed and disposed of without notice if after such time or when unsightly. The size and style is subject to approval of cemetery officials.

## **G. Markers and Plaques**

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Markers and plaques shall conform to the conditions set forth below. The City shall not be responsible, financially or otherwise, for any damage, theft or vandalism occurring to markers and plaques placed on plots.

### Sec. 22. Columbarium niche plaques:

- a. Lakeside section: One plaque of conforming standard bronze is allowed per niche. All plaques are purchased from and installed by the City.
- b. Veterans' Memorial section: Up to two single or one double plaque of conforming standard bronze is allowed per niche. All plaques are purchased from and installed by the City, except that government-issued veteran plaques are ordered through the County's Department of Veterans' Affairs office and installed by the City.

Sec. 23. Crypt inscriptions in the mausoleum building: The titleholder or family members are responsible for ordering and installing inscriptions on crypts.

### Sec. 24. Grave markers:

- a. Babyland: Only flush markers are allowed. Sizes for the markers are detailed below.
- b. Foundation footings: Foundations are required for all grave markers (upright or flush) and shall be ordered from and installed by the City. Applicable fees shall be paid prior to delivery of a grave marker to a site.
- c. Inscriptions: Markers shall be placed so inscriptions can be read from the east path, unless permission is granted by cemetery officials.
- d. Installation: Vendors professionally engaged in placing markers shall provide adequate planking to protect turf and shall remove materials and equipment immediately upon completion of work. The site shall be left in a clean and orderly condition. The vendor is responsible for any damage caused to the site or surrounding area. Non-conforming markers shall be removed at the installer's expense.
- e. Location: Markers shall be centered at the head of a grave as planned. One upright marker per grave or one double marker per two graves. Any additional markers on the grave shall be set flush to the ground.
- f. Materials: Upright markers shall be granite, or a good grade of white marble, from a recognized quarry. Flush markers shall be either granite or standard bronze. All markers and bases shall be approved by the cemetery supervisor prior to placement.

- g. Monuments: Monuments of a size larger than listed in Sec. 24 (i) below are no longer allowed. Approval may be given for monuments in older sections (blocks opened prior to 1930) if sufficient room is available. Monuments shall be consistent with other plots in the block and follow previous size requirements. Additional markers placed with a monument shall be flush.
- h. Private mausoleum crypts located on a grave: Private mausoleums on individual graves are no longer allowed. Opening and closing of existing crypts will be the responsibility of the mausoleum owner. Any damage existing or occurring during opening/closing procedures, or otherwise, is the responsibility of the private mausoleum owner.
- i. Sizes: Marker and bases sizes shall conform to the following dimensions:

<b>Grave Marker Styles</b>	<b>Length</b>	<b>Width</b>	<b>Height</b>	<b>Bases</b>
Single	No more than 30"	No more than 12"	No more than 30"	No more than 8" high and 14" wide Bases not allowed in X, Y, Z & CC
Double	No more than 60"	No more than 12"	No more than 30"	No more than 8" high and 14" wide Bases not allowed in X, Y, Z & CC
Flush	24" or less	12" or less	Flush	
Babyland section	16" or less	8" or less	Flush	
Veterans' section	Determined by U.S. Govt.		Flush	

- j. Veterans' Memorial section: Flush markers are ordered through the County's Department of Veterans' Affairs and installed by the City.