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RULES AND REGULATIONS OF OAKWOOD CEMETERY LOWELL, MICHIGAN



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(Please check with City Hall for updates)

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CITY OF LOWELL

CEMETERY RULES AND REGULATIONS

For the mutual protection of grave space and lot burial rights owners, persons interred and the cemetery as a whole, the following Rules and Regulations have been adopted by the City of Lowell as the Rules and Regulations of Oakwood Cemetery. All persons interred within the cemetery and all burial rights certificates shall be subject to these Rules and Regulations, and amendments or alternations as shall be adopted by the City Council from time to time.

ARTICLE I

DEFINITIONS

Section 1.1 Definitions. The following words and terms shall have the following meanings in these Rules and Regulations unless the context in which they are used shall indicate another meaning:

"Burial rights certificate" means the original conveyance given by the cemetery to the original purchaser. The burial rights certificate entitles the person to the privilege of burial on the lot or grave space. The burial rights certificate is not a deed to a parcel of property.

"Cemetery" means the Oakwood Cemetery.

"City Hall" means the general office conducting the business of the cemetery and is located at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Telephone: (616) 897-8457.

"Columbarium" means a wall or other structure that provides the final resting place for the cremated ashes of your loved ones.

"Foundations" means the poured concrete bases required for all memorials which shall be installed in a line and level with adjacent memorials, finished 2 inches below the lowest point of the grade, and 3 inches larger on all sides than the memorial that is to be placed thereon. The depth of the foundation shall be 6 to 12 inches for single and double grave spaces with two postholes or legs going 18" deep.

"Grave space" means a space of approximately 4 feet by 9 feet of sufficient size to accommodate an adult interment.

"Immediate family" means spouse, parent, children, sisters and brothers.

"Interment" means the permanent disposition of the remains of a deceased person by burial or cremation.

"Lot" means the numbered divisions as shown on the record plot of the cemetery which consists of 4 or more grave spaces.

"Lot marker" means a ceramic, metal or granite post used by the cemetery management to locate corners of the lot.

"Marker" means a memorial of granite, marble, bronze or similar material that is flush with the ground.

"Mausoleum" means a building or other above ground structure that is affixed to land and is a permanent repository for human remains.

"Memorial" means a monument or marker located on a grave space and identifying the deceased person whose remains are located there.

"Monument" means a memorial of granite, marble, bronze or similar material which shall extend above the surface of the ground.

"Monument with Niche" means a monument that includes an area to inter cremains into the monument.

"Resident" means any person or persons whose domicile is in the City of Lowell city limits at the time of obtaining a burial rights certificate.

"Shepherd Hook" means a long metal pole which is curved over at the top for holding hanging baskets

ARTICLE II

CEMETERY MANAGEMENT

Section 2.1. Cemetery Management. Cemetery management is composed of the administrative officials of the City, including the City Manager, the Director of Public Works and the Cemetery Sexton.

Section 2.2. Cemetery Sexton. The Cemetery Sexton is manager of cemetery operations under the direction of the City Manager and Director of Public Works. The Cemetery Sexton is responsible for seeing to it that these Rules and Regulations and all other matters necessary for the proper operation of the cemetery are complied with.

ARTICLE III

GENERAL RULES

Section 3.1. Business Hours. City Hall will be open during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except on days declared a holiday by the City.

Section 3.2. Cemetery Hours. The cemetery will be open Monday through Friday except on days declared a holiday by the City. Employees of the cemetery are not expected to work on Saturday, Sunday or designated holidays unless absolutely necessary in the preservation of public health, safety and welfare. If it is necessary, interments may be made on Saturdays, Sundays or designated holidays or after 3:00 p.m. Monday through Friday, if additional charges are paid according to the rate schedule established from time to time by the City Council.

Section 3.3. Public on Cemetery Grounds. No person shall be allowed in the cemetery from a period beginning one hour after sunset and continuing to one hour before sunrise, without first obtaining permission from the Cemetery Sexton.

Section 3.4. Payment of Fees and Charges. All fees and charges for services at the cemetery are payable at City Hall and employees are not to accept any fees or payments, however, the Cemetery Sexton or his authorized representative may accept checks payable to the City for interment. Full payment of all fees and charges must be made prior to any interment

Section 3.5. Travel in Cemetery. Automobiles or other means of transportation must observe a 15 M.P.H. speed limit in the cemetery. Driving any motorized or non-motorized vehicle or animal across or upon any grave space, lot or lawn in the cemetery or parking or leaving the same thereon is not permitted. Vehicles must not be

parked in such a way to obstruct cemetery roads and, if so parked, will be removed at the owner's expense.

Section 3.6. Traversing on Cemetery Grounds. Walking or driving through the cemetery for the purpose of saving time or distance is prohibited.

Section 3.7 Special Work for Grave or Lot Space Owners. Employees of the cemetery are not permitted to do any work for grave or lot space burial rights owners except upon order of the Cemetery Sexton.

Section 3.8. Conduct of Individuals in Cemetery. All persons while in the cemetery shall avoid conduct unbecoming a sacred place, including:

- (a) Loud or boisterous talking;
- (b) Idling or loafing in the cemetery or in any of the buildings;
- (c) Pedaling or soliciting the sale of any commodity within the Cemetery
- (d) Approaching the bereaved for the purpose of soliciting any business;
- (e) Placing notices or advertisements of any kind within the cemetery;
- (f) Bringing animals into the cemetery or any of its buildings, except those assisting persons with disabilities or animals on a 6-ft leash on the hard surfaced walkways.
- (g) Metal detecting prohibited within the cemetery property

Section 3.9. Picking of Flowers, Damage of Foliage and Defacing and Damaging Memorials, Etc.

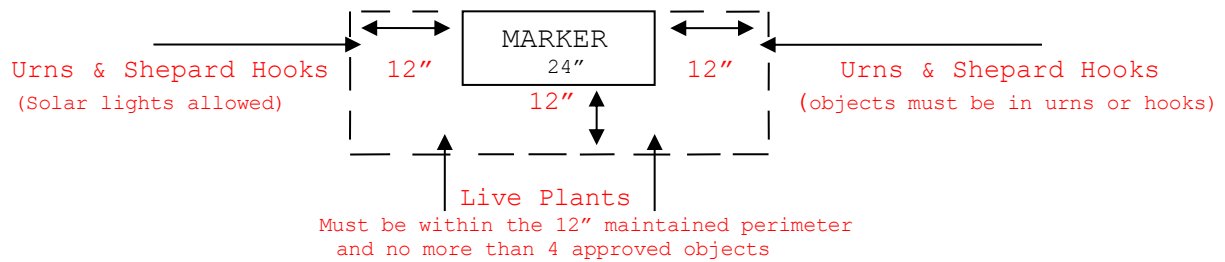
The picking of flowers, wild or cultivated; damaging any trees, shrubs or plants; or writing upon, defacing or injuring any memorials, markers, fences or other buildings or structures within the cemetery is strictly forbidden.

Section 3.10 Objects on Grounds Around and On Marker.

No more than four approved items by the Cemetery Sexton per grave space are permitted to be placed around markers, of which only one (1) shepherd hook may be placed. Shepherd hooks and urns are allowed within the 12 inches to each side of the marker and turned towards the marker for safety of maintenance personnel (Note: marker or memorial size may not permit 12 inches on each side for plantings.) Items that are not approved include, but are not limited to, decorative fencing, coping, edging, boxes, shells, toys, ornaments, chairs, benches, vases that are not part of the marker, rocks, pea stone, woodchips and similar articles. Statues less than 2 feet high or other approved objects are permitted in the maintained 12-inch area. Solar lights and artificial flowers are permitted in the urns and shepherd hooks only as shown in the illustration below. Shepherd hooks that are not in use shall be promptly removed. Cemetery employees may remove and dispose of prohibited objects without notice to the owners of the grave.

When the marker or foundation is more than 24" wide, there would not be 12" for plants to the side of the marker.





Section 3.11. Planting of Flowers and Plants. The planting of live flowers and plants is permitted during the growing season. Such plantings must be placed in front of markers and memorials and may not extend more than 12 inches from the base of a marker or memorial. (Note: marker or memorial size may not permit 12 inches on each side for plantings). Flowers and plants that become unsightly or have died may be removed and disposed of by cemetery employees without notice to burial rights owners. Cut flowers and arrangements may also be removed and disposed of by Cemetery employees if they become unsightly without notice to the burial rights owners.

Section 3.12. Artificial Flowers and Arrangements.

Artificial flowers and arrangements are permitted on lots or grave spaces from November 1 through March 31 each year. Such artificial flowers and arrangements remaining from April 1 through October 31 each year may be removed and disposed of by Cemetery employees without notice to the owners of lot burial rights. Artificial

flowers and arrangements may be placed **only** in urns and shepherd hooks from April 1 through October 31st.

Section 3.13. Special Remembrances. Special remembrances such as birthdays, wedding anniversaries and anniversary of death are permitted with written notification to City Hall, provided they are placed on a lot or grave space no earlier than one week before the date of the remembered event and removed no later than one week after such remembered event.

Section 3.14. Special Allowance for New Burials. For a period of one year after the anniversary of a death up to five additional objects are permitted on a lot or grave space with the prior written permission of the Cemetery Sexton.

Section 3.15. Flags and Flag Holders. Flags will be permitted on Veteran's graves two weeks before Memorial Day to one week after July 4th. Flags must then be collected by those persons or groups responsible for placing them. One (1) metal flag holder will be permitted on Veteran's gravesites only. City shall have a supply of Veteran's marker/flag holders and flags for use only on Veteran's graves.

Section 3.16. Littering Prohibited. Receptacles for waste material are located throughout the cemetery. The disposing of any rubbish, garbage, debris or similar material in the cemetery in other than designated receptacles is prohibited.

Section 3.17. Private Contractors in Cemetery. Any person, firm, corporation or agent thereof while working in the cemetery shall be responsible for any damage caused and under the supervision of the Cemetery Sexton. Contractors must notify the Cemetery Sexton prior to the beginning of any work in the cemetery other than routine maintenance. Contractors must comply with City's insurance and purchasing policy requirements and any applicable contract. All work shall cease while a funeral or interment is being conducted and all workmen and equipment shall withdraw to a reasonable distance from the funeral service.

ARTICLE IV

LOTS

Section 4.1. Purchase of Lots and Grave Spaces. A person desiring to purchase burial rights to a lot or grave space shall visit the cemetery where the Cemetery Sexton will assist him/her in making a selection. Purchase of lots shall acquire only the privilege or right to make interments in the lot so purchased. **At the time of acquisition of burial rights, each cemetery lot or grave space shall be assigned the name of the specific person who shall be interred in that space upon death. Each such person must be a current Resident of the City or the non-resident fee shall be paid.**

Section 4.2. Lot and Grave Space Price Schedule. Every lot or grave space is subject to these Rules and Regulations as amended from time to time. The price for obtaining burial rights to lots and graves shall be in accordance with the current price schedule

adopted from time to time by the City Council. Lots or grave spaces may not be purchased for resale and are not transferrable except to an Immediate Family member upon approval by the Cemetery Sexton. Prior to purchase, lots and grave spaces with approval of the Cemetery Sexton may be placed on hold for a period of not more than 60 days. Burial rights for such lots or grave spaces not purchased within the 60 days will be released for sale.

Section 4.3. Repurchase of Burial Rights for Lots and Grave Spaces by City. The owner of burial rights to an unused lot or grave space may request the City repurchase such burial rights. The City may repurchase the burial rights of such lot or grave space for the amount paid for the lot minus a 20% administration fee. When the original amount paid for the burial rights cannot be determined, the City may pay up to \$100 to repurchase back the burial rights. The City shall not, however, be obligated to make such purchase until or unless the owner of such burial rights has removed all monuments, markers, footings, plantings, urns, flowers, trees, shrubs, bushes and other objects, obstacles and appurtenances on the lots as shall be requested by the City. The owner of burial rights to a lot or grave space may not transfer such interest to any other person or entity without the prior written approval of the City.

Section 4.4. Location of Lots. The location of lots will be in accordance with the cemetery plot plan which is kept on file at City

Hall. The corner of each lot will be laid out by the Cemetery Sexton.

Section 4.5. Classification of Lots and Grave Spaces. Burial rights for lots and grave spaces are sold only for the interment of deceased persons. A single grave space shall be approximately 4 feet by 9 feet. A lot shall consist of 4 or more grave spaces. Grave spaces for indigent persons shall be located in the cemetery at the discretion of the Cemetery Sexton. Infant grave spaces are for placement of a vault not more than 4 feet long.

Section 4.6. Design of Cemetery. The City reserves the right to enlarge, reduce, replot or change the boundaries or grading of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives, walks, or aisles, or any part thereof. The City also reserves the right to lay, maintain, operate, alter or change pipelines or gutters for such activities as sprinkling and drainage. The City may use cemetery property where burial rights have not been sold for any purpose necessary, incidental or convenient to cemetery use and operation as determined solely by the City. The City reserves perpetual right of ingress and egress over lots and grave spaces for the purpose of passing to and from other lots and grave spaces.

Section 4.7. Responsibility for Loss or Damage. The City will take all reasonable precautions to protect lot and grave burial rights owners from loss or damage to lots and grave spaces and property of

burial rights owners placed thereon. The City, however, assumes no liability for any such loss or damage and any lot or grave burial rights owner as a condition for receiving a burial rights certificate agrees that the City shall have no such liability.

Section 4.8. Change of Address. It is the duty of the grave burial rights owner to notify City Hall in writing of any change in address.

Section 4.9. Interment in Grave Spaces. No interment will be allowed without a proper burial right certificate and/or a notarized City owned assignment of burial rights grave spaces along with a burial-transit permit from the County Health Department. The owner of burial rights or relative acceptable to the City must also sign a grave opening authorization form before a burial. All burials shall be in a vault. All cremations may be buried in a container approved by the City in a grave space or in an approved columbarium. Ashes from cremains must be buried in the ground and no cremains shall be scattered within the cemetery. No burial spaces shall be opened and closed except under the direction and control of the Cemetery Sexton or other authorized City employee. All fees and charges must be paid in full prior to any interment.

Section 4.10. Power of Attorney. A power of attorney to act for a lot or grave burial rights owner must be filed at City Hall, to be effective.

Section 4.11. Transfer of Burial Rights. Transfer of burial rights to Immediate Family is subject to the rules stated in this Section. If the owner of a lot or grave space desires to make a name change in the burial rights to a person who is not his/her immediate family, he/she must sell the burial rights to the lot or grave space back to the City and then repurchase the burial rights to that lot or space at the fee determined by residency status set by City Council from time to time.

Section 4.12. Owner Dies without Designating Use of Grave Spaces. If a person entitled to burial rights to a lot or grave space dies without designating the person(s) to be buried in the remaining lot or grave spaces, the City will permit the burial of heirs as designated in writing by a court of competent jurisdiction, when presented for recording at City Hall. If time does not permit obtaining a court order, the City may accept an affidavit by all of the immediate family heirs of the burial rights owner together with a hold harmless agreement, in a form acceptable to the City. Possession of a burial rights certificate is not in itself sufficient evidence of burial rights ownership of a grave space. The legal right to ownership of burial rights must be established. The transfer of burial rights to Immediate Family members is subject to the rules stated in this Section.

Section 4.13. Correction of Errors. The City reserves the right to correct any errors that may be made in making interments disinterments, or removals, or in the description, transfer, or

conveyance of lots and grave spaces by either canceling the burial rights certificate and substituting a burial rights certificate for another lot or grave space or refunding without interest the amount paid for such burial rights. If the error involves the interment of a deceased person in the wrong lot or grave space the City may remove and transfer the remains so interred to the correct lot or grave space or to a lot or grave space of equal value and similar location.

Section 4.14. Governing Documents and Rules. The burial rights certificate, these Rules and Regulations as amended by the City Council from time to time, or other written agreement signed by the City constitute the sole agreement between the City and a lot or grave space burial rights owner. Any oral statement of any officer, employee or agent of the City, shall not be binding on the City.

Section 4.15. Interment of Indigent Persons. The City will provide grave spaces at the cemetery for indigent persons as required by State law, provided such deceased indigent person is a Resident of the City or shall have died within the corporate limits of the City and has no residence elsewhere.

Section 4.16. Forfeiture and Termination of Burial Rights. Proceedings relative to the forfeiture and termination of burial rights may be initiated by the City as provided for by law.

ARTICLE V

CARE OF LOTS AND GRAVE SPACES

Section 5.1 Perpetual Care. A portion of the purchase price for burial rights of lots and grave spaces as set forth in the schedule of prices adopted from time to time by the City Council shall be set aside and deposited in the cemetery perpetual care fund. The interest earned on the deposits in such fund shall be used for the care and maintenance of lots and grave spaces. Perpetual care includes (a) the mowing of grass; (b) the trimming around memorials; (c) the filling, sodding and/or seeding of sunken graves; (d) sodding/seeding over the surface of winter graves to lot level; (e) watering as needed to establish growth of plants and grass that are planted by the City; (f) the raking/mulching of leaves and cleaning of grounds; and (g) the pruning of hardy trees. Perpetual care does **NOT** include (a) the trimming of shrubs and the watering of plants and flowers planted by lot and grave space burial rights owners; (b) the care of flower urns; and (c) the maintenance, repair or replacement of any memorial, columbarium or mausoleum placed or erected on the lot or grave space, unless caused by a direct act of negligence by a cemetery employee.

Section 5.2. Special Care of Lots. A lot or grave space burial rights owner who desires special care of his/her lot must make arrangements for such care with a private person, firm, or corporation not employed by the City. All such arrangements shall be subject to prior written approval by the Cemetery Sexton.

Section 5.3. Plants, Trees and Shrubs. A lot or grave space burial rights owner may beautify his lot or grave space upon prior written approval of the Cemetery Sexton. Plantings must be in harmony with the general landscape design of the cemetery grounds, and should not interfere with adjacent lots or grave spaces. A lot or grave space burial rights owner may choose plantings from a variety of plants, trees and shrubs approved by the Cemetery Sexton.

Section 5.4. Removal of Plants, Trees and Shrubs. The Cemetery Sexton has the right to remove and dispose of, without notice, plants, trees and shrubs planted in violation of these Rules and Regulations. The Cemetery Sexton also has the right to trim, cut down and remove any plantings which are undesirable in their present condition, or that may be interfering with maintenance of the cemetery. When it is necessary to remove any trees or shrubs on a lot or grave space in order to make the lot or grave space usable, the cost of removal will be borne by the person with burial rights to the lot or grave space.

ARTICLE VI

MEMORIALS AND MARKERS

Section 6.1. Requirements for Memorials and Markers. The following requirements shall apply to memorials and markers in the cemetery:

- (a) Materials used for memorials must be first quality granite guaranteed by the producer to be of highest quality and finish. Manufactured or cast stone or

concrete materials is not permitted. White slab head or foot markers, because of their tendency for rapid deterioration, shall not be placed in the cemetery except for the purpose of duplicating an existing marker on the same grave space or lot.

- (b) All designs and specifications of memorials to be installed in the cemetery must be submitted to the Cemetery Sexton for his approval before commencing installation. No markers or memorials shall have any vulgar or sexual language or image.
- (c) A memorial may not be erected on any lot or grave space unless all indebtedness on said lot or grave space and services of the City provided in connection therewith are paid in full. This shall include all indigent burials where the difference between any social services burial allowance and the charge for the cost of the grave space and the grave opening and closing charge, shall be paid in full before a memorial is permitted.
- (d) The City assumes no responsibility for the composition or quality of a memorial or marker or the handling and setting of a memorial or marker.
- (e) A single memorial embracing 2 grave spaces shall be allowed if both grave spaces are paid for and the burial rights owner agrees to bear the cost of removing and resetting the memorial if the memorial interferes with a subsequent interment. Where two infant interments are made in one grave space, only one monument is permitted which shall be consistent with other monuments on the lot. A marker is permitted to mark the other grave.
- (f) A single marker may be installed in the rear one half of a grave space when two infants are interred in the same grave space.
- (g) Markers embracing 2 grave spaces are permitted under the same conditions as monuments. Raised letters are not permitted on markers that are level with the adjacent lawn. Each marker shall consist of one part or piece.

- (h) Except as otherwise provided herein, all markers and monuments must be placed at the head of the grave space and shall not be placed so as to interfere with any other grave space. All memorials must be installed on a foundation which is approved by the Cemetery Sexton. The front edge of memorials shall be in line with the lot line in the case of the front half of the lot, and the front edge of the foundation in line with the north-south centerline, in the case of the back half of the lot.
- (i) The location of any memorial or marker on a lot or grave space must be approved by the Cemetery Sexton. Memorials or markers may not be erected on a lot or grave space which is not paid in full.
- (j) Mausoleums, columbariums, and markers and/or monuments with niches are prohibited unless the City gives its prior written approval.
- (k) Installation of Veteran's markers to the back of a monument shall be the responsibility of the monument company or funeral home. The City is not responsible to install the Veteran's marker.

ARTICLE VII

INTERMENTS

Section 7.1. Notice of Funerals. Notice of funerals with the exact location of the grave space must be given to the Cemetery Sexton at least 2 business days in advance of the interment service. Consideration of notice less than 2 business days will be given, but the City is not required to complete a grave opening upon less than 2 business days' notice. All requests for interments must be signed by the lot or grave space burial rights owner or his legal representative. It is the responsibility of the burial rights owner

or his/her legal representative to verify the City has received their request if they fax or email the information to the City.

Section 7.2. Supervision of Funerals and Interments. All funerals and interments in the cemetery shall be under the supervision and direction of the Cemetery Sexton.

Section 7.3. Rates and Charges. All rates and charges made by the City for lots, grave spaces, grave openings and closing, removals, or other services shall be in accordance with the schedule adopted from time to time by the City Council.

Section 7.4. Interments after Normal Business Hours. An additional charge will be made for burial services when the funeral services are not concluded by 3:00 p.m. Monday through Friday. This additional fee may be charged to the funeral home or to the persons requesting the funeral. Additional charges will be made for burial services that take place on a Saturday, Sunday or City designated holiday. These additional charges shall be part of the schedule adopted from time to time by the City Council.

Section 7.5. Number of Interments per Grave Space.

A Grave space may contain:

- a. One (1) full burial and up to three (3) cremations
- b. One (1) child or infant and up to three (3) cremations
- c. Two (2) children or infants
- d. Four (4) cremations

Section 7.6. Position of Graves. Graves shall not be placed in a manner other than as designated on the cemetery lot plan on file at City Hall.

Section 7.7. Opening and Closing of Graves. All graves shall be opened and closed by City employees only.

Section 7.8. Orders Given by Telephone. Under no condition will the City assume responsibility for errors in opening grave spaces when orders are given by telephone. Orders by a funeral director for the opening of a grave space will be considered as an order from the lot or grave space burial rights owner.

Section 7.9. Misrepresentations or Error. While the Cemetery Sexton will make all reasonable efforts to establish the identity of the person or persons claiming burial rights ownership of the lot or grave space or making arrangements for the interment, the City shall not be responsible for misrepresentations or errors made by the person or persons alleging to be the burial rights owner or his/her legal representative.

Section 7.10. Interment Containers. In order to maintain a high standard of care and to prevent sunken graves caused by the collapse of wooden boxes, all interments shall be made in vaults made of natural stone, metal, reinforced concrete, or other materials approved by the Cemetery Sexton. Such approval shall be based on permanency, durability and strength. Size of vaults shall be:

- (a) 4 feet or less for infants;

- (b) 4 feet or more for children; and
- (c) 6 feet or more for adults.

Section 7.11. Grave Mounds. Grave mounds are not permitted.

Section 7.12. Removal of Flowers, Flags, Etc. As soon as flowers, flags or emblems used at funerals and for adornment of graves become unsightly in the opinion of the Cemetery Sexton, they will be removed and disposed of by City employees without notice to lot or grave space burial rights owners.

Section 7.13. Opening of Caskets. Once a casket containing a deceased person is in the cemetery, no person shall be permitted to open the casket without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction or otherwise as permitted by law.

Section 7.14. Disinterments and Removals. No disinterment and removal to another location within the cemetery of the remains of a deceased person shall be permitted without the written consent of the legal heir of the deceased person or the written direction of a duly authorized public official. No disinterment and removal to another location outside of the cemetery shall be permitted without a permit from the Kent County Public Health Department, an order by a court of competent jurisdiction or otherwise as permitted by law. Charges for disinterments and removals shall be part of the schedule adopted from time to time by the City Council. Sexton must receive

a minimum of one (1) weeks' notice prior to any disinterments or removals.

Section 7.15. Interments in Other Cemeteries. The cemetery personnel on request may assist other cemeteries in the area with the opening and closing of graves. The City requires that the exact location of the grave to be opened be clearly staked 8 business hours prior to the funeral service. Consideration of notice less than 2 business days will be given, but the City is not required to complete a grave opening upon less than 2 business days' notice. The City requires that all the grave markers on adjacent grave spaces be cleared of snow at the time the grave to be opened is staked and that the snow be plowed on the cemetery roads leading to the grave space prior to the time the grave is opened. Charges for interments in other cemeteries will be the set fees charged for Oakwood Cemetery plus 50%.

As amended through April 19, 2004.

As amended February 7, 2005.

As amended July 6, 2010.

As amended September 6, 2011.

As amended November 16, 2020.