

# CITY OF HILLSDALE CEMETERY RULES AND REGULATIONS

## GENERAL RULES

1. **Hours of Operation** – The cemeteries will be open to the general public from 8:00 am until 8:00 pm, Sunday through Saturday. No person shall be allowed in any cemetery outside of these hours without first securing permission from the Department of Public Service.
2. **Vehicles** – All motorized and non motorized modes of transportation shall travel on designated roads, except those vehicles which are being used in the maintenance of the cemeteries, attendance at a funeral, or on cemetery business.
3. **Speed Limits** – All vehicles shall obey the posted speed limit.
4. **Advertisement** – The placing of signs, notices, or advertisements of any kind, peddling, soliciting, and/or the sale of any commodity within the cemetery grounds are prohibited.
5. **Pets** – All domestic animals shall be confined to designated roads, avenues, and walkways and must be on a maximum six foot leash. At no time shall a pet be allowed to roam free within the cemetery grounds. **YOU MUST CLEAN UP AFTER YOUR PET.**
6. **Consumption of Alcohol** – Alcoholic Beverages are prohibited within the cemetery grounds. No person shall consume any alcoholic beverage while on cemetery grounds.
7. City owned cemeteries shall be used solely for the burial of deceased humans in burial lots, and related burial and memorial services, for the care, beautification, adornment and improvement of a burial lot or place of actual interment, or to express affection and respect for the dead, and for no other purposes, subject to such rules and regulations as the Cemetery Board of Trustees now have, are set forth herein, or are subsequently approved and implemented by appropriate City Council action.
8. Persons who have purchased or otherwise acquired, or who hereafter purchase or otherwise acquire, a burial lot in a City owned cemeteries shall, by reason of said purchase or acquisition, have rights of burial with respect to each such lot.
9. Persons who have purchased or otherwise acquired, or who hereafter purchase or otherwise acquire, a burial lot in a City owned cemetery, their immediate family members, and members of the public may enter a City owned cemetery to attend and participate in a burial ceremony and burial, or to express their affection and respect for the dead.
10. Persons who have purchased or otherwise acquired, or who hereafter purchase or otherwise acquire, a burial lot in a City owned cemetery, their immediate family members, and a person authorized by them or any of them in writing, may enter a City owned cemetery to care for, beautify, adorn, and improve a burial lot or place of actual interment, provided that such care, beautification, adornment, and improvement shall conform to the general plan and style now existing for caring, beautifying, adorning, and improving the cemetery and the manner of performing such actions.
11. Notwithstanding the prohibitions and restrictions otherwise set forth in these rules, members of the general public may enter a City owned cemetery at any time during daylight hours to conduct historical or other research or to engage in non-competitive recreational activities such as walking, jogging, or the general enjoyment of the cemetery's landscaping, serenity, and peaceful environment.
12. Except as otherwise provided above, no person may conduct any business or commercial activities in any City owned cemetery, nor engage in any conduct or activity that is unrelated to a burial, burial ceremony, or the care, beautification, adornment, and improvement of a burial lot or place of actual interment, except and unless authorized in advance by the City Council.

## CEMETERY LOTS AND CREMATION NICHES

1. **Definition and Use** – Cemetery lots and cremation niches are sold for the purpose of burial of human dead. The following is a list of definitions for terms that are used throughout this set of rules and regulations.
  - a. Lot or Grave Owner- this shall be construed as meaning the owner of **burial rights** for a specific grave, niche, or group of graves or niches. Such burial rights **do not** confer title or ownership of land.
  - b. Single Grave – This shall be construed as meaning one (1) grave.
  - c. Cemetery Lot – This shall be construed as meaning an identified group of graves that are adjacent to one another.
  - d. Cemetery Section – This shall be construed as meaning an identified area of the cemetery that consists of one (1) or more cemetery lots.
  - e. Cremation Niche – This shall be construed as meaning a number of single or double niche spaces located on an identified site.
  - f. Infant Graves – This shall be construed as meaning grave spaces set aside for a burial in a vault which is not more than four (4) feet in length.
  - g. Interment – This shall be construed as meaning the act of opening a grave or niche, installing a vault, where required, burying a casket, urn, or other container holding the remains or ashes of a human body, and closing a grave or niche.
  - h. Marker – This shall be construed as meaning a monument, plaque, or headstone that is used to identify who the person is who is buried in a specific grave.
  - i. Foundation – this shall be construed as meaning a concrete pad on which a marker is installed upon.
2. **Cemetery Charges** – All cemetery charges are set by the Cemetery Board and approved by the Hillsdale City Council. These charges, which include the cost per grave as well as opening and closing prices, are changed from time to time. A copy of the current charges is available at the Department of Public Services or City Clerk’s Office.
3. **Certificate of Right of Burial** – Upon payment in full for a grave or niche, a Certificate of Right of Burial will be issues by the City of Hillsdale.
4. **Payment Policy** – Graves or niches can be paid in full or reserved by making monthly installment payments over a twelve (12) month period of time. If opting to make monthly installment payments, then a **non refundable** reservation fee of \$75.00 per grave or niche that is to be reserved shall be required at the time the grave or niche is reserved. If payment in full is not received within the twelve (12) month period, then the Cemetery Board of Trustees may rescind the reservation and return the deposit payments minus the non- refundable reservation fee and interest.
5. **Unpaid Balance** – In the event a burial is to be made on a grave or niche that is being purchased by making installment payments, then the grave or niche upon which the burial is to take place shall be paid in full before the burial may take place.
6. **Exclusions** – The grave or niche owner or the owner’s legal representative may at any time designate in writing, to the Department of Public Services, who the owner does or does not wish to be buried in the owner’s grave(s) or niche(s). All such notices shall be notarized by a notary public. Requests that are not submitted in writing and notarized will not be recognized by the City of Hillsdale as a valid request.
7. **Transfer of Burial Rights** – The owner of any grave or niche may at any time, transfer this burial right to another person. All applications for transfer must be made on forms provided by the City of Hillsdale or on a document form acceptable to the Department of Public Services. All applications for transfer must state the reason(s) for the transfer. All transfer documents shall be notarized by a Notary Public.
8. **Power of Attorney** – In order for a person to act for the owner, a notarized Power of Attorney must be filed and recorded at the Department of Public Services.
9. **Owner Dies In testate** – Should all owners of certain burial rights die without having designated the person(s) to be buried on all or any part of the lot, then the City of Hillsdale will permit the burial of person or persons designated by order of a court of competent jurisdiction

upon presentation of that order at the Department of Public Services. Possession of a Certificate of Right of Burial is not, in itself, sufficient evidence on which to record the transfer of ownership of a grave or niche.

10. **Correction of Errors** – The City of Hillsdale shall have the right to correct any error that may be made while making interments, disinterments, removals, or in the description, transfer, or conveyance of any interment rights either by canceling the conveyance and substituting and conveying in lieu thereof other interment rights of equal value and similar location or by refunding the amount of money paid on account by the purchaser. In the event the error involves the interment of the remains of any person, the City of Hillsdale shall have the right to remove and transfer the remains so interred to other property of equal value and similar location in the same cemetery.

### **MAINTENANCE OF CEMETERY LOTS**

**The purchaser or his assignee shall not acquire the right to change the surface of the ground by planting or by any other means without the written consent of the board and unless such consent is presented to the sexton and such changes shall be carried out under the direction of the sexton. City Code 2.60.100**

1. **General Maintenance** – All cemetery maintenance, except plant maintenance, shall be accomplished by City of Hillsdale Department on Public Service personnel or companies that are contracted by the City of Hillsdale to perform specific cemetery maintenance tasks.
2. **Columbarium Maintenance** – To protect the beauty of the columbarium, no vases, urns, candles, cards or messages are to be attached to the niche shutters. Acids in some floral decorations as well as tape adhesives may strain the granite. The use of wire is prohibited as it can scratch the granite.
3. **Plant Maintenance** - The grave owner shall be responsible to maintain all plants which are placed or planted on their grave. This maintenance shall consist at a minimum of trimming and removing the plant if it dies or becomes unattractive in appearance. If the plant dies or is unattractive in appearance and the grave owner does not remove said plant, then the City of Hillsdale reserves the right to remove said plant and invoice the current grave owner for all costs necessary to remove said plant.
4. **Trees and Shrubs** – Due to the ultimate size which trees and shrubs attain, any tree or shrub that is **not** planted in City approved urns or containers, shall be planted in a designated area of the cemetery. Also, the specie of tree or shrub shall be approved by the Department of Public Services or selected from a pre-approved list. A copy of this listing may be obtained from the Department of Public Services.
5. **Flowers** – In order to provide for worker safety and an attractive appearance of the cemetery grounds, all real or artificial flowers or floral plantings must be placed in approved urns or containers. These urns or containers shall be approved by the Department of Public Services.
  - a. Planting Baskets – **All planting baskets must be placed within 12 inches of the grave marker (headstone) so as not to impede mowers.**
  - b. Grave Blankets – Grave blankets are allowed from November to March. Any grave blanket that is not removed by March 15<sup>th</sup> shall be removed and disposed by the Department of Public Services.
6. **Removal of Plants** – The Department of Public Services shall have the right to remove, prune, or perform other plant maintenance activities without notice, on any plant which is undesirable in its present condition.

## INTERMENTS

1. **Interment Times** – The cemeteries will be open for burials Monday through Saturday from 8:00 am until 4:30 pm except any day that is a holiday for City employees or for weather emergencies.
2. **Established Charges** – All charges that are associated with grave spaces, burials, disinterments, openings, and closing costs, or any other service or activity shall be in accordance with the most recent schedule of charges established by the Cemetery Board and approved by City Council.
3. **Burial Permits** – A burial permit from the local health office signed by the proper authorities is required before interments can be made.
4. **Opening and Closing of Graves** – all graves and niches shall be opened and closed only by City of Hillsdale cemetery personnel ***after all fees are paid in full.***
5. If an individual, couple or family has previously reserved a grave or graves, remains will be allowed. If not, remains will only be allowed to be placed in the columbarium.
6. **Number of Burials Permitted Per Grave** – Only one person is permitted per grave except for mother and infant or a relative who has acted as the guardian, infant twins, or cremation. The following three combinations are permitted: two cremations, one cremation and one casket/vault, or two cremations and one casket/vault.
7. **Number of Burials Permitted Per Cremation Niche** – Only one cremain is permitted per single cremation niche and two cremains for the double cremation niche.
8. **Notice of Funerals** – Notice of funerals with exact location of the grave must be given to the City of Hillsdale’s Department of Public Services at least twenty-four (24) hours in advance of the burial, ***weekends and holidays excepted.***
9. **Supervisor in Charge** – All excavations, funerals, and interments within the cemetery grounds shall be under the direction of the Department of Public Services.
10. **Misrepresentation of Errors** – The City of Hillsdale will not be liable for misrepresentations or errors made by the person or persons purported to be the owners, legal representatives or agents.
11. **Orders Given by Telephone** – Under no conditions will the City assume responsibility for errors in opening graves when orders are given by telephone. Orders by the funeral director for the opening of graves will be construed as orders from the lot owner.
12. **Burial Containers**
  - a. Adult Interments – In all adult interments, the minimum requirement shall be unfinished cement or alternative outside container of composition materials approved by the Director of Public Services and be able to withstand 5,000 psi crush strength. The casket shall be enclosed in a permanent outside container and shall be installed by cemetery personnel. The following are considered permanent outside containers: Reinforced concrete boxes, concrete, copper, or steel burial vaults. The cemetery will not accept flat top grave liners.
  - b. Infant Interments – In all infant interments, the minimum requirement shall be a water tight container which is impervious to vermin and approved by the Director of public Services.
  - c. Cremation Interments – The cremains have to be in an approved urns or vault.
  - d. Columbarium niches - The cremains have to be in an approved urns or vault no larger than 11” x 11” x 11” for single niche and 11” x 11” x 22” for doubles niche.
13. **Removal of Flowers, Flags, Etc.** – As soon as flowers, flags, or emblems used at funerals for the adornment of graves become unsightly, they will be removed and no responsibility for their return to the owners will be assumed.
14. **Disinterments** – No disinterment or removal of a body in order to be reinterred in another location within the cemetery will be permitted without the written consent of the personal representative of the deceased unless by a duly authorized public official. No disinterment and removal of a body in order to be reinterred in another location outside the cemetery will be permitted without a permit from the County Health Department. The City of Hillsdale will not be liable for any damage resulting from the removal of any remains.

## **GRAVE MARKERS**

1. **Quantity** – Only one (1) grave marker is permitted per grave.
2. **Composition** – All grave markers must be of a material approved by the Cemetery Board. Approvals shall be given if the material is solid and for all practical purposes, permanent and indestructible. Any grave marker that is made of wood or other easily degradable material is prohibited.
3. **Appendages** – Raised letters or appendages are not permitted on the vertical sides of raised markers.
4. **Markers** –
  - a. Single – The size and location of a single grave marker, whether raised or flush, shall be determined by the Cemetery Board. The foundation for these markers shall be constructed in such a way as to allow a four (4) inch border.
  - b. Double – One marker embracing two graves spaces may be allowed if both grave spaces are paid in full and the purchaser agrees to bear the cost of removing and resetting the dual marker when the second grave space is to be used. The size and location of a double marker, whether raised or flush, shall be determined by the cemetery board. The foundation for these markers shall be constructed in such a way as to allow a four (4) inch boarder.
  - c. Installation – No markers shall be allowed or installed on any unpaid graves.
5. **Foundations** – All foundations shall be installed by the Department of Public Services.
6. **Shutter Lettering** – All shutter lettering will be ordered only by the City of Hillsdale. This is to keep all lettering and date cutting uniform in size and font. Due to the size of shutter doors, only family name, given name, year of birth and year of death will be allowed.

March 4, 2013