

Chapter 29 - Cemetery Ordinance

1. City Cemeteries Defined. The cemeteries which have been or may be hereafter established or maintained by the City, of which plats have been or shall be filed in the office of the City Clerk, shall be known as city cemeteries. This chapter is intended to regulate and control the use of city cemeteries as hereinabove defined and does not apply to private cemeteries except as herein otherwise specifically provided.

2. Control of Cemeteries. The Director of Parks and Recreation, subject to the direction of the City Manager, shall manage, supervise, maintain and improve city cemeteries. The Director shall plat cemetery grounds and after these plats have been approved by the City Council they will be filed in the office of the City Clerk.

(Rev. 07-07-08)

3. Enforcement. It shall be the duty of the Director of Parks & Recreation to see that this Chapter is enforced. The City Clerk shall be responsible for the selling of lots and all deeds shall be executed on behalf of the City by the City Clerk.

(Rev. 11-25-68)

4. Unlawful Burials. It shall be unlawful for any person to inter or cause to be interred the corpse of any person in any part of the City, except within a private or a public cemetery.

5. Interments and Disinterments. The Director of Parks and Recreation shall maintain a register of all interments or disinterments made in any City cemetery, in which shall appear the name of the deceased, the date and place of the interment or disinterment and other such information as may be necessary for proper identification.

(Rev. 03-26-79)

6. Purchase of Burial Spaces. Any person desiring to purchase a burial space in any city cemetery shall make application to the City Clerk and pay the required amount to the City Treasurer for the space selected. Upon the purchase of any such burial space, the City Clerk shall prepare and deliver to the purchaser a duly executed deed for said burial space. Such deed shall convey to the purchaser the right of interment only and shall be held subject to the provisions of this code, existing rules and regulations and such ordinances, rules and regulations as may hereafter be adopted by the City of Troy.

(Rev. 07-07-08)

7. Lot Records. The City Clerk shall keep proper records in which the deeds to all such burial spaces shall be recorded. In connection with all such records, the City Clerk shall also keep a general index indicating alphabetically the name of the party or parties to every such burial space. Any person desiring to transfer his or her burial space to another party shall make application with the City Clerk. No person shall be recognized as owner or part owner of a burial space until such ownership is recorded with the City Clerk. The City may buy back a burial space from any owner of record. The amount paid for a burial space by the city will be the original purchase price.

(Rev. 07-07-08)

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8. Owner Burial Rights. The owner of any burial space shall allow no interments for remuneration. All interments in burial spaces shall be determined by the owner of record.

(Rev. 07-07-08)

9. Grave Openings and Closings. No person other than an employee of the City, acting under the direction of the Director of Parks and Recreation, shall open or close any grave, nor shall any person grade or fill any burial space or otherwise do work in connection therewith unless such work be authorized by the Director of Parks and Recreation.

10. Lot Types.

1. Upright Grave Marker Sections. The upright marker section shall include all sections in which lots were platted prior to January 1, 1969. Either upright or flush type individual grave markers may be used in these lots. Upright markers shall conform to standards stated in Section 14.
2. Flush Marker Sections. The flush marker section shall include all those sections platted after January 1, 1969. In these sections all grave markers shall be of the flush type and shall conform to those regulations as stated in Section 14.

(Rev. 11-25-68)

11. Decoration of Lots.

- A. Definition. Lot decorations shall be deemed to include all structures, ornaments, plantings, or other embellishments, with the exception of monuments and markers, which are placed on cemetery lots.
- B. Decoration of Lots in Upright Marker Sections. The following rules shall be observed with regard to the decoration of cemetery lots in the upright marker sections of the cemeteries:
 1. Copings, fences, curbs, benches, steps, structures of wood or other equally perishable material are prohibited. Those structures or enclosures established on any lot previous to the adoption of these regulations which have, in the judgment of the Director of Parks and Recreation, become unsightly by reason of neglect or age shall be removed.
 2. No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the City.
 3. Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn. The use of glass jars or bottles as receptacles for cut flowers is strictly prohibited.
 4. Winter decorations may be maintained on graves until April 1st. If such decorations are not removed by April 1st, they shall be considered abandoned and may be disposed of by the Director of Parks and Recreation or his authorized representative.

(Rev. 07-29-74)

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5. There shall be no new urns allowed, provided that those erected before the effective date of this regulation shall be permitted only if properly installed and maintained. Any urns not in use by June 1st will be removed.
 6. Unsightly objects will not be permitted as grave decorations and, when used, they may be removed without notice.

(Rev. 11-25-68)
 7. Plantings shall be permitted only under the supervision of the Director of Parks and Recreation, and after receiving written permission therefor. Plantings placed on a lot without a permit will be removed without notice.
 8. The City will remove all flowers, trees and shrubs which have become unsightly or dangerous.
 9. No tree or shrub shall be removed or pruned except under the direction and with the consent of the Director of Parks and Recreation.
- C. Decoration of Lots in Flush Marker Sections. The following rules shall be observed with regard to the decoration of lots in the flush marker sections of the cemeteries.
1. No planting shall be made by anyone other than an employee of the City acting under the direction of the Director of Parks and Recreation on flush marker sections. Such planting as may be installed will be limited to areas set aside for that purpose.
 2. Cut flowers will be permitted provided they are placed in approved receptacles, installed flush with the lawn surface.
 3. Potted plants will be permitted to remain on lots from May 29th until June 15th. If left after this date, they will be removed without notice.
 4. No other lot decoration of any description will be permitted on lots in flush marker sections.
12. Funeral and Interments.
- A. Conditions to be Fulfilled before Interment. No interment shall take place in any city or private cemetery without a Burial Permit and until the person making arrangements for the interment has complied with all laws, ordinances, rules and regulations relative to burials. Funeral Directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or his agent.

(Rev. 11-25-68)
- B. Funerals. All funerals within the cemeteries shall be under the direction of the Director of Parks and Recreation or his or her authorized representative. The City reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.

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- C. Burial Vaults. In all adult interments, the casket shall be enclosed in a burial vault constructed of concrete or other suitable material.
- D. General Interment Restrictions. Only one adult interment in any one grave shall be permitted, except that cremated remains may be buried above another grave. The Director of Parks and Recreation and his or her authorized representatives shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners. Orders from funeral directors shall be construed as orders from owners. Under no circumstances shall the City assume responsibility for error in opening graves. No graves shall be opened except under the direction of the Director of Parks and Recreation or his or her authorized representative.

(Rev. 07-07-08)

13. Disinterment.

- A. General Restrictions. Disinterment of a body once properly interred shall not be made without an order signed by the Oakland County Health Department or other governmental agency or body having authority to order such disinterment. Graves shall not be opened for inspection except for official investigation pursuant to proper order. Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.

14. Markers.

- A. Upright Markers. Where permitted, single upright markers shall consist of one piece and shall not be less than 16 inches nor more than 24 inches in length, nor less than 10 inches nor more than 12 inches in width, and not more than 16 inches, nor less than 6 inches in height. These measurements do not apply to government issue markers or to those cases where the marker is installed adjacent to old markers on the same lot, which do not conform with this requirement. Double upright markers shall not be less than 40 inches in length nor less than 12 inches nor more than 16 inches in width, and not less than 16 nor more than 22 inches in height. The provisions of this section will not apply to the flush marker sections of the cemeteries.
- B. Flush Markers. In sections designated as flush marker sections, all markers shall be set so that the top is flush or level with the ground. No memorials other than grave markers may be set on any section so designated. The exposed surface of all single flush markers shall be of standard size, 24 inches in length and 12 inches in width. Double flush markers shall be 12 inches in width and not less than 40 inches in length. Flush type markers issued by the United States Government must be set flush even if used in a section where upright markers are permitted.
- C. Monuments. Where permitted, a monument shall not exceed 60 inches in length, or 14 inches wide, or 36 inches in height. The provisions of this section will not apply to the flush marker sections of the cemeteries.

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D. Location of Markers on a Lot. Markers shall be placed at the head of a grave, as platted. No marker shall be placed nearer than four inches to a lot line. No corner markers shall be used. Not more than one marker shall be placed at any one grave. No marker shall embrace two or more graves, except on a two or three grave lot where a double marker or monument is permitted. No marker shall be set unless it is first approved by the Director of Parks and Recreation and the grave space is paid for in full.

E. Monument and Marker Materials. No material except granite shall be used for upright markers or monuments. No materials except granite or bronze shall be used for flush markers. All monuments and markers shall be placed on a foundation which shall be designed to meet the standards of the Building Inspection Department.

(Rev. 09-09-85)

F. Border around Markers or Monuments. No upright marker or monument shall be installed in any cemetery without also installing a concrete border around such marker or monument six inches in width. Such border shall be flush with the lawn.

(Rev. 09-09-85)

15. General Regulations.

A. Conduct in Cemeteries. No person shall:

1. Enter a cemetery except through an established gate.
2. Deposit rubbish or debris on cemetery grounds.
3. Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub, or other plant material.

(Rev. 11-25-68)

4. Consume any food or beverage.
5. Permit any domestic animal to enter.
6. Use any form of advertising on cemetery premises.

B. Responsibility of the City. The City shall not be responsible for any damage to lots and structures or objects thereon, or for flowers or articles removed from any lot or grave.

C. Traffic Regulations. All traffic ordinances of the City of Troy that are applicable to operation of vehicles in cemeteries shall be strictly observed. A person driving in a cemetery shall be responsible for any damage done by the vehicle.

16. Fee and Charges.

Fees and Charges shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

(Rev. 03-17-03)