

ROSELAWN CEMETERY RULES
Perry, Michigan
(As amended February 6, 2019)

A. Introduction

Section 1. Roselawn Cemetery is owned and operated by the Perry Township Board. These rules have been enacted to protect and preserve the decorum and dignity of the cemetery. The Township Board reserves the right to change these rules without notice to lot owners, and to adopt new rules or to amend, alter and/or repeal any rule, regulation, section or paragraph in these Rules. Special cases may arise in which the literal enforcement of the rule may impose unnecessary hardship. The Township Board, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules when, in its judgment, the same appear advisable, and such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application of such.

Section 2. The Township maintains the cemetery grounds and buildings. 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 reseeded for the maintenance of the turf.

Section 3. The Township Board is responsible for enforcing the rules and laws governing the cemetery. Cemetery records are kept and maintained in paper form and database in the Township 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.

Section 4. The Township Board 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.

B. Definitions in General

Section 5. The following words, phrases or terms have the following meaning:

- a. **Township** means Perry Township and or Perry Township Board responsible for overall operation of the cemetery, and hiring and discharging of contractors/employees.
- b. **Burial** means the permanent disposition of the remains or cremated remains of a deceased person by burial in the ground.
- c. **Burial right** means the right of a title holder to use a plot for burials only.
- d. **Burial right title certificate** or certificate refers to the document given by the Township to a title holder giving the right of burial only in a cemetery plot.
- e. **Burial right title holder** refers to the person possessing the right to use a cemetery plot for burial of a human body.
- f. **Section** (Old, Cooper, New), Lot (an area containing 6 plots) and grave/plot means the location of the purchased cemetery plot.

- g. **Resident** means an individual that pays taxes on property within Perry Township or lives within the township. Proof of residency is required. Non-Resident are all others.
- h. **Purchaser and their heirs** means spouse, parent, sibling, child, grandparent, grandchild, great-grandparent or great-grandchild of the owner or owner's spouse.
- i. **Markers/Monuments** refer to the memorial markers (headstones and monuments) and plaques used to indicate the name of persons buried in a plot.
- j. **Sexton** is the person(s) designated by the Township that is responsible for the day-to-day operations of the cemetery, including but not limited to, lot sales, grave openings and closings, foundation placement, enforcement of rules and regulations, contact with funeral directors, cemetery maintenance and public relations.

C. Conduct in Cemetery

Section 6. To maintain order and keep the cemetery as a dignified resting place for everyone's loved ones, certain conduct is prohibited. The following are some general rules of conduct in the cemetery.

- a. **Alcohol:** Alcoholic beverages are prohibited by use of consumption or carried upon the premises.
- b. **Animals:** Animals are prohibited, except working leader dogs and their feces must be immediately removed from the ground.
- c. **Closing Hours:** No person shall be in the cemetery after dusk or before dawn and shall enter/exit by way of the designated gates and roads, except authorized personnel. Any person found on the Cemetery grounds after closing will be considered a trespasser.
- d. **Destruction/removal of objects:** Items in the cemetery cannot be moved, removed, defaced, or destroyed. Cemetery personnel may remove unsightly items from grave sites at their discretion.
- e. **Firearms:** Discharging a firearm is prohibited, unless authorized, such as burial service volleys.
- f. **Garbage/Trash:** Individuals are responsible for properly disposing of trash, spent flowers, containers or other debris in containers provided for that purpose.
- g. **Water spigots** are for watering plants only. **DO NOT DRINK THE WATER.** Individuals are responsible for turning the water spigot off after use.
- h. **Leisure activity:** sitting, walking upon or otherwise occupying any area not their own other than aisles and roads, loitering, camping, picnicking, playing ball, rollerblading, skateboarding, use of snowmobiles, etc. is strictly prohibited.
- i. **Noise:** Use of profane, loud or boisterous language or music that disturbs the quiet and good order within the cemetery is prohibited.
- j. **Traffic & Vehicles:** The speed limit is 5 miles per hour or less and all other laws governing vehicular traffic are applicable. Driving off established roadways is prohibited. Parking of motor vehicles in the cemetery is limited to persons engaged in cemetery-related business. All others will be considered trespassers.

D. Cemetery Plot Purchases

Section 7. Plot types/uses: Plots are available for purchase at the Township Hall or with the Sexton and are subject to the Roselawn Cemetery Rules and any subsequent changes that may be made hereafter. The names of the person(s) designated for each plot shall be given at the time of purchase.

a. **Grave Occupancy:** One grave can have one adult; or one adult full burial first plus up to 3 cremated remains; or up to 3 cremated remains; or up to two infant/child burials.

b. **Veterans:** The veterans grave and perpetual care is free for township residents. Proof of residency is required at the time of request for the plot. The veteran's family must pay for the opening and closing of the grave and any other expenses associated with the death of the loved one.

Section 8. Certificate: A Burial Rights Title Certificate shall list a person's name as titleholder of a plot(s). The Burial Rights Title Certificate consists of the sale price of the burial plot(s) and perpetual care of each plot. The certificate shall **not** be issued in the name of more than one person.

a. **Sale of Unused Grave:** The transfer/sale of the Burial Rights Title to another is prohibited and shall not be recognized by the Township as ownership. If the titleholder or their heirs, in the case of a deceased titleholder, desires to sell any unused burial plot(s), they must sell them back to the Township at the original price paid for the plot less the perpetual care. Proof of Burial Rights Title Certificate is required.

b. **Sale of Used Grave:** If the titleholder or their heirs, in the case of a deceased titleholder, desires to sell an occupied burial plot(s), they must disinter any remains therein by way of the Township sexton at opening/closing rates, in accordance with State of Michigan law and regulations and remove all foundations and headstones at the owners expense. The Township Board must approve the sale and will return two-thirds of the original price paid for such plot less perpetual care.

c. **If a grave is requested for donation** because of indigence, it shall be reviewed by the Township Board on a case by case basis. If approved by the Board, the grave shall be granted only to a current township resident. Heirs of a township resident not living in the township do not qualify.

Section 9. Rates: The rates and/or fees are set by the Township Board and revised from time to time. All plots must be paid in full at the time of purchase. Plots are sold by residency.

a. **Resident:** Persons purchasing a plot at the resident rate must provide proof of their residency. Resident means an individual that pays taxes on property within Perry Township or lives within the township.

b. **Non-Resident:** Persons purchasing a plot at the non-resident rate. Non-Resident means individuals that do not pay taxes on property within Perry Township or live within the township.

E. Interments and Disinterments

Section 10 Interment: All interments shall be performed by authorized personnel who are approved by the Perry Township Board. All funeral processions while on the grounds will be subject to the direction and control of the Sexton.

- a. No burial shall take place until the purchase price, the grave opening/closing fee, and all other applicable fees and charges have been paid in full.
- b. A burial transit/death certificate is required for all burials, including cremains at the time of burial. Burial permits for cremains must include complete information, the same as required for regular burial permits.
- c. Burials of individuals other than the owner or immediate family are prohibited. Owners may not allow interments to be made in their lots for compensation.
- d. Burials other than human remains are prohibited.
- e. Scattering of cremains is prohibited.
- f. All burials shall be in metal or concrete vaults except for cremations and infant burials in a casket size of two feet six inches or less but is recommended. All vaults shall be installed only by authorized firms.
- g. The Township is not responsible for errors in location of burials arising from improper instructions from owners. Orders from funeral directors shall be construed as orders from owners.
- h. The Sexton will not be responsible for the preparation of a grave in time for funerals unless he/she has had 48 hours previous notice.
- i. Funerals arriving after 4:00 pm on weekdays, Saturday, Sunday and Holidays will be assessed an additional fee.
- j. No more than one full burial may be made per plot, except in the case of a mother and infant. Three cremations are allowed per plot. A full burial and up to three cremations per plot are allowed as long as the full burial is placed first.
- k. The Sexton shall have the right to enter upon or use any adjoining lot(s) to carry out their duties as to interments and foundation installation, etc., without prior notice to the lot owner.
- l. The Township reserves the right to place a full burial in our secured public vault as a temporary holding area during winter months, when poor weather conditions that make digging a permanent grave impossible.

Section 11 Disinterment: Requests for disinterment of a previous burial shall be conducted under the direction of the sexton and funeral home director and in accordance with state law and local health department regulations.

- a. Removal can be initiated by a court order or by a notarized affidavit from the immediate family after state and local permits have been approved.
- b. Disinterment of remains will be performed by the Township sexton at opening/closing rates.
- c. Arrangements will be made by the requesting party to remove burial marker(s) by a monument company and foundation(s) shall be removed at the time of disinterment at an additional cost to the requesting party based on size, depth and disposal by the sexton.
- d. Graves cannot be opened for inspection except by court order.

F. Foundations, Markers, and Monuments

Section 12 Foundations:

- a. All foundations will be purchased/ordered through the Township. Foundations are priced according to size and residency. Payment is due prior to the completion of the work. The Township Board reserved the right to update pricing as need.
- b. All foundations will be installed by the Sexton only.
- c. The maximum size of a foundation for one grave is 36".

Section 13 Markers and Monuments:

- a. The Township Board shall have the authority to reject any memorial that on account of its size, type, design, inscription, quality, color or method of construction and material is unsuitable. The Township Board reserves the right to prevent the placing or to remove any marker or other objects that do not comply with the standards of the Cemetery.
- b. All markers, monuments, chair/bench, and vases/urns shall be made of durable material such as granite, marble, bronze, or concrete. Wooden, iron and plastic markers and monuments, crosses, trellises, chair/bench and vases/urns are prohibited.
- c. All markers and monuments must be placed at the head of the grave and in symmetrical alignment with other surrounding markers and monuments.
- d. Inscriptions on markers and monuments shall not contain offensive or improper language, images, or markings as judged by the Township Board. Owners shall be responsible for all expenses for removal of markers deemed offensive or improper.
- e. All markers and monuments must have foundations and shall not be delivered until a foundation is installed and payment is made in full. Foundations will not be poured between October 1 and April 30.
- f. The Township is not liable for damage and/or breakage by others. The headstones are the property of the owner's of the grave. Any maintenance of the headstone is the responsibility of the owner and shall be kept in good repair by the owner for safety and aesthetic value.
- g. Temporary markers must be replaced within one year of date of death and will be removed by the Sexton at the expense of the owner.
- h. No monuments shall be removed from the cemetery without the consent of the Township Board and when erected must be free from lien.
- i. Individual mausoleums and crypts are prohibited.

G. Cemetery Plot Decorations

- a. No plants or flowers shall be set farther than 12" in front or back of markers.
- b. Planting of trees, shrubs, bushes and perennials that will grow to greater than 12" high and wide is prohibited.
- c. Items not allowed to be placed on a lot for safety purposes include the following: wire hooks, fences, wood chips and decorative rocks. These items will be removed without notice by the Sexton, tagged, dated and placed in the barn for a maximum of 6 months for owner pick up. After 6 months items removed will be disposed of. The Sexton or Township Clerk will assist the retrieval of the tributes when requested.
- d. Figurines and statues are discouraged because of weed whipping around marker. The mowing contractor is not responsible for anything damaged during weed whipping.
- e. Floral displays after a service may be placed on the grave, but will be removed and disposed of without notice after 7 days after a burial or otherwise unsightly before the allotted time.

- f. Artificial flowers are allowed during the summer months (April 1-Oct. 31) and must be anchored so not to blow away. Wreaths and grave blankets are allowed only from Dec. 1st through March 31st and then must be removed including all metal stakes. The Sexton reserves the right to dispose of any unsightly artificial flowers and those that have blown off the grave site.
- g. All persons are strictly prohibited from picking and plants/flowers whether cultivated or wild; breaking or injuring trees/shrubs; marring any monument/erections; or in any way defacing property located in the Cemetery. Violators will be prosecuted.
- h. Urns must be made of concrete and may not be placed in front of or behind a marker but may be placed to the side of a marker as long as it does not encroach of someone else's grave site.
- i. Benches are allowed at the head of the grave in place of a marker and must be installed on a foundation. The maximum size of a bench is 36" for a single grave.
- j. Patriotic flags are allowed in honor of our veterans but must be placed at the head of the grave. The Township will provide an American flag for each veteran that will be placed prior to Memorial Day and then removed after the Fourth of July by us.
- k. The Cemetery reserves the right to remove all trees, shrubs, flowers, wreaths or other decorations from lots if they become unsightly.
- l. The Cemetery shall have the authority to reject any memorial that, on account of its size, type, design, inscription, quality, color or method of construction is unsuitable for the particular lot or grave on which it will be placed.
- m. Shepherd's hooks are allowed ONLY if they are secured to the head stone so they don't fall over into the grass. If a shepherd's hook is placed on the lot and not secured to the head stone, it will be removed and placed in the barn for a maximum of 6 months for owner pick up.

H. Veteran's Circle

- a. The Veteran and immediate spouse only, are to be buried in the Circle and other designated Veteran's burial area.
- b. All Veteran's grave and perpetual care is free, but they must pay for the opening and closing of the grave. The spouse must pay for her/his grave, perpetual care, and opening and closing of the grave.
- c. To preserve the dignity of the Veteran's Memorial Circle, items placed on graves must be floral in nature (real or artificial) not to extend more than 12" from the front of the burial marker. Artificial flowers must be removed as soon as they become faded and unsightly.
- d. No permanent plants/shrubs/trees are permitted.
- e. Christmas wreaths or grave blankets are permitted on graves during the Christmas season from Dec. 1 to March 31.
- f. A maximum of one concrete urn not to exceed 16" tall for each occupant is allowed and must be placed at the side of the marker.
- g. A Veteran's flag holder and U.S. flag will be provided by the township for Memorial Day and will remain until after the Fourth of July holiday.
- h. Commemorative items, balloons, pinwheels, glass items, votive or vigil lights, statues, shepherd's hook, benches, stuffed animals, borders/fences, and decorative stones around the marker, etc. are not permitted. Items not permitted on gravesite will be removed without notice by the Sexton, tagged, dated and placed in the barn for a maximum of 6 months for owner pick up. After 6 months items removed will be disposed of. The Sexton or Township Clerk will assist the retrieval of the tributes when requested.

- i. The Sexton reserves the right to remove and destroy with out notice, anything left on graves that violates the intent of these regulations, offends the sensibilities of the public, or the dignity of this Veteran's Memorial Circle, is an eyesore, or threat to the safety of the public or cemetery personnel.
- j. The Township Board/Rose Lawn Cemetery assumes no responsibility for items left on gravesites. Due to the open nature of the grounds, we cannot guarantee against theft, vandalism or the effects of nature. Anyone caught removing items from gravesites not their own will be prosecuted to the fullest extent of the law.

*"In that village under the hill,
When the nights are starry and still,
Many a weary soul in prayer
Looks to the other village there;
And weeping and sighing, longs to go
Up to that home from this below;
Longs to sleep in the forest wild,
Wither have vanished wife and child;
And hearth, praying, this answer fall
Patience that village shall hold you all."*