

Rules and Regulations

City of Michigan City

PO Box 226

Michigan, ND 58259

Anyone wishing to purchase cemetery plots in the Michigan City Cemetery should contact the City Auditor

Cost of a cemetery plot is determined by Michigan City Council

The following Ordinance of Rules and Regulations have been adapted to create a sense of continuity, assure fair and equal treatment for all and to help ease the maintenance of our cemetery.

Your cooperation will be greatly appreciated and expected

Michigan City Cemetery Ordinance Number 124-revised

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1. RULES AND REGULATIONS

1.1. For the mutual protection and benefit of Cemetery lot owners and the Cemetery, the following Rules and Regulations have been adopted by the Michigan City Council. Michigan City Cemetery is the property of the City of Michigan in Michigan, North Dakota. All Cemetery lot owners and visitors within the Cemetery and all Cemetery lots sold shall be subject rules and regulations, amendments, or alterations that may be adopted by the Michigan City Council.

2. DEFINITIONS

2.1. The term **Sexton** shall mean the person or persons duly appointed by the City of Michigan for the purpose of conducting and administering Michigan City Cemetery. The Sexton for the Michigan City Cemetery is the Michigan City Superintendent or Auditor.

2.2. The term **Cemetery Board** shall mean the committee empowered by the City of Michigan to set forth these Rules and Regulations. Michigan City Council may also serve as Cemetery Board.

2.3. The terms **Lot, Plot, or Burial Space** shall be used interchangeably and shall apply with like effect to one or more adjoining graves.

2.4. The term **Interment** shall mean the permanent disposition of the remains of a deceased person by entombment or burial.

2.5. The term **Memorial** shall include monument, tombstone, marker, foot stone, tablet, headstone, cover, or corner post for individual family use.

2.6. The term **Lot Owner** shall mean the person who has purchased or inherited a Cemetery lot in the Michigan City Cemetery.

3. GENERAL RULES

3.1. The Cemetery reserves the right to refuse admission to the Cemetery and the use of any Cemetery facilities, at any time, to any person or persons whom the committee may deem not in keeping with the best interests of the Cemetery.

3.2. No One is allowed to do any work within the Cemetery for lot owners without the approval of the Cemetery Board.

3.3. All fees or charges for payment of Cemetery lots are payable to the City of Michigan.

3.4. All persons visiting the Cemetery are prohibited from picking flowers, breaking or injuring any tree or plant, or from writing upon, defacing, or injuring any memorial, fence or other structure within the Cemetery grounds.

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3.5. All work must cease when an interment is to take place. Funeral processions have right of way on all roads in the Cemetery. Motor vehicles must not block any roadway and must not park or drive on any grassed area or Burial areas.

3.6. Automobiles shall proceed at a slow pace not to exceed five miles per hour.

3.7. Cumbersome trucks and vehicles shall not be allowed to enter the grounds without special permission of the Cemetery Sexton.

3.8. No Peddling, soliciting or the placing of any advertisements within the Cemetery.

3.9. Dogs shall not be permitted. (Exception- Dogs used for persons with Disabilities.)

3.10. The discharging of firearms is prohibited in and around the cemetery grounds, except by a military escort accompanying a veteran's funeral or attending Memorial Service. No live ammunition shall be allowed.

3.11. No improper use of the national flag nor the display of any worn out or tattered flag be allowed.

3.12. Neither refreshments nor alcoholic beverages shall be allowed within the cemetery grounds.

3.13. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Michigan City Cemetery Board, therefore reserves the right to make exceptions, suspensions or modifications of any of these Rules and Regulations, without notice. When in the judgment of the Board such action appears necessary and such temporary exception suspension or modification shall in no way be construed as affecting the general application of the Rules and Regulations.

3.14. The City of Michigan hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulation, at any time, and without notice.

4. LOTS AND LOT OWNERS

4.1. Persons desiring to purchase cemetery lots must make arrangements with the Sexton.

4.2. When a buyer desires to purchase two (2) or more lots, the Sexton reserves the right to require that the selection of lots be made in such a location and manner so as not to leave any isolated single grave lots alongside those purchased.

4.3. Sold lots may be transferred to another person without being returned to the City of Michigan. Such sale or transfer must be recorded with the city Auditor within 30 days of such transaction. If requested by the owner, the City of Michigan will refund the amount paid and may, at their discretion, sell the lot to another person.

4.4. Contact the cemetery sexton for current lot prices.

4.5. No lot shall be used for any other purpose than for burial of human dead.

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4.6. The City of Michigan shall have the right to enlarge, reduce, replot, or change the boundaries of the Cemetery or a section or sections of the Cemetery, to change locations of roads, ditches, waterways, etc., without notice to holders of Cemetery lots.

4.7. Description of lots will be in accordance with Cemetery plat on file with the Sexton.

4.8. The City of Michigan will take all reasonable precautions to protect holders of Cemetery lots and their rights, within the Cemetery from loss or damage. The City of Michigan distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, thieves, vandals, riots, malicious mischief makers, unavoidable accidents or order of any military or civil authority.

5. CARE OF LOTS

5.1. All lots purchased in the Cemetery shall have the following maintenance assumed by the City of Michigan.

5.1.1. Cutting of grass at reasonable intervals.

5.1.2. Trimming of trees.

5.1.3. General care of the grounds and roads.

5.2. Maintenance assumed by the City of Michigan shall in no way mean maintenance, repair, or replacement of memorials erected on lots.

5.3. Planting of flowers, shrubs, trees, or other plants is prohibited. Cutting up of grounds for any purpose is forbidden. Wooden flower boxes, wooden grave borders or fences of any kind will not be allowed on or around the grave area. Further, no lot or grave shall be defined by any railing, coping, hedge, embankment, or cement curbs.

5.4. Flowers, natural and artificial, shall be allowed and encouraged on or around the grave for a period beginning one week before Memorial Day until one week after Memorial Day and three weeks after any burial. After the time allowed, relatives and family are encouraged to remove them. If not removed, the City of Michigan shall remove them, except for those flowers in vases or lights permanently attached to monuments. Special occasion flowers are allowed on that day only.

Special Occasions include:

5.4.1. Father's-Mother's Day

5.4.2. Fourth of July

5.4.3. Veterans Day

5.4.4. Labor Day

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5.5. Any special work desired on a lot must be approved by the Michigan City Cemetery Board prior to beginning work.

6. DESCENT OF TITLE AND TRANSFERS

6.1. The laws of the State of North Dakota and these rules and regulation govern the descent of lot ownership to Michigan City Cemetery lots.

6.2. Lot ownerships are not transferable or assignable, by act of law or otherwise, without the consent in writing of the City of Michigan.

7. INTERMENTS

7.1. The Cemetery will be open for interments every day.

7.2. All funerals upon entering the Cemetery shall be bound by these Rules and Regulations.

7.3. Once in the Cemetery a casket may not be opened by anyone except with the legal consent of the representative of the deceased or an order signed by a court of competent jurisdiction.

7.4. Only those persons or contractors having permission of the Michigan City Cemetery Board will be permitted to dig graves in the Cemetery.

7.5. Multiple burials in one grave or lot will not be allowed. Unless the second burial is of cremated remains.

7.6. NO INTERMENT WILL BE MADE UNLESS THE BODY IS CONTAINED IN A CASKET OR APPROVED CONTAINER AND A TOTALLY ENCLOSED OUTER BURIAL CONTAINER CONSISTING OF CONCRETE, STAINLESS STEEL, ETC.

7.7. The Cemetery Sexton reserves right to request notice of at least 36 hours prior to an interment and notice of at least one week prior to any disinterment or removal.

7.8. The City of Michigan will not be liable for any delay in the interment of a body where a protest to the interment has been made, or where the Rules and Regulations have not been complied with. The Cemetery Board shall be under no duty to recognize any protest of interment unless it is in writing and filled with the Sexton.

7.9. Cremated bodies shall be placed in an urn. There will be two (2) urns allowed per lot. Urns must be placed at the head and foot of the lot with the head being used first. The Sexton must be notified of the place of final burial of the cremated remains. Cremated remains may be buried above a buried casket, in one lot, but must follow placement as described above. Michigan City Cemetery does not require cremated remains to be placed in a cremation vault.

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7.10. One (1) casket is allowed per lot. No casket can be buried after cremated remains have been buried previously in the same lot.

8. DISINTERMENTS

8.1. A body may be moved from one grave to another, but it may not be removed from the Cemetery for burial elsewhere without a permit from the North Dakota State Department of Health.

8.2. Authority to make a removal must be signed by the holder of the Cemetery Deed of the lot from which the removal is to be made and by the next of kin of the decedent. When such authority is filed and the cost of removal is paid, permission will be issued.

8.3. Unless authority in writing is filed with the Cemetery Board as above provided no disinterment will be made or permitted under any circumstances except:

8.3.1. When the Cemetery Board is directed to make a disinterment by the order of a court of competent jurisdiction and a certified copy of such order has been filed with the City of Michigan.

8.3.2. When the coroner directs the disinterment, for the purpose of holding an inquest, and has filed with the Cemetery Board his signed authorization to release the body to himself and his lawful agents.

8.4. The utmost care will be exercised in making a removal, but no liability will be assumed for damage to any casket or burial vault while making a removal. When in the opinion of the Cemetery Board, a new vault is needed it must be provided for by the person arranging the removal.

8.5. Charges for any disinterment shall be determined by the Cemetery Board and must be paid in advance

9. VAULTS, COVERS, & MONUMENTS

9.1. Holders' of Cemetery Deeds are reminded that circumstances make monument work somewhat technical. Before placing an order, care should be used in selecting a reputable dealer who understands the rules applying to placing monuments; this will avoid difficulties which may arise in the event that memorial work ordered does not comply with Cemetery Rules and Regulations.

9.2. All monuments shall be set on or in a concrete base which is a minimum of 2 inch thickness and extends 4 inches beyond all edges of the monument. The temporary name plate will be removed when a permanent monument is placed. Grave monument and foot marker must be placed within the perimeter boundaries of the grave lot. Grave monuments are to be placed on the west end of the lot, with the inscription facing west or east.

9.3. Veteran and fraternity markers must be mounted on the base of the headstone.

9.4. All monument companies and their workers must notify the Sexton before any work shall be done by them in the Cemetery.

9.5. Monument companies and vendors shall be responsible for placement of markers in compliance with Michigan City Cemetery rules and regulations. Improperly placed items shall be removed at the expense of such companies or vendors.

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9.6. Location of monuments on lots shall be determined by the Sexton.

9.7. A permanent marker must be installed within 3 years of a burial. If not, after notifying the family, the cemetery director will make arrangements for placement with all costs billed to the family.

9.8. Damage done to lots, roads, trees, shrubs or other property by monument dealers or their workers will be repaired by the Cemetery Board, and the cost of such repair will be charged to the dealer.

9.9. While the Cemetery Board will exercise all possible care to protect monuments on any lot, it disclaims any responsibility for any damage or injury thereto.

9.10. It is strongly recommended that monument bases be purchased that contain vase inserts or vases attached to the monument. These vases do not interfere with grounds maintenance or burial activities, and can be filled with artificial flowers. Artificial flowers must be removed by October 1st. Theft or vandalism of artificial flowers is at the risk of the installing party. **Glass or tin can containers are not allowed and will be removed immediately, for safety reasons, by the Cemetery Board.**

9.11. Framed boxes or any kind of decorative rock placed on a grave site in lieu of a monument is not allowed and will be removed for safety reasons.

9.12. The placing of grave covers on any grave will not be allowed without the permission of the cemetery board

9.13. Damaged or deteriorated concrete covers must be removed or repaired at the request of the Cemetery Board. Shallow graves with discarded concrete covers must be dug to the depth specified by the laws of the State of North Dakota. Cost of concrete cover removal is the responsibility of the family and or heirs of the deceased.

10. MEMORIALS

10.1. Donations may be made to Michigan City Cemetery Fund in memory of deceased family members and relatives. These funds will be specifically utilized for general maintenance, plantings and cemetery improvements.

10.2. Planting of trees, shrubs, and flowers, including hanging baskets, urns, vases, or flower boxes will not be permitted in or around any Monument or grave site. Such items planted prior to adoption of this Ordinance is except. Cut flowers may be placed in vases which are an integral part of the monument base. Lights must be attached to the monument or base.

11. INCLEMENT WEATHER AND WINTER BURIALS

11.1. Interments during inclement weather or excessive moisture may be postponed in order to eliminate the expense of snow removal, excavation of frozen earth and to prevent damage to

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Cemetery grounds, monuments and roads. The decision as to when burials may be postponed is left to the discretion of the Cemetery Sexton.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the ordinance shall not be affected thereby.

This Ordinance shall be in full force and effect following its final passage, and adoption. It will replace current Ordinance Number 124 upon final passage and adoption.

Lauri Rysavy
Mayor

Robbyn Maresh
City Auditor

First Reading: 07-10-2017

Second Reading: 08-14-2017

Final Passage & Adoption: 08-14-2017