

MIDDLEBURY CEMETERY RULES AND REGULATIONS
REVISED FOR 2024-2025

I. SCOPE

This **CEMETERY RULES AND REGULATIONS POLICY** states a general administrative / cemetery management guideline for maintaining a level of care that our lot holders deserve within the cemetery owned and cared for by Middlebury Township.

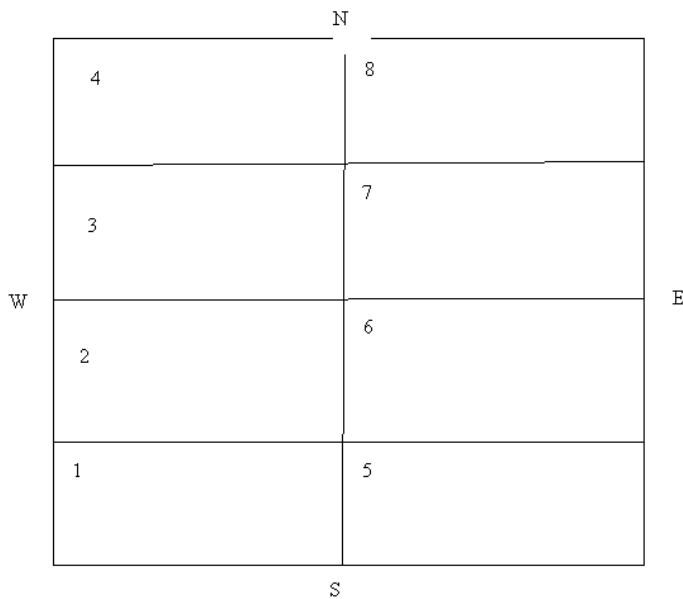
Middlebury Township does not assume responsibility for the theft, disappearance, acts of God, or wildlife damage of any floral arrangement or other decorations and reserves the right to immediately remove any decoration which does not comply with our decoration of graves regulations.

Section II: DEFINITIONS

- A. **CEMETERY PLOT:** The term “plot” is an area of sufficient size to accommodate one adult interment approximately four by ten feet.
- B. **CEMETERY LOT:** The term “lot” shall apply to numbered divisions as shown on the record Plat which consists of two or more plots but no more than eight plots.
- C. **BURIAL SPACE:** The term “burial space” is used herein to mean a single plot, group of plots, or lot under ownership of one person or family.
- D. **INTERMENT:** The term “interment” shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment, or burial.
- E. **Lot marker:** The term “lot marker” refers to any means used by the cemetery to locate corners of the lot or plot.
- F. **MARKER:** A marker is a stone or plaque either flush or above ground indicating the given/or family name(s).
- G. **MONUMENT:** A monument is a stone extending above ground inscribed with the family name only. It is situated at a location approved by the Middlebury Cemetery maintenance staff.
- H. **MANAGEMENT:** The term “management” shall mean the person or persons duly appointed by the Middlebury Board for the purpose of conducting and administering the cemetery.
- I. **RESIDENT:** Resident shall mean an individual owning property or residing in Middlebury Township.
- J. **IMMEDIATE FAMILY:** The immediate family is described as follows: spouse, parent, grandparents, children, stepchildren, grandchildren, grandchildren, grandchildren, grandchildren, of the original lot owner(s). The term is also to include “great” to the above where applicable.
- K. From this day forward, the description of a grave’s location within a lot will no longer be described by using north, east, south, or west.

Graves will be given a number. As a person faces west, the south-west corner grave of any given lot will be #1. Moving from left to right (or south to north), the grave numbers will continue with #2, #3, #4, etc. Grave #5 (or #6 as it sometimes applies where ten graves can be assigned per lot rather than 8 graves) will be designated to the south-east corner grave (below #1) and continue from left to right. (Amended 7/2006)

See following diagram:



Section III: CEMETERY POLICY

1. A resident or nonresident of Middlebury Township may be issued the right to use a lot of two and not more than eight plots in the cemetery.
2. The cost of the use of a plot issued to residents of Middlebury Township is established by the Middlebury Board at \$400.00 plus opening and closing fees.
3. The cost of the use of a plot issued to nonresidents of Middlebury Township is established by the board at \$550.00 plus opening and closing fees.
4. At no time may grave spaces (plots) be bartered or sold by the person to whom the lot has been issued. The plots remaining shall be returned to Middlebury Township Cemetery for a sum of \$50 for plots purchased before January 1, 2001. Plots purchased after January 1, 2001, shall be returned for a sum of 50% of the current cost of a cemetery plot.
5. The clerk or designated staff shall make all sales of burial rights.
6. If the owner of a vacant plot(s) desires to trade to another vacant location within the Middlebury Township Cemetery, there will be a \$50 service charge to complete the exchange. The owner must also present the clerk or appropriate staff with the original Burial Right or Deed before this action can occur. No additional plots will be acquired by the owner or the township in exchange. No more than one lot may be exchanged by one owner per each \$50 transaction. (Amended 7/2006)
7. If an owner buys or owns an entire lot which consists of eight plots, he/she may designate those plots to anyone they so choose. You must contact the cemetery staff to arrange for the plots to be designated. Upon the death of the lot owner the control of plots may be passed on to heirs of the deceased. However, for continuance of ownership, the heir(s) that has possession of a deed controls the use of the lot or plot, which evidence of deed control will need to be verified.

Section IV: GENERAL RULES

1. The cemetery will be open from dawn to dusk.
2. All fees or charges for services are payable at the clerk's office as stated.
3. Persons within the cemetery will use only the avenues, roads walks and alleys as we permit no one to walk on or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The board expressly disclaims liability for any injuries sustained by anyone violating this rule.
4. Persons visiting the cemetery or attending funerals are prohibited from picking flowers, wild or cultivated, breaking, or injuring any memorial fences, or other structures within the cemetery grounds. Children must be accompanied by their parents or adults who will be responsible for their conduct in the cemetery.
5. The following things are prohibited:
 - A. Driving of motor cars or other vehicles through the gates or in the cemetery at more than ten miles an hour

- B. Driving any motor car or vehicle across or upon any grave, lot, or lawn or parking or leaving the same thereon.
 - C. The use of recreational vehicles within the cemetery is prohibited.
 - D. Animals, except leader dogs, are not allowed in the cemetery unless they are part of the funeral procession.
6. It is of utmost importance that there should be strict observance of the proprieties in the cemetery. Therefore, all persons within the cemetery should avoid conduct unbecoming a sacred place.
- Loud or boisterous talking
 - Idling or loafing on the grounds
 - Peddling or soliciting the sale of any commodity within the cemetery
 - Consuming of alcoholic beverages on the grounds
 - Placing of signs or notices or advertisements of any kind within the cemetery
 - Bringing firearms into the cemetery; except by military escort, accompanying a veteran's funeral, or attending memorial services.
7. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The 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 management such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rules and regulations.

Section V: PLOTS AND LOT USERS

Description of lots and plots will be according to the cemetery plats which are kept on file in the office. Persons needing a lot or plot should visit the office for aid in selecting one and will record a description of the lot or plot to be used.

- 1. Every burial space is sold subject to the rules and regulations in force or that may be hereinafter adopted and to such changes of the present rules as deemed necessary by the board.
- 2. Upon purchase of burial space, the owner will be issued a burial rights certificate, which entitles the owner and their immediate family, forever, to burial rights of only the human race, subject to the rules and regulations hereinafter in effect.
- 3. The instrument of conveyance of these Rules and Regulations and any amendments thereto constitutes the sole agreement by the board and the plot users. The statement of any employee or agent, unless confirmed in writing by the board, shall in no way bind the board.
- 4. The rights to enlarge, reduce, replat, or change the boundaries or grading of the cemetery, or a section, from time to time, including the right to modify or change the part thereof is hereby reserved. The right to lay, maintain and operate, or alter or change pipelines or gutters for sprinkling systems, drainage, et cetera, is also expressly reserved as well as is the right to use cemetery property not sold to individual plot users for cemetery purposes, including the interment of the dead, or for anything necessary, incidental or convenient thereto. The Board

reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.

5. Descriptions of lots will be according to the cemetery plats which are kept on file in the office.
6. The authority will take all reasonable precautions to protect lot users and the property rights of plot users within the cemetery from loss or damage; but the Board disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damages are direct or collateral, other than as herein provided.
7. It is the duty of the plot user to notify the Board's office of any change in his post office address.

Section VI: FORFEITURE OF VACANT LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Board upon occurrence of the following event: Notice shall be sent by the Board by first class mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the board within 60 days from the date of mailing of the notice, his desire to retain said burial rights.

CORRECTION OF ERRORS

The Board reserves and has the right to correct any errors that may be made by it either in making interments, disinterment's or removal, or the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting any conveyance in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the clerk or staff in charge or by refunding the money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Board reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

DECENT OF TITLES

The laws of the State of Michigan govern the descent of title to cemetery lots and other matters pertaining to assignment, conveyances, devises, trust deeds and inalienability. The cemetery staff will help lot users who want information or advice on questions concerning his/her lot.

Section VII: INTERMENTS AND DISINTERMENTS

Instructions for ordering grave openings have been given to area funeral directors. If your funeral director does not have these instructions contact the board's office for instructions. Generally, orders must be received at least 48 hours in advance of the funeral services. Below is a list of rules that the burial space owner and funeral director should be aware of.

1. No burial shall take place unless plot purchase price, the cost of any services required to open or close the plot, and all other fees and charges have been satisfied in full.
2. The Middlebury Board shall not be responsible for errors in the location of burial space arising from improper instructions from the burial space owner. Orders from funeral directors shall be construed as orders from owners.
3. Funerals arriving shall be scheduled for arrival at the cemetery prior to 4:00 p.m. Any late arrivals will be issued an additional fee of \$100.00.
4. No interments will be allowed on Sundays or Holidays (New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas) When a delay will cause unreasonable hardship or inconvenience, interments may be made on such days but an additional fee for Holidays will be \$250.00, and Sundays will be \$1,300.00 and will be added to the regular charge.
5. A copy of the burial permit shall be required for all burials and cremains.
6. All burials shall be that of the plot owner or his/her immediate family.
7. No more than one burial may be made per plot, except in the case of adult/infant or twin children buried at the same time or a regular burial and cremation of two cremains of the immediate family.
8. No burials shall be allowed for other than human remains.
9. All burials shall be in a metal or concrete vault, or concrete rough boxes, except for cremations and infant burials in a casket size of two feet six inches or less. Authorized firms shall only install all vaults and rough boxes.
10. Vault firms are responsible for damage to turf, landscape, surrounding markers and monuments and shall provide necessary planking to protect the turf even if cemetery staff assists in vault installation.
11. All funeral processions in the cemetery are under the supervision of cemetery employees.

12. The designated grave opener of the cemetery are the only persons who will be permitted to open graves with the following exceptions.
 - A. When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and certified copy of such order has been filed with the clerk.
 - B. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the clerk his signed authorization to release the body to himself and his lawful agents. In such a case the disinterment must be made by the coroner or his lawful agents. Cemetery employees will not be permitted to assist the coroner or his agents.
13. Scattering of cremains over a family lot or anywhere in the cemetery is prohibited.

Section VII: MONUMENTS/MARKERS/FOUNDATIONS

1. Monuments or markers may be made of recognized durable materials such as granite, bronze, or marble. Wood may not be used for monuments or markers.
2. Markers and monuments shall not be smaller than 16"x 8" in base size nor shall they exceed 36: in length for single burial space, 72: in length for double space and 18: in width. A four-inch foundation border is required around the marker or monument.
3. Inscriptions on markers and monuments must not be offensive or improper as judged by the board. The owner of said monument or marker shall be responsible for all expenses for removal of same upon due notice.
4. Monument companies are responsible for all damage to cemetery grounds and surrounding monuments and markers occurring during their installation.
5. The board assumes no responsibility for damage to markers or monuments whatsoever, including regular cemetery maintenance and acts of nature.
6. Monuments and markers shall not be delivered to plots until foundations have been poured and paid for. Orders for foundations shall be placed a minimum of two weeks in advance. Foundations will not be poured during the winter months. All Monuments shall wait a period of two weeks before they can be placed onto a newly poured foundation. Any monuments that are found to have been placed too early will be notified and any damage done to said monument and foundation is solely the plot owner's responsibility to replace if cracked or damaged.

Section VIII: CARE OF LOTS

1. The board assumes the general care of the cemetery including the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds and the pruning of shrubs and trees that the board may place.
2. No shrubs or trees of any type may be planted without the approval of the Middlebury board. Any of the foregoing items planted without such approval may be removed by the board or their agent.
3. The board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
4. The Middlebury board shall have the right to remove and dispose of all growth, emblems, displays, or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
5. All refuse of any kind or nature including, among others, dried flowers, wreath, papers, and flower containers must be removed or deposited in containers located within the cemetery. Grave blankets shall be removed by April 1.
6. Planting and Flowerbeds may be dug out 10" inches in front of the graveside of a marker for planting of live flowers only and must be kept weeded or they will be removed. Dwarf shrubs are allowed but must be kept trimmed or they will be removed. No rose bushes or thorny shrubs allowed.
7. Edging must be flush with the ground. No fences, no decorative stones or wire.
8. Ornaments cannot be glass or fragile. No glass shall be placed in the cemetery. If you do and it ends up broken the Middlebury Township Cemetery will not be held responsible.
9. Artificial Flowers are not to be stuck in the ground. No Styrofoam backed flowers on wire support can be placed in the ground. Weathered flowers will be removed.
10. Hanging Baskets can be placed in line with markers, they must not hang over areas to be mowed. No basket hooks placed in the walkways.
11. Trees are not allowed to be planted or removed without the cemetery management approval.
12. Statues are permitted. Only one statue over twenty-four inches per marker and must be placed in line with the marker or grave site and not more than twelve inches from the marker. Statue must be placed on a patio stone. Never place a statue in the walkway.
13. Grave Blankets must be removed by April 1st.
14. PLEASE BE ADVISED IF ANYTHING NOT PERMITTED IS FOUND IT WILL BE REMOVED AND DISCARDED.