

CITY OF MARQUETTE, MICHIGAN

CITY COMMISSION POLICY

Policy Number: 2019-01	Revision Date:
Date Adopted: April 8, 2019	
Department: Administrative	

SUBJECT: PARK CEMETERY RULES AND REGULATIONS

PURPOSE:

Park Cemetery was established as Marquette’s City-owned burial grounds in 1858. In 1872, Peter White proposed a cemetery improvement plan which focused on developing and managing a property which would act as both a ‘cemetery’ and a ‘park.’ Since its inception, over 13,000 individuals have been interred on the grounds, which also provide a facility for:

- Daily walkers, joggers and bikers
- Preschool, elementary, high school and NMU classes
- Marquette Regional History Center interpretive tours
- Nature, wedding and senior portrait photography settings
- Wildlife viewing

These rules and regulations are established to ensure a proper balance is maintained between the quiet, beautiful and reposeful nature required of the final resting place for loved ones, while also providing for a variety of recreational uses.

POLICY:

GENERAL REGULATIONS

- A) Visitors to the cemetery are reminded that the grounds are sacredly devoted to the interment of the dead and appropriate decorum in the cemetery is required. Appropriate decorum means that:
- a. No domestic animals shall be permitted to enter or remain in the cemetery, unless said animal is at all times kept inside a fully enclosed vehicle

- b. No person shall carry or consume alcoholic beverages in the cemetery except in conjunction with bona fide established burial customs
 - c. Only non-compostable rubbish or debris generated in the cemetery may be deposited in facility waste receptacles
 - d. No person shall engage in a fight, quarrel or disturbance in the cemetery
 - e. Loud, boisterous language or music, other than ceremonial music, is not allowed in the cemetery
- B) The cemetery is closed at dusk and reopens at dawn.
- C) Any section or part of the cemetery may be declared closed to the public by the Sexton:
- a. At any time and for any interval of time
 - b. Either temporarily or at regular and stated intervals
 - c. Merely to certain uses as reasonably necessary
- D) Driving off established roadways within the cemetery is prohibited, except for maintenance personnel. Funeral cars shall have the right-of-way over all other traffic. Maximum speed limit is 15 miles per hour.
- E) No person shall perform any work within the cemetery except with the permission of and in accordance with the directions of the Sexton. Any person causing damage within the cemetery shall be liable to the City for such damage. Any person performing work in the cemetery without permission shall be liable to the City for the cost of restoring the cemetery to the condition that it was in before the work was done.
- F) The City of Marquette shall not be liable for any loss or damage caused by an act of God, common enemy, thieves, vandals, unavoidable accidents, the elements, subsidence, riots, or order of any military or civil authority to any grave space, family lot, nor for any loss or damage or bodily injuries sustained by any person or persons in the cemetery.
- G) No person shall interrupt or disturb any funeral or memorial service.
- H) No person, except a City employee, shall place any sign in the cemetery.
- I) Persons visiting the cemetery or attending funerals are forbidden from:
- a. Picking flowers, wild or cultivated
 - b. Breaking or injuring any trees, shrubs or plants
 - c. Writing upon, defacing or injuring any memorials or structures within the cemetery grounds

LOT PLANTING & DECORATING

- A) The City of Marquette reserves to itself the sole right to plant and maintain all permanent plantings within the cemetery. Lot owners desiring special permanent plantings on their

lot shall make their request to the Sexton, who may permit such planting to be done at the owner's expense. Such planting shall immediately become the property of the City of Marquette.

- B) Any and all plantings that, in the reasonable opinion of the Sexton, interfere with cemetery maintenance, encroach upon an adjoining lot, or detract from the general appearance of the cemetery may be pruned or removed by the City of Marquette without advance notice.
- C) Seasonal decoration placement shall adhere to the following schedule, or as dictated by weather conditions:
 - a. Summer decorations:
 - i. Not permitted prior to May 1st
 - ii. Must be removed by October 1st
 - b. Winter decorations:
 - i. Not permitted prior to November 1st
 - ii. Must be removed by April 1st
- D) Seasonal decorations not removed in a timely manner will be collected and disposed of by the City of Marquette without advance notice.
- E) Rubbish, refuse and unused containers shall be deposited in facility waste receptacles. All compostable waste materials generated in the cemetery shall be placed at the edge of the nearest roadway.
- F) Any planting baskets, wooden structures, hanging baskets, shepherd crooks or "tchotchkes" that, in the reasonable opinion of the Sexton, interfere with cemetery maintenance, encroach upon an adjoining lot, detract from the general appearance of the cemetery or pose a potential hazard may be removed by the City of Marquette without advance notice.
- G) No flowers, planting baskets, wooden structures, hanging baskets, shepherd crooks or "tchotchkes" are permitted on or around a columbarium.
- H) No lot planting or decorating materials are allowed in the Prairie Mound plat.

MONUMENTS & MARKERS

- A) No person, including any professional monument worker, shall install or place any monuments without obtaining permission from the Sexton at least 48 hours prior to such placement.
- B) No monument may be erected on a lot which is not paid for in full.
- C) All foundations and flush markers will be placed by the City of Marquette and shall be charged at the rate specified in the current fiscal year fee schedule.

D) The City shall not accept delivery of monuments or flush markers purchased by lot owners off the internet. Lot owners shall contract with a professional monument worker to place such monuments after obtaining permission from the Sexton at least 48 hours prior to said placement. Foundations for monuments and flush markers purchased off the internet will be placed by the City of Marquette and shall be charged at the rate specified in the current fiscal year fee schedule.

E) Maximum monument and flush marker width dimensions are as follows:

- a. Single grave space
 - i. 24" monument die or flush marker
 - ii. 30" monument base
- b. 2 grave spaces
 - i. 3' 4" monument die or flush marker
 - ii. 4' 2" monument base
- c. 3 grave spaces
 - i. 4' 0" monument die or flush marker
 - ii. 4' 10" monument base
- d. 4 grave spaces
 - i. 5' 4" monument die or flush marker
 - ii. 6' 2" monument base
- e. 5 grave spaces
 - i. 6' 8" monument die or flush marker
 - ii. 7' 6" monument base
- f. 6 grave spaces
 - i. 8' 0" monument die or flush marker
 - ii. 8' 10" monument base

F) No more than one monument shall be erected on any family lot. Multiple flush markers shall not exceed the number of grave spaces composing the family lot.

G) The following plats and areas are designated as flush markers only:

- a. Cadarette 2 Addition plat
- b. Malandrone East plat
- c. The northern portion of Carlson D plat designated as cremation only
- d. Monument locations within 20 feet from any roadway, except those placed prior to this or any previous similar regulation

H) No monuments or flush markers are allowed in the Prairie Mound plat.

MAUSOLEUMS & INDIVIDUAL CRYPTS

A) Before construction work on any private mausoleum or crypt is begun, the location, complete plans and specifications shall be approved by the Sexton.

B) The portion of the lot occupied by the mausoleum or crypt shall not exceed 20 percent (20%) of the lot.

C) Mausoleums:

- a. Shall not be permitted on lots containing less than 1,000 square feet
- b. The position of the mausoleum on the lot shall be as determined by the City of Marquette, but in no case will permission be given to set the building nearer to any lot line than 10 feet.
- c. Duplicate keys shall be left in the care of the Sexton.

D) Interments in mausoleums or crypts shall be made in hermetically sealed caskets.

INTERMENTS & DISINTERMENTS

A) All funerals shall be under the general supervision of the Sexton, or one of his designees, who shall attend every interment and see that the rules, regulations and strict proprieties of the cemetery are observed.

B) Interments may be made after hours, on weekends or on City-designated holidays only with prior approval of the Sexton and shall be charged at the rate specified in the current fiscal year fee schedule.

C) All grave openings and closings, interments and disinterments shall be performed by cemetery employees utilizing equipment provided or approved by the City of Marquette. Workers engaged in the vicinity of a burial or columbarium inurnment shall suspend their labors during the services.

D) A burial transit permit shall be required for all casket burials prior to said burial.

E) Maximum number of burials per space:

- a. Traditional (3' 4" x 10') space:
 - i. One (1) casket and one (1) cremation urn (may be a shared urn)
 - ii. Two (2) cremation urns (may be shared urns)
- b. Cremation only (3' 4" x 5') space (Malandrone East and north portion of Carlson D plats):
 - i. One (1) cremation urn (may be shared urn)
- c. Cremation Garden (4' x 5') space (Albert plat spaces #1 through #250):
 - i. Two (2) cremation urns (may be shared urns)
- d. Green Burial (5' x 10') space (Prairie Mound plat):
 - i. One (1) deceased person with no:
 1. Traditional embalming
 2. Traditional casket
 3. Concrete burial vault or grave liner

- e. Grotto of the Good Shepherd Columbarium
 - i. One (1) cremation urn per niche (may be a shared urn)
 - f. Pinery and Maple Grove Columbaria
 - i. Two (2) cremation urns per niche (may be shared urns)
- F) No burial shall be allowed for other than human remains.
- G) All casket burials, except those in designated green burial areas (Prairie Mound plat), shall be in metal or concrete vaults or concrete rough boxes. Urn vaults are not required for cremation interments.
- H) After the close of a funeral service at the grave it shall not be permissible for anyone to open the casket or to touch the remains therein without the consent in writing of the legal representative of the deceased or a court order for that purpose.
- I) Disinterment or removal of remains or cremains shall not be made without notice in writing to the Sexton. Graves shall not be opened for inspection except for official investigation under court order or pursuant to statute. All due care will be exercised in making a disinterment or removal, but the City of Marquette shall assume no liability for any damage done to a casket, vault, cremation urn or cremated remains during said disinterment or removal.
- J) The cemetery will endeavor to facilitate indigent burials. Selections of indigent grave spaces will be entirely at the discretion of the Sexton. Indigent fees for a grave space and interment will be the amount paid by the Department of Social Services for Marquette County or the State of Michigan, whichever agency is involved in the burial arrangements by the funeral director.
- K) The City of Marquette and its agents and employees shall not be held responsible or liable for errors in interment location arising from instructions by the lot owner(s). Orders from funeral directors shall be construed as orders from lot owners.
- L) Cemetery staff will remove funeral floral displays as soon as they become unsightly, and the cemetery assumes no responsibility for their return.
- M) These rules and regulations are not intended to violate any burial customs of any religion, and where any contradictions exist, exceptions to these rules and regulations may be permitted by the Sexton.

COLUMBARIUMS

- A) All interments and disinterments shall be performed by cemetery personnel.
- B) Cremains in a niche must be placed in an urn.

- C) The Sexton shall be responsible for design, ordering and placement of all nameplates and government issued plaques on niches. No other attachment or marker shall be attached to a niche.
- D) No flowers, planting baskets, wooden structures, hanging baskets, shepherd crooks or “tchotchkes” are permitted on or around the columbarium. Fresh floral displays may be placed adjacent to the columbarium at the time of interment and will be removed by cemetery staff as soon as they become unsightly.
- E) Small personal items may be placed in a niche as part of an inurnment so long as space allows.

LOT PURCHASES, PERPETUAL CARE, ASSIGNMENTS OR TRANSFERS

- A) All grave spaces/niches shall be sold subject to the rules and regulations in force or that may be adopted and to such changes of the rules as deemed necessary by the City Commission.
- B) A grave space/niche shall be defined as a parcel of land or columbarium recess for the permanent disposition of the remains of a deceased human being. Every person who purchases burial rights in a grave space/niche shall also be required to simultaneously purchase perpetual care. Upon payment in full at the rates specified in the current fiscal year fee schedule, certificates will be issued to the owner indicating the purchase of both burial rights and perpetual care for the space/niche in question.
- C) No grave space/niche may be purchased on installment. All spaces shall be paid for by check or in cash at the time of purchase.
- D) Perpetual care shall be defined as the making of cemetery capital improvements and all general cemetery maintenance, including but not limited to:
 - a. Lawn mowing and raking at reasonable intervals
 - b. Fall and spring leaf and fallen branch collections
 - c. Pruning and removal of trees and shrubs
 - d. Maintenance of cemetery infrastructure such as:
 - i. Roadways
 - ii. Fences
 - iii. Drainage structures, pipes and ponds
 - iv. Irrigation pipes, risers and sprinklers
- E) Perpetual care shall in no case be construed as meaning:
 - a. The maintenance, repair or replacement of any monument or marker, except for the straightening and resetting of monuments deemed hazardous due to foundation failure
 - b. The planting of flowers or any other individual grave space adornment

- c. The reconstruction of any marble, granite, bronze or concrete work on any family lot or mausoleum, caused by:
 - i. The elements
 - ii. Vandalism
 - iii. Unavoidable accidents

- F) Interment of the remains of any person other than the grave space/niche owner or any member of the immediate family will be permitted only after written consent by the owner or authorized agent assigning such rights has been filed with the Sexton.

- G) An owner may transfer an unused grave space/niche back to the City of Marquette and be reimbursed only for the original amount paid for burial rights and perpetual care concerning same. Upon such a transfer:
 - a. Changes will be recorded on the books and maintenance program of the cemetery
 - b. Said grave space/niche shall become the sole property of the City of Marquette and be subject to resale at the rate specified in the current fiscal year fee schedule

- H) Once cremains are interred in a columbarium niche, the niche may not be exchanged, assigned or transferred.

- I) Cemetery burial spaces are exempt from tax and cannot be seized on execution. No mortgage or other encumbrance can be given on any burial space.

- J) A cemetery grave space/niche owner who desires special attention for his lot, such as flower planting or monument cleaning, must make arrangements for such care with a person not connected with the City of Marquette.

- K) It shall be the duty of the grave space/niche owner to notify the cemetery of any change in post office address. Notice sent to a grave space/niche owner at the last address on file in the cemetery records shall be considered sufficient and proper legal notification.

VETERANS

- A) Certain sections of the cemetery have been set aside to honor veterans who have honorably served in the armed forces of the United States. Permission for burial in the veteran's section may be obtained in the office of the Sexton. No spousal burial will be permitted in the veteran's section unless the spouse is also a veteran.

- B) All honorably discharged veterans interred in the cemetery are noted in the cemetery's "Alphabetical/Chronological Log", along with their wartime service, if known.

- C) Government issued veteran's flush markers and columbarium plaques are placed by cemetery personnel at no charge.

- D) The City of Marquette shall supply one (1) bronze universal veteran flag holder at no charge and place it grave-side when the veteran's flush marker is set. Should a second flag holder be required, the requester shall be charged at the rate specified in the current fiscal year fee schedule.
- E) Volunteers place one (1), City-supplied, 12" x 18" American flag at each veteran grave site prior to Memorial Day. Said flags remain in place until Flag Day when they are collected, repaired, and reused annually.