

RULES & REGULATIONS
FOR OPERATION AND USE OF HILLSIDE CEMETERY

1.01 Purpose

Hillside Cemetery shall be managed, regulated and controlled and provisions made for its general care and maintenance.

1.02 Definitions

- .01 Board shall mean the Board of Cemetery Trustees of the City of St. Clair.
- .02 The City Council shall mean the City Council of the City of St. Clair.
- .03 Burial space shall mean a lot or portion of a lot in any cemetery designated and maintained for the interment of a human body and for no other purpose.
- .04 Cemetery shall mean Hillside Cemetery, as heretofore established and any other public cemetery owned, managed or controlled by the City.
- .05 Cemetery Superintendent shall mean the person designated by the City Superintendent to be responsible for the operation and maintenance of the cemetery.
- .06 Chapel shall mean the building or structure located in a cemetery designated for worship and prayer.
- .07 Clerk shall mean the City Clerk for the City of St. Clair.
- .08 Deed shall mean the Hillside Cemetery Lease and Perpetual Care Certificate, shall give the holder thereof a permanent lease to the lot or lots as stated, but the absolute title to the property remains at all times with the City of St. Clair.
- .09 Lot shall mean a cemetery lot in the Hillside Cemetery to be used solely for burial purposes.
- .10 Monuments, Headstones, and Markers: A “monument” shall mean an above- ground structure of stone or aggregate, commonly used in conjunction with headstones, to mark graves. A “headstone” is designated to be a stone or aggregate marker, whether installed upright and/or above ground, or at grade, located at the head of a grave. A “double marker” is hereby designated to be a headstone which marks more than one grave.
- .11 Owner shall mean any person owning or possessing the privilege, license or right of interment in any burial space.
- .12 Person shall mean any person, corporation or other legal entity.
- .13 City shall mean the City of St. Clair.

1.03 Management

- .01 Ownership and Title in Fee. The ownership and title in fee of the Hillside Cemetery is vested in the City of St. Clair.
- .02 Enabling Authority. The Cemetery shall be governed by the City Council who may adopt ordinances, resolutions, rules and regulations for the operation and maintenance of the cemetery.

1.04 Lots

- .01 Right to Purchase. Any person may purchase a lot for himself or for relatives except that no lots shall be sold, or shall any person purchase a lot, for speculative purposes. Funeral Directors will not be allowed to buy graves for resale or to accept graves in payment for services.
- .02 Purchase Price
 - a. Establishment. The price for lots shall be established and may be changed from time to time by resolution of the City Council.
 - b. Availability. The price for which lots may be purchased shall be available in the Office of the City Clerk.
- .03 Compensation for Care. In addition to the purchase price, no lot shall be sold without the payment of an Endowment to a Perpetual Care Fund for the care of such lot. This charge for perpetual care shall be set by Resolution of the City Council.
- .04 Lease & Perpetual Care Certificates
 - a. Issuance by Clerk. Upon receipt of the above referred to purchase price in full by the City Clerk, the Clerk shall issue a Cemetery Lot Lease and Perpetual Care Certificate on behalf of the City to the purchaser, signed by the Mayor and the Clerk and sealed with the Seal of the City. The Certificate shall convey the purchaser the right of interment only as provided in Section 22-4 of the Code of Ordinances.
 - b. Numbering and Form. Such Lease shall be numbered in the order of issue and shall be in a form approved by resolution of the City Superintendent.
 - c. Registration by Clerk. The City Clerk shall register said Deed in the City records at the time of its issuance.
- .05 Transfers
 - a. Notice to City. No person shall sell, assign or otherwise transfer any interest in any lot, or part thereof, without notifying the City Clerk in writing.
 - b. Instrument of Transfer. The instrument manifesting such transfer shall be in writing and contain the following:

- (1) The post office address of the assignor or vendor;
 - (2) The date thereof;
 - (3) Endorsed upon the original Deed itself (or a duplicate) or attached thereto;
- c. Purchase by City. Any person desiring to dispose of an interest in any lot may sell the same to the City by presentment of the deed to the Clerk, and shall be entitled to a refund of monies previously paid for the purchase.

1.05 Funerals, Interments, and Exhumations

- .01 Controlled by DPW Supervisor, All funerals, interments and exhumations shall be under the direction and control of the DPW Supervisor.
- .02 Burials
- a. Arrangements. Arrangements for burials, including written instruction as to the lot to be used and the particular space in the lot where interment is desired, shall be made with the City no less than one full working day prior to the date of said burial.
 - b. Funeral and Interments, Conditions to be Fulfilled. No interment shall take place without a burial permit, or until the person managing arrangements for the interment has complied with all laws, ordinances and rules and regulations relative to burials. Funeral directors making arrangement for burials shall be responsible for all interment charges if not paid by the owner or his agent.
 - c. Types of Interment Service.
 - (1) Graveside Service. The standard graveside interment service may include the use of a tent and graveside trim. These items may be obtained from the vault company, if desired.
 - (2) Chapel Service. The standard interment service may include the use of the Chapel. Arrangements must be made twenty-four (24) hours prior to burial.
 - d. Graves. All graves shall be arranged so as to present an orderly appearance, and no grave shall be dug within six (6") inches of the boundary line of any lot.
 - e. Prohibitions.
 - (1) Unpaid Charges. No burial shall be permitted on a lot against which there are charges due and unpaid..
 - (2) Interment. Interment in a wooden, rough box is hereby prohibited. In all interments, the casket shall be enclosed in a permanent outside container. Concrete boxes or concrete vaults are considered permanent outside containers.

- (3) General Interment Restrictions. Only one interment in any one grave shall be permitted except that cremated remains may be buried above another grave, or a total of four cremations can be buried in any one grave.
- .03 Exhumations. Disinterments, removal or reopening of graves shall be governed by the same procedures and charges as that of interments.
- .04 Fees. The Board of Cemetery Trustees shall determine by resolution the fees for burials, interments, exhumations and other incidental charges including additional costs for weekend and holidays.

1.06 Monuments, Markers and Foundations

- .01 Supervised by DPW Supervisor. The installation, care and removal of all monuments, headstones, markers and foundations shall be subject to the general supervision of the DPW Supervisor.
- .02 Foundations
 - a. Approved by DPW Supervisor. No foundation or replacement of a foundation will be allowed without the written consent of the DPW Supervisor.
 - b. Specifications. Foundation will extend three (3") inches on each side of a monument or marker and shall be three (3') feet in depth.
 - c. Orders for the placement and construction of monument and marker foundations may be filed with the City Clerk. Foundations shall be constructed only on or about May 1 and October 1 of each year. Orders for foundations must be placed and payment must be made in full prior to construction.
- .03 Above-Ground Monuments and Markers
 - a. For One Grave. Above-ground monuments, headstones, and markers which mark one (1) grave only shall be sixteen (16") inches to thirty-four (34") inches long, eight (8") inches to fourteen (14") inches wide and twelve (12") inches to twenty-four (24") inches high.
 - b. For Two Graves. Double markers which mark two (2) graves only shall be thirty-six (36") inches to sixty (60") inches long, ten (10") inches to sixteen (16") inches wide and twelve (12") inches to thirty-eight (38") inches high.
 - c. For Three or More Graves. Double markers which mark three (3) graves or more shall be sixty (60") inches to seventy-eight (78") inches long, twelve (12") inches to sixteen (16") inches wide and twelve (12") inches to forty (40") inches high.
 - d. For Infant Graves. Any monument, headstone or marker which makes the grave of an infant shall be sixteen (16") inches long and eight (8") inches wide flush.
 - e. Family Monuments. Where permitted, family monuments shall be placed in the center of a lot except where alignment with existing nearby family monuments justifies another location. Approval of the location in any case must be obtained

from the DPW Supervisor before a family monument is set. Not more than one family monument shall be erected on any lot and no family monument shall be erected on less than a six grave lot.

- f. Exclusions. Those requirements set forth above shall not and do not apply to any monument, headstone or marker issued by the government of the United States or the State of Michigan, nor do they apply to monuments, headstones or markers to be installed on gravesites adjacent to and on the same lot as gravesites upon which monument, headstones or markers which do not conform with this rule have been installed prior to the 29th day of September 1984.

.04 Bench Memorials

- a. Bench memorials may be placed only with prior approval of the Cemetery Board and Department of Public Works Supervisor.
- b. All bench memorials must be of approved material, either black granite or concrete, 25” single or 40” double in length, 14” to 16” in width, and 16”to 19” in height. They shall conform to standards established in design, workmanship, finish and size.
- c. Pictures may not be affixed to any memorial bench; artificial coloring of any kind is not permitted. No additional mementos, i.e. vases, statues, flowers, wreaths, balloons or other ornamental objects shall be permitted on or around the bench.
- d. All benches will be purchased by the Cemetery Board and the family will reimburse the City for the actual cost.
- e. The actual placement is under the direction of cemetery personnel and there is no guarantee that the bench will be allowed until the lot is examined and space availability is determined. Only one bench per lot is allowed.
- f. All bench memorials shall be erected on a concrete foundation approved by the Cemetery Board. Foundations will be placed in May and October by cemetery personnel. Effective June 1, 2009, the actual cost of the material and labor associated with the foundation pouring is to be paid by the family.
- g. The City is not responsible for vandalism to the bench. The cost of repair or replacement of any bench is the responsibility of the family.
- h. Any memorial bench placement that is not in harmony with the development of the cemetery as a whole or that interferes with or intensifies maintenance problems may be removed at the Cemetery Board’s or City’s discretion.

.05 Memorial Trees (approved 4/20/10)

- a. Memorial trees may be placed only with prior approval of the Cemetery Board and Department of Public Works Supervisor.
- b. All memorial trees must be of approved type and size, non fruit-bearing, minimum 1½” in diameter (measured 6” from the ground), not less than 8’ high after planting from ground to tip, and must be consistent with tree survey and assessment prepared

by certified arborist. They shall conform to the standards outlined in Chapter 66, Article II, Trees Shrubs and Plants, Division 2. ON PUBLIC GROUNDS of the St Clair City Code of Ordinances.

- c. Pictures may not be affixed to any memorial tree. No additional mementos, i.e. vases, statues, flowers, wreaths, balloons or other ornamental objects shall be permitted on or around the tree.
 - d. All trees will be purchased by the Department of Public Works Supervisor and the family will reimburse the City for the actual cost of the purchase as well as the labor associated with the tree planting.
 - e. The actual tree placement is under the direction of cemetery personnel and there is no guarantee that the tree will be allowed until the lot is examined and space availability is determined. Only one tree memorial per lot is permitted.
 - f. All tree memorials shall be planted and maintained in accordance with established arboricultural guidelines. Trees will be placed in May and October by cemetery personnel. All trees shall have a one year replacement guarantee.
 - g. The City is not responsible for vandalism to the tree, disease, or damage due to weather or other conditions beyond its control and the purchaser or his/her family agree to hold the City harmless from liability for any such event.
 - h. Any memorial tree placement that is not in harmony with the development of the cemetery as a whole or that interferes with or intensifies maintenance problems may be removed at the Cemetery Board's or City's discretion.
- .06 Lot Boundaries. The boundary of lots, if marked on the ground, shall be distinctly defined by posts of granite, marble, concrete or white metal stake, the tops of which shall be level with the ground.
- .07 Fees. The Board of Cemetery Trustees shall by resolution determine the fees for any City cost of monument, markers and foundations.

1.07 Care and Maintenance of Lots

- .01 Under Supervision of DPW Supervisor. The care and maintenance of all lots shall be under the direction and general supervision of the DPW Supervisor.
- .02 General Maintenance. General maintenance of the cemetery which is designed to improve their overall appearance and condition shall be the responsibility of the City. It shall include (but is not limited to) such items as the upkeep of roadways, buildings, sewer lines, water lines, drain lines, basic lot care, annual spring and fall cleanup, periodic cutting of grass and raking of leaves. The general maintenance shall apply to all lots and graves.
- .03 Following Burials. One week after burial or at the discretion of the DPW Supervisor, all flowers will be removed from the grave and as soon as possible thereafter the earth will be leveled to existing grade. No elevated mounds shall be built over graves and no lot shall be filled above the grave established by the City.

- .04 **Boundary Objects.** No lot or grave shall be defined by any fence, railing, coping, trees, shrubs, embankments, depressions or other marks to define its boundaries.
- a. **Fencing, Railing or Obstructions.** The DPW Supervisor shall remove any fence, railing, or other obstruction if the same shall be deemed to be unsightly or interfering with the beauty of the surrounding lots.
 - b. **Trees Shrubs, and Plants.** The DPW Supervisor shall have the right to remove trees, shrubs and plants which have grown out of proportion and become unsightly or objectionable or when the shade from such trees, shrubs and plants shall retard the growth of grass.
- .05 **Implements and Surplus Materials.** All implements and materials used in the performance of any work shall be placed where the DPW Supervisor shall direct, and all rubbish and surplus earth shall be removed in such a manner and at such time and to such place as the DPW Supervisor may order; otherwise the same shall be removed and the expense charged to the owner of the lot.
- .06 **Utensils and Tools.** Watering cans and all such utensils or tools must not be left on the lots but must be taken from the cemetery.
- .07 **Neglected Appearance.** Wherever any lot has a neglected appearance caused by the sinking of the ground or monuments, or headstones leaning, or from any other cause or neglect, the DPW Supervisor may perform the work necessary to put the lot in proper condition.
- .08 **Cover.** No lot or grave shall be covered in whole or in part by sand, gravel, broken stone, cinders or other substance which may prevent the free growth of grass.
- .09 **Excavations.** All earth excavated and all stone, cement or other material required for any work shall be placed as the DPW Supervisor shall direct. When work is completed, all surplus earth, refuse, tools or material of any kind shall be removed within twenty-four (24) hours to such place within the cemetery as the DPW Supervisor shall direct, or removed from the cemetery if he so directs.
- .10 **Sod Removal.** No person shall be allowed to remove the sod from the graves or from any portion of lots without the written permission of the DPW Supervisor and persons who, without such permission, make changes upon their lots after having been graded, thereby disarranging the previous improvements, shall be charged the cost of putting the lots in the same order as before.
- .11 **Trees and Shrubs.**
- a. **Planting.** Planting of trees, shrubs or hedges in any part of Hillside Cemetery is prohibited.
 - b. **Cutting Down or Trimming.** No tree or shrub on any lot or grave shall be cut down or trimmed except as directed by the DPW Supervisor.
 - c. **Maximum Height.** No tree or shrub will be allowed to grow taller than twelve (12") inches above the adjoining monument or headstone and the DPW Supervisor shall direct the trimming or removal of any tree or shrub that has exceeded this growth.

- .12 Plants or Flowers
- a. Planting. Planting of flowers in any part of Hillside Cemetery except in approved containers is prohibited.
 - b. Summer Decorations. Between April 1st and November 1st of each year fresh flowers only in hanging baskets, flower stands or one pot (no larger than 14" round) per grave will be permitted. Artificial, silk or plastic flowers are not allowed during this period. (Amended 6-21-05)
 - c. Empty Receptacles and Dead Plants. Any receptacles that are not filled with fresh flowers or plants by the first of July in any year or any receptacle in which plants have died from neglect or natural causes will be removed from the lot.
 - d. Winter Decorations. Between November 1st and April 1st of each year, winter decorations are limited to only one winter wreath or grave blanket, or artificial or silk decoration per grave. (Amended 6-21-05)
 - e. Cut Flowers. Cut flowers may be placed on lots or graves at any time and the DPW Supervisor will remove same when becoming unsightly. Glass containers are prohibited.
 - f. Decorations not permitted during a specific decoration period will be removed from the grave site and disposed of. (Amended 6-21-05)
- .13 Other Decorations. Toys, stuffed animals, solar decorative lights or other objects are not permitted as grave decorations and when used may be removed without notice. (Amended 9-16-08)
- .14 American Flags. Between April 1st and November 15th of each year one (1) American flag and/or one (1) State of Michigan flag, no larger than 8.5 x 11" per grave will be permitted. Flags not removed by November 15th will be removed and properly disposed of. No other type of flag is permitted. (Amended 5-23-06).
- .15 Care by Lot Owners. Nothing in these rules shall be construed as preventing lot owners from cleaning or caring for their own lots provided they comply with the rules in doing so.
- .16 Responsibility for Damage or Injury. Any person doing work within the cemetery who shall do any damage to any lot, tombstone, monument or any other structure, or shall otherwise do any injury in the cemetery, shall be personally responsible for such damage or injury irrespective of any liability therefor on the part of his employer or the owner of the lot.
- .17 Extra Care
- a. Requests in Writing. Requests for extra work to be performed by the DPW Supervisor must be in writing to the Cemetery Board, giving locations and specifying the work to be done. The costs shall be agreed to in advance and paid by the owner.

1.08 Restrictions

- .01 **Intrusion After Hours.** No person shall enter the grounds of Hillside Cemetery before sunrise or after sunset except such person accompanied by the DPW Supervisor or designated city officials or employees.
- .02 **Unaccompanied Children.** Persons under the age of twelve (12) years will not be permitted within the cemetery unless accompanied by parents, guardians or adult friends.
- .03 **Disorderly Conduct.** No persons shall talk in a loud boisterous manner, or make any improper noise, or disturbance, or be drunk or intoxicated, or quarrel, or use any profane, vulgar or indecent language, or conduct themselves in an obscene or disorderly manner, or engage in any game, amusement or diversion within the cemetery.
- .04 **Possession of Liquor.** No person shall bring liquor or other refreshments upon the grounds.
- .05 **Firearms.** No person shall take any firearm into the cemetery, or discharge any firearm therein, except where such arms are carried and used by military organizations or societies in burial services.
- .06 **Destroying Plantings, Flowers or Fruit.** No person shall remove, cut or in any manner destroy any shrub, tree, plant or pick, crush, or in any way destroy or injure any flower, either wild or cultivated or the fruit or product of any such tree, shrub or plant within the cemetery.
- .07 **Damaging Objects.** No person shall cut, remove, injure, deface, write upon, or besmear in any way, any vault, monument, marker, headstone, tablet, step, seat, chair, hose, walk, building or structure within, or any gate or fence enclosing the cemetery.
- .08 **Disturbing Objects.** No person shall remove from one place to another any chair or seat, or any base or flowerpot, or other thing placed upon any grave for holding flowers, or remove the flowers therefrom, within said cemetery, unless authorized by the owner, Board of Cemetery Trustees or the DPW Supervisor.
- .09 **Excessive Speeding.** Automobiles shall not exceed ten (10) miles per hour in the cemetery and/or drivers of automobiles will be held responsible for any damage done by them or their drivers in violation of these rules. All traffic laws of the City of St. Clair that are applicable to operation of vehicles in the Cemetery shall be strictly observed.
- .10 **Illegal Operation and Parking.** No person shall drive upon any other land other than roads or areas provided for vehicular traffic, or attempt to pass another vehicle going in the same direction, or attempt to turn around on any of the roads, alleys, or avenues, or drive upon or cross any lot or ornamental ground, or through any alley within the cemetery, or permit such vehicle to stand upon any road or avenue so as to obstruct free passage therein.
- .11 **Objectionable Monuments or Inscriptions.** If any monument, effigy, or any inscription that may be placed upon any lot, shall in the judgment of the Board be offensive, improper or objectionable from any cause, they shall have the right to remove the same.

.12 Advertising. No form of advertising is permitted in any part of the Cemetery.

Revised: March 19, 2002
June 21, 2005
May 23, 2006
September 16, 2008
May 19, 2009
April 20, 2010