

CITY OF THREE RIVERS
ST. JOSEPH COUNTY, MICHIGAN

**RULES AND REGULATIONS OF THE
RIVERSIDE CEMETERY**

I. INTRODUCTION

a. History and General Information. The Riverside Cemetery is located at the intersection of East Michigan Avenue (Highway M-60) and Jefferson Street on the eastern boundary of the City. The south boundary of the Cemetery abuts the St. Joseph River. The Cemetery contains approximately 87 acres with over 10,000 grave sites (as of January 1, 1985) and spaces for approximately, 10,000 additional grave sites. The Cemetery, originally know as the Oak Dale Cemetery, was established in 1829, on 20 acres of land acquired from Orville and Mary Dougherty. In 1858, the Cemetery was acquired by the Riverside Cemetery Association, and on January 10, 1859, the Association formally changed the name of the Cemetery to the "Riverside Cemetery". In 1945, the City of Three Rivers acquired the Cemetery. The City continues to own, and operate the Cemetery. The Cemetery/Parks Board is an advisory body whose members are appointed by the City Commission. This Board meets on a regular basis and offers advice and recommendations to the City Commission, the City Manager, the Parks/Cemetery Superintendent and the Superintendent regarding the care and management of the Cemetery.

II. Objectives. It is the desire of the City to maintain the Cemetery as a quiet, beautiful resting place devoted to the interment and repose of the dead. To secure these effects, the City has expended and will continue to expend considerable sums of money; however, the preservation, care and improvement of the Cemetery will require the cooperation of every lot owner and visitor to the Cemetery. Anything that might detract from the general beauty and harmony of the Cemetery must be avoided. Peace and good order must be maintained with the sacredness of the place maintained at all times. It is with this end in mind that these Rules and Regulations have been adopted.

III. DEFINITIONS – As used in these Rules and Regulations, the following terms shall have the following meanings:

- a. City. The City of Three Rivers, a Michigan Municipal corporation, and the owner and operator of the Riverside Cemetery.
- b. Cemetery. The Riverside Cemetery located on the St Joseph River at the intersection of East Michigan Avenue (Highway M-60) and Jefferson Street on the eastern boundary of the City.
- c. Lot Owner. The holder of a Certificate of Burial Rights issued by the City, or a person who is entitled to the collateral right of use of any burial lot by transfer or devise from the holder of an original certificate.
- d. Lot. A single grave space in the Cemetery.
- e. Fetal Burial. The burial in the Cemetery of the remains of dead human fetus following a gestation period of less than twenty (20) weeks.
- f. Fetal Burial Lot. A single grave space in the Cemetery being twelve (12) inches by twelve (12) inches.
- g. Interment. The permanent disposition of the remains of a deceased person.
- h. Memorial. A monument, marker, tablet, headstone for family or individual use.
- i. Monument. A tombstone or memorial of granite or marble which extends above the surface of the ground.
- j. Marker. A memorial flush with the ground.
- k. Superintendent. The Department of Public Services Director or his designee.

IV. OWNERSHIP AND MANAGEMENT

- a. Authority of Superintendent. The Superintendent, the Superintendent, and such other employees of the City as the City Manager may designate from time to time, shall enforce these Rules and Regulations, and may exclude from the Cemetery any person who shall violate any Rule or Regulation. The Superintendent shall have charge of the Cemetery grounds and buildings and shall supervise and control of all persons and activities in the Cemetery, including the conduct of funerals, traffic, lot owners and visitors.
- b. Special Cases. Special cases may arise in which strict enforcement of these Rules and Regulations may impose an unnecessary hardship. The City may, in such cases, make exceptions, suspensions, or modifications of any Rule or Regulation, when in the judgment of the City Manager, it appears reasonable and proper. Any temporary exception, suspension or modification shall not be construed as affecting the general application of these Rules and Regulations.

- c. Cemetery Hours. For the purposes permitted by these Rules and Regulation, the Public may have access to the Cemetery grounds between dawn and 9:00 PM. Entry to and exit from the Cemetery shall be only at established entry and exit points.
- d. Office of Superintendent. The office of the Superintendent is located in the in the DPS office at 1015 South Lincoln Avenue. The office is open Monday through Friday from 7:00 AM to 3:00 PM. Questions pertaining to cemetery records, the purchase of lots, interment arrangements and other Cemetery services may be directed to the Superintendent (telephone (269)273-1845).

V. CEMETERY MANAGEMENT SERVICES

- a. All interments and disinterments.
- b. Installation of memorial, marker, monument and urn foundations.
- c. Perpetual care of all lots including the mowing of grounds at reasonable intervals; the seasonal removal of leaves and other debris; the trimming of grass around markers and monuments; and the repair of sunken graves.
- d. General Cemetery maintenance including tree work, road work, snow removal, maintenance of water lines, and trash removal.
- e. When not in conflict with these Rules and Regulations, lot owners may contract with the City for special care maintenance services regarding lots and memorials. Persons interested in special care services should contact the Superintendent regarding charges, deposits required and permissible special care.

VI. CONDUCT IN CEMETERY

- a. Admission of Visitors. The City reserves the right to require all persons entering the Cemetery to present proper identification to the Superintendent for examination, and to refuse admission to anyone not a lot owner or a relative of a person interred in the Cemetery. The City may refuse the use of any of the Cemetery's facilities at any time to any person who the Superintendent reasonably believes to have no proper purpose in entering the Cemetery grounds.
- b. Children. Children under twelve years of age are not permitted in the Cemetery unless accompanied by a responsible adult.
- c. Firearms. Firearms are not permitted in the Cemetery except as permitted by State law and as permitted by the Superintendent as part of an authorized volley at a military burial or during authorized memorial services.
- d. Alcoholic Beverages. Alcoholic beverages are not permitted within the Cemetery.

- e. Litter. No person shall deposit rubbish or debris of any kind on the Cemetery grounds. Receptacles for waste materials are located at convenient places.
- f. Flowers and Shrubs. No person shall pick or mutilate any flower, or disturb or break any tree, shrub or plant in the Cemetery except with the written permission of the Superintendent.
- g. Traffic Regulations. Operators of motor vehicles within the Cemetery shall observe a maximum speed limit of ten miles per hour and shall observe all provisions of the City's Traffic Code. No persons shall operate a motor vehicle off the established roads of the Cemetery without the specific permission of the Superintendent, nor shall the Cemetery grounds be used as a public thoroughfare. Motorized pleasure vehicles, including snowmobiles and go-carts, are not permitted in the Cemetery.
- h. Supervision of Funerals. After entering the Cemetery, all funerals shall be under the supervision of the Superintendent. Funeral designs and floral pieces may be removed by the Superintendent when they become unsightly.
- i. Canines. Dogs, other than trained guide dogs for visually impaired or physically challenged persons, are not permitted.

VII. BURIAL LOTS

- a. Sale and Use of Burial Lots. All lots in the Cemetery, regardless of time of purchase, are subject to these Rules and Regulations, as may be amended from time to time, are specifically subject to the following:
 - i. Lots are sold only for the eventual interment of human remains and shall not be purchased for speculative purposes.
 - ii. All lots are sold with the provision for perpetual care.
 - iii. A Certificate of Burial Rights shall be issued by the City Clerk to the purchaser or purchasers upon full payment of the purchase price. If lots are purchased by more than one person, each purchaser's interest shall be specified on the Certificate. If the Certificate is lost or destroyed, the City Clerk may issue a duplicate Certificate upon presentation of an appropriate affidavit setting forth the circumstances of the lost or destroyed Certificate.
 - iv. Installment purchases of lots shall be subject to the approval of the City Manager. Installment purchase contracts shall be on forms furnished by the City with the original of the contract retained by the City Clerk, and a copy to the Superintendent and the lot purchaser. Installment contracts not fully paid within two years, shall be subject to termination by the City upon thirty days' written notice to the purchaser.

- b. Transfer of Burial Lots. Lots may be transferred only upon written permission of the Superintendent endorsed upon the original Certificate of Burial Rights. All applications for transfer must be accompanied by an affidavit showing good and sufficient reasons for the transfer. Transfers are not permitted for speculative purposes. Each transfer shall be recorded in the Offices of the Superintendent and the City Clerk. Upon approval of the transfer, a new Certificate shall be assured by the City Clerk,. No persons shall be recognized as a lot owner whose name does not appear on a Certificate of Burial Rights.

VIII. INTERMENTS / DISINTERMENTS

- a. Opening of Graves and Disinterments. No grave shall be opened or any body disinterred except for good cause shown and upon the written authorization of the legal heirs of the deceased. The City may refuse to open any grave or disinter any body for good cause. Persons desiring a grave opening or disinterment shall secure the necessary disinterment permit from the Department of Health and present the permit to the Superintendent. Charges made by the City for disinterment shall be charged in accordance with the difficulty of the work and shall be payable in advance. The City shall exercise due care in making a disinterment and removal, but shall assume no liability for the damage to any body, casket, burial vault, urn or decorations in making a disinterment and removal.
- b. Interments. All interments are subject to the following conditions and requirements:
 - i. All interments in lots shall be restricted to the lot owner or members of his or her immediate family.
 - ii. All graves shall be dug by the City under the supervision of the Superintendent.
 - iii. A charge for opening and closing a grave and the sodding and seeding of the mound will be made pursuant to Cemetery fees and charges in effect at the time of interment, which charges shall be paid in advance of interment.
 - iv. No burial shall be permitted until a legal burial permit has been presented to the Superintendent.
 - v. If the deceased is not the lot owner or a member of the lot owner's immediate family, written permission for the interment shall be filed with the Superintendent prior to interment. Only one body may be interred in each lot. Cremains may be buried above another grave; however, there shall be no more than two cremains per grave. No interment of any body other than that of the human being shall be permitted.

- vi. The lot owner(s) or funeral director shall designate the location of the grave on the lot or family plot to the Superintendent and any change of location shall be at the expense of the lot owner(s).
- vii. A grave opening requested by a funeral director shall be construed as requested by the lot owner(s). The City shall not be responsible for compliance with any order not in writing, or for any mistake due to lack of precise and proper instructions as to a particular grave space, size, and location of a grave in a family plot where interment is desired.
- viii. Interments shall not be made on a Sunday or legal holiday recognized by the City except upon order of the Department of Health. If a Sunday immediately proceeds or succeeds a legal holiday, a holiday interment will be accepted.

IX. INSTALLATION AND MAINTENANCE OF MONUMENTS AND MARKERS – All monuments and markers in the Cemetery shall be installed and maintained according to the following requirements:

- a. No monument or marker shall be installed without the prior written approval of the Superintendent, who shall designate the location thereof.
- b. Monuments and markers shall be constructed of durable granite, cut stone from recognized quarries, standard bronze, quality marble or standard metal as authorized and approved by national veterans' organizations. Monuments with audio are prohibited.
- c. Only one monument or marker is permitted on each lot; however, one upright monument may be allowed for two or more lots.
- d. All monuments and markers shall be installed upon a foundation constructed by the City at the expense of the lot owner. No foundation shall be constructed if there is damage due to frost action.
- e. Monuments and markers shall not extend over the foundation by more than one half (1/2) inch. Monuments shall be located in the center of the lot or in monument row. Monuments shall not be set closer than eighteen (18) inches from the lot line. Single monuments (headstones) not to exceed one (1) foot wide, two (2) feet long and one (1) foot high shall be the only monument on each individual lot, except for lot location markers, and war veteran or fraternal order markers.
- f. No double marker shall exceed fifteen (15) inches in height and shall be of one piece. Double markers, of a die and base, shall be considered as monuments and shall be placed in the monument row.
- g. Monuments placed in the section of the Cemetery designated for the burial of infants shall not exceed eight (8) inches by sixteen (16) inches.

- h. Authorized persons engaged in the placing of memorials in the Cemetery shall provide and use adequate planking to protect the turf. Following placement of a memorial, the area shall be left in a clean and orderly condition.
 - i. A monument, once placed on its foundation shall not be removed except with the written permission of the Superintendent.
 - j. The City reserves the right to refuse permission to erect or place any memorial on a lot not in keeping with the good appearance of Cemetery grounds or in conformance with the objectives stated in Paragraph 2 of these Rules and Regulations.
 - k. If any memorial or structure on any lot or lots becomes unsightly or in need of repair, the Superintendent shall notify the owner(s) by certified mail, directing that the memorial or structure be repaired or replaced within ninety (90) days. Upon failure of the owner(s) to comply with the notice, the Superintendent may cause the necessary repairs to be made or remove the memorial or structure, if beyond repair. The cost thereof shall be charged to the owner(s) and shall be due and payable upon receipt of an invoice from the City.
- X. LOT CARE
- a. Veterans. The Cemetery includes a Veteran's Section which is reserved for the burial of veterans and their spouses. The City provides and installs veteran's markers/flag holders for placement on veteran's graves in accordance with State law. Urns are prohibited in the Veteran's Section. Only flat markers or bronze plaques install flush with the ground are allowed in the Veteran's Section. Only veteran plaques installed flush with the ground are allowed in the Veterans" Section. Shepherd Hooks will no longer be permitted after March 1, 2009 in the Veteran's Section.
 - b. Urns. Urns are the liability of the lot owner(s) and are governed by the Rules and Regulations of the Cemetery. The Cemetery assumes no obligation as to the care, maintenance, protection or damage which may result to urns placed upon lots. Urns are the direct responsibility of the lot owner(s). The City shall not be held responsible for breakage or damage due to freezing and thawing. Only one urn is permitted per two grave spaces unless otherwise approved by the Superintendent. on a lot. Urns shall be installed upon a foundation constructed by the City at the expense of the lot owner(s), who shall be responsible for the planting and maintenance of the urn. Urns shall be placed in the monument row. Urns not planted prior to July 1st of each year may be removed by the City. Any urn which becomes broken, unsightly in appearance will be removed from the lot. All urns should be made of material that will withstand the freezing and thawing of the dirt inside.

- c. No more than one urn or one hook will be allowed on a single grave space. All Shepherd hooks must be approved by the Superintendent or his designee.
- d. No statues, figurines, etc are allowed.
- e. Potted plants may not be planted in the ground. The pot must be left above the surface of the ground and placed near the headstone. Plants in pots may not exceed ten (10) inches in diameter and are limited to two (2) per grave. This includes artificial plants, and/or flowers.
- f. Decorations. In addition to an urn, no more than one decoration, natural or artificial, may be placed n each lot. Excess decorations may be removed by the City. Decorations must be placed in a hanging basket, or a moveable, non-breakable container. Copings, fences, curbs, hedges, mounds, structures of wood or perishable materials are prohibited. Decorations, structures or enclosures on any lot in violation of these Rules and Regulations may be removed by the City. Temporary grave markers as customarily issued by funeral directors shall be removed within sixty (60) days following an interment.
- g. Prohibited for decoration are boxes, toys, shells, images, wire screens, arbors, trellises, decorative lighting, individual artificial flowers anchored to the ground, or any object of a similar nature.
- h. Seasonal Decorations. Summer lot decorations are permitted from May 1st through September 30th. Winter lot decorations are permitted from December 1st through March 15th of the following year. Decorations remaining beyond the time permitted may be removed and destroyed by the City. Tripods, decorative balls and other such standing decorations are welcome between the dates of November 1st and March 1st. Any decorations, flowers, plants, wreaths, emblems, etc., used at funerals or placed upon graves at other times, which become unsightly, faded or dead, will be removed. As part of the annual spring (March 1st) cleanup, the Cemetery employees shall remove all decorations. Owners wishing to save decoration must remove them before the deadlines. No settee, benches or chairs will be permitted without the written permission of the Superintendent.
- i. Flowers and Shrubs. No flowers of any kind shall be planted in the ground on any lot. Flowers may be planted only in approved urns. Suitable dwarf shrubs may be planted on a lot with the written consent of the Superintendent. All shrubs shall be of a durable variety and shall be planted under the direction of the Superintendent. A list of acceptable shrubs may be obtained from the Superintendent's office. If any tree shrub, plant, vine, etc. growing on any lot or lots shall by reason of its branches, roots, appearance or otherwise, become detrimental to adjacent lots, alleys or roadways or an inconvenience to the public, it shall be the duty of the superintendent to have it, or such parts thereof as necessary, removed.

- j. Private Mausoleums. Persons desiring to erect a private mausoleum or vault in the Cemetery shall file a written application with the City Manager with proposed plans and specification for the construction thereof and such additional information as the City Manager may reasonably require. The application shall be presented to the City Commission for consideration at its next regular meeting. Upon approval by the City Commission, the City Manager shall issue a permit for construction of the mausoleum or vault subject to such conditions as the City Commission may reasonably require.
 - k. Lot Markers. These are temporary markers and are removed sixty (60) days after an interment.
 - l. Baby and Cremation sections. Monuments are flush type only and larger than 10" by 20". No shepherd hooks are allowed in these sections.
- XI. CEMETERY FEES AND CHARGES. Copies of currently effective fees and charges for Cemetery lots, as approved by the City Commission are available in the Superintendent's office and at the office of City Clerk. Fees and charges are subject to change from time to time.
- XII. AMMENDMENTS/APPEALS
- a. Amendment of Rules and Regulations. These Rules and Regulations may be amended, altered or repealed at any time by action of the City Commission. Any person aggrieved by any change in these Rules and Regulations may appeal to the City Commission upon showing that such change shall cause an unreasonable expense or undue hardship.
 - b. Corrective Action. The City shall have the right to correct any mistake made by any employee of the City with regard to an interment or disinterment by the removal or transfer of a body or cremains to another lot of equal value and similar location. The City shall have the right to correct any mistake made by a City employee with regard to the description of any lot or lot transfer description by certificate and substituting in lieu thereof a lot or lots of equal value or similar location so far as may be possible.
 - c. Appeals. Persons having suggestions as to the operation and management of the Cemetery may present their suggestions in writing to the Superintendent or the City Manager, who shall refer such suggestions to the Cemetery/Park Board for consideration. Lot owners aggrieved by any action or decision of the Superintendent in the enforcement of these Rules and Regulations may file a written appeal with the City Manager. If the appeal is not resolved by the City Manager within ten (10) days following the filing of the appeal, the matter shall be referred to the City Commission at its next regular meeting. The decision of the City Commission shall be final following its due consideration of the appeal.

The foregoing Rules and Regulations were approved and adopted by the City Commission of the City of Three Rivers at a regular meeting held on the 16th day of June, 2009.