

# City of Portland, Michigan Cemetery Rules & Regulations

<b>Subject:</b> Cemetery Rules and Regulations	<b>Policy No:</b> <b>Date Approved:</b> <b>Effective Date:</b>  <b>Dates Amended:</b>	<u>77-1</u> <hr/> <u>01-10-77</u> <hr/> <u>Immediately</u> <hr/> <u>11-26-79; 11-05-81</u> <hr/> <u>07-10-81; 11-07-83</u> <hr/> <u>11-09-92; 07-20-95</u> <hr/> Resolution 10-51 (06-21-10) Resolution 11-09 (02-07-11) Resolution 20-34 (05-18-20) Resolution 21-30 (05-17-21) Resolution 24-50 (5-17-24) Resolution 25-36 (06-02-25)
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1. The provisions of this resolution shall be held to be the minimum requirements adopted for the protection and operation of the Public Cemetery and the burial of the dead of the City of Portland herein. Among other purposes such provisions are intended to authorize the City Manager to promulgate rules and regulations relative to the use of the public cemetery and burial practices therein subject to the approval of the City Council.
2. Copies of the Rules and Regulations promulgated hereunder shall be kept on file in City Hall for distribution to interested parties for \$1.00 per copy.
3. The Cemetery grounds are dedicated to the proper burial and repose of the human dead, and to that purpose only.
4. The term lot or cemetery deed or grave owner is intended to mean and shall be construed as meaning the owner of "Burial Rights".

A lot normally has four (4) grave spaces on it, but the City does have other sizes and will sell any number of grave spaces.

Cremation lots are the same width as full burial graves however are only 3 foot deep.

Infant graves are grave spaces set aside for a burial using an outside container not more than four (4) feet in length.

5. Location of lots will be in accordance with the Cemetery Master Plan, which is kept on file in City Hall. The corner of each lot will be laid out by the City. Grade lines of all lots and single graves are established before the lots or graves are sold and will not be changed.

6. Every lot or grave space is sold subject to rules and regulations now in force or hereinafter adopted.
7. The lot owner or his legal representative may at any time designate, in writing, to the City whom he wishes or does not wish buried on his grave or lot.
8. The owner of a lot or burial Right Certificate may at any time, sell the lot back to the City, but may not sell or transfer to another person. The resale will be for the original purchase price, as no speculative purpose will be allowed.
9. Joint ownership of burial rights is permitted, but the City advises joint ownership only between husband and wife, since heirship to cemetery burial rights follows blood lines unless otherwise provided by will or legal transfer.
10. In case of disagreement between joint owners of a Burial Rights Certificate, the first order of a registered owner shall prevail.
11. Should the owner die without having designated the persons to be buried on the balance of his or her lot, the City will permit the burial of heirs as designated in writing by a Court of Competent jurisdiction, when presented for record at the City Clerk's office. If time does not permit to obtain a court order, an affidavit by one of the heirs of the owner, together with a hold harmless agreement, on forms prepared by the City shall be furnished by the person requesting a burial on a given lot. Possession of a Burial Rights Certificate is not in itself evidence on which to record the transfer of ownership of a grave or lot. The legal right to ownership of the burial privilege must be established. The descent of title to cemetery lots is governed by the laws of the State of Michigan as it relates to personal property.
12. The City reserves the right to correct any errors that may be made by it or its predecessor, in making interments, disinterment, or removals, often the description, transfer, or conveyance of any interment property, either by canceling the conveyance and substituting and conveying in lieu thereof, other interment property of equal value and similar location or by refunding the amount of money paid on account by the purchaser. In the event of error involves the interment of the remains of any person, the City reserves and shall have the right to remove and transfer the remains so interred to other property of equal value and similar location of the same cemetery.
13. Perpetual care shall include mowing of lots and graves, seeding, fillings in sunken graves and seeding over the surface of graves to lot level. The perpetual care price as hereinafter stated on every lot and single grave sold shall be set aside and deposited in the City's Perpetual Care Fund with the interest only used for maintenance purposes. The interest on these deposits shall be used by the City for the care of lots and graves.
14. Perpetual care shall not include the watering of plants, urns, beds or cut flowers or the trimming of shrubs, if planted by the lot owner. Perpetual care does not include the

maintenance, repair, or replacement of any marker, memorial, urn, tomb, or mausoleum placed or erected on the lot, unless caused by a direct act (not omission) of negligence by an employee of the City.

15. Any person who owns lots or grave spaces which do not now have Perpetual Care may at any time purchase Perpetual Care. The City will not recognize any Perpetual Care given to any other party than the City after April 26, 1971. This includes money deposited with the County Treasurer.
16. Lot Owners who desire special attention for their lot, such as Special Care for flowers, trees, shrubs, and watering of urns must make arrangements for such care with the City on a time and material charge basis.
17. Notice of funerals with exact location grave, must be given to the City at least eight regular working hours in advance of burial. The City will not assume responsibility for errors in opening graves when orders are given by telephone. Orders by funeral director for the opening of the grave will be construed as orders from the lot owner. The grave and opening must be paid for in full before the burial can be made.
18. The City reserves the right to remove, without notice, trees and shrubs and flowers in violation of these rules, and which become unsightly or overgrown. The City reserves the rights to trim, cut down, and remove any plantings by a lot owner which are undesirable in their present condition or in a bad location.
19. No trees, shrubs, vines, bushes, and/or permanent and artificial flowers shall be planted on any lot or grave by the lot owners. These items are prohibited as they increase the cost of maintenance. However, the Parks and Cemetery Department will plant shrubs and trees where appropriate. Artificial flowers securely fastened in urns only will be permitted all year, any artificial flowers left on lots or graves after April 1<sup>st</sup> or Memorial Weekend will be removed. Further, there shall be NO jars, glass, metal or plastic receptacles, or other containers used on the premises for the holding of floral bouquets, all flowers must be securely fastened in an urn. Solar lights must be secured in the urn unless it is from November 1 to April 1<sup>st</sup> each year when they can be placed in the ground.
20. No trimming, pruning, picking, or removing of any branches or bloom from any tree, shrub, or flower in the cemetery is permitted except under the supervision of the City.
21. Grave blankets, solar lights and/or artificial flowers may be placed on the grave from November 1<sup>st</sup> however, must be removed by April 1<sup>st</sup> or the City shall remove and dispose of it.
22. Grave markers, monuments or tombstones shall be situated on the lot as specified by the City. No grave marker shall be situated to interfere with the digging of another grave. All grave markers must have a foundation. The City shall place under every new grave marker or monument a foundation and the cost shall be borne by the lot owner at rates specified in the rate schedule. The monument company may purchase the foundation in the name of

the owner. All foundation orders must be submitted in writing to the City; charges vary and are determined by the size of the stone and any additional requested.

23. The City assumes no liability for the maintenance or repair of grave markers or tombstones.
24. Raised letters are not permitted on grave markers that are flush with the ground.
25. Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.
26. All material used in the construction on monuments, markers, and permanent lot markers must be of recognized durable granite or standard bronze. Marble may be permitted of certain durable grades and finishes, but the City will assume no responsibility for damages in case of any stone being unintentionally chipped or marked in the regular course of lot care.  
  
All other grades of marble, sandstone, slate, or artificial stone, terra cotta, wood, concrete, iron, or glass in any form will not be permitted.
27. Anyone wishing to erect a mausoleum must submit the plans and specifications to the City for approval. The City reserves the right to control any and all conditions of a mausoleum including denial of its placement if such denial is in the best interest of the City.
28. The Cemetery will be open for interments from 7:00 a.m. to 2:30 pm except Saturdays. Any interment after 2:30 p.m. or on Saturdays will be charged an additional \$200.00. No burials within the cemetery shall take place on Sunday or holidays, as holidays are defined by the city's personnel policy or union contract.
29. All interments and funerals within the Cemetery grounds shall be under the direction of the City.
30. No grave shall be placed in an irregular appearance with graves on the same or adjoining lots. The City reserves the right to determine the position of all graves on every lot.
31. All graves shall be opened and closed by City personnel only.
32. While the City will make all reasonable efforts to establish the identity of the person or persons claiming ownership of the lot or making arrangements for the interment, it will not be liable for misrepresentations or errors made by the person or persons reported to be the owners, legal representatives, or agents.
33. When deemed necessary to assure a proper burial, the City may establish and properly mark a zone in which only person attending the funeral may enter.
34. Grand mounds shall not be allowed.

35. As soon as flowers, flags, or emblems used at funerals and for the adornment of graves become unsightly, they will be removed and no responsibility for their return to the owners will be assumed.
36. The possession of firearms within the cemetery grounds is forbidden, except that military or other organizations may carry arms for the purpose of firing a salute over the grave at the burial of a member.
37. Dogs, cats and other animals are not allowed in the cemetery and may be removed in such a manner as may seem expedient.
38. The defacement of monuments, markers, graves or cemetery appurtenances whether intentional or otherwise, the removal of flowers, urns or any of the cemetery equipment without authority will be considered a misdemeanor and so treated. Persons entering the cemetery will be held responsible for any damage done to the cemetery properties by them.
39. The operator and owner of any vehicle will be held responsible for any damage he or she may do whether intentional or unintentional. The speed limit on cemetery roads is established at 15 miles per hour.
40. Gifts or tips to cemetery employees are not allowed.
41. Profane or boisterous language will not be allowed and loiterers will not be tolerated in the Cemetery.
42. Children must be accompanied by their parents or adults who will be responsible for their conduct in the cemetery.
43. Lot owners are requested to report any error, neglect, carelessness or inactivity on the part of the employees of the cemetery to the Cemetery Director at once. Bringing lunches, refreshments or liquors into the cemetery and consuming them are therein prohibited.
44. The cemetery, although under City jurisdiction, will not be considered as Public land in the sense that it is common property and subject to the whims of the public, but is to be considered as holy ground dedicated to the peace and repose of the departed and subject to the consideration and respect of all who visit or own lots in the Cemetery. With such purpose in mind, the Cemetery Director or representatives may establish temporary rules whenever in their judgment the best interest and safety of the cemetery demands it and may cause to be ejected or arrested any person or persons whom they may deem undesirable or dangerous to the peace and quiet of the cemetery.
45. ALL CHARGES made by the City for grave spaces, burials, removals, perpetual care, or other services rendered shall be in accordance with rates established by resolution of the City Council and subject to change, without notice, by the City Council.

46. Because Memorial Day is a National Holiday dedicated to the remembrance of the deceased, especially veterans, rule 19 shall be relaxed for the six days immediately before and after Memorial Day. Any type of natural or artificial flowers or any other grave decoration may be placed on a grave for the above period. After this period the City will remove and dispose of all such flowers and decorations which do not conform to all other "Cemetery Rules and Regulations".
47. WINTER FUNERALS – Grave side services are allowed year-round if weather permits. However, a tent service will be allowed at a predestined spot at the cemetery if weather conditions do not allow for grave side services. Grave site services will be permitted at the discretion of the Cemetery Director.
48. Effective January 1, 1983, surface vaults will not be permitted in any new section of the cemetery.
49. All funeral directors will receive City approval before scheduling gravesite services. Failure of any funeral director to follow this procedure will in no way obligate the City to acknowledge any arrangements made by said director.
50. The sale of cemetery lots and arrangements for grave openings will be made between the hours of  
8:00 a.m. to 4:30 p.m. Monday thru Friday.
- ONLY the Director of Parks, Recreation & Cemetery, and the City Clerk will be authorized to sell graves and make arrangements for grave openings. This is to allow for maintenance of cemetery records.
- To every extent possible the City will make every attempt to meet the needs of the families of the deceased.
51. No burials will be allowed in Portland Cemetery without the placement of a vault.
52. The City of Portland Cemetery Department accepts no responsibility to damages which might be incurred by a vault during a disinterment.
53. The request for the placement of a foundation must be received prior to May 1<sup>st</sup> of the current year to guarantee completion of the foundation prior to Memorial Day.

(RATE SCHEDULE ATTACHED)  
CITY OF PORTLAND, MICHIGAN - CEMETERY RATES

\*Established by City Council as a part of the Rules and Regulations Policy #77-1 and amended.  
Rates updated June 2, 2025

A. DEED TO BURIAL RIGHTS – per one full-size plot

Resident of the City	\$500.00	(\$50.00 is perpetual care)
Nonresident of the City	\$750.00	(\$75.00 is perpetual care)

DEED TO BURIAL RIGHTS – per one cremation plot; 4’ by 3’ feet deep

Resident of the City of Portland	\$350.00	(\$25.00 is perpetual care)
Nonresident of the City	\$550.00	(\$50.00 is perpetual care)

B. BURIAL FEE – opening and closing for vaulted burial - \$700.00

CREMATION BURIAL – opening and closing for buried cremains - \$400.00

An additional charge of \$200.00 is added to any weekday burial scheduled to arrive at the cemetery after 2:30 p.m. and for any burial scheduled for Saturday.

DISINTERMENT FEE (one way) - \$1,000

Relocation to another plot in the Portland Cemetery requires an additional grave opening fee

C. FOUNDATION FEE (per square inch)

New foundation	\$0.50
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D. All monuments not flush with the existing grounds shall have foundations that extend 4” in all directions beyond the widest part of the monument. Only the City shall install foundations. Foundation size is determined by the size of the monument and any additional foundation that is requested by the purchaser, up to the maximum width of the plot(s).

All veterans’ stones and bronze plaques will be placed flush with the ground at no charge.

All monuments not in the headstone row must be flush with the ground.

Payment for foundations must be received prior to installation of the foundation.

- E. Anyone wishing to pay perpetual care to ensure the upkeep of their burial location may do so by paying a fee per grave space of \$45.00 per resident or \$70.00 per nonresident.
- F. The charge for preparing a grave with a surface vault shall be the same as a regular grave opening. This charge will also include any work required by City employees on the day of the funeral if installed prior to interment. However, the City shall not be responsible for removing the cover of the surface vault on the day of interment.
- G. The lot owner must pay in full for the grave and opening of the grave prior to interment; if additional graves are purchased at that time the balance must be paid off in 90 days or the graves will be put back on the market.

FURTHER, that these Rules and Regulations are adopted by the City Council on November 5, 1982, and amend the rules and regulations which previously were adopted by Council on March 29, 1982; July 20, 1981; November 26, 1979; January 10, 1977; June 21, 1971 and April 26, 1971.

Adopted: July 20, 1981, updated November 5, 1982  
Amended November 7, 1983  
Amended November 9, 1992  
Amended July 20, 1995  
Amended July 5, 2010  
Amended February 7, 2011  
Amended May 18, 2020  
Amended May 17, 2021  
Amended May 16, 2022  
Amended June 17, 2024  
Amended June 2, 2025