



GREENWOOD CEMETERY

OPERATIONAL PROCEDURES, CONDITIONS, AND REGULATIONS

Updated November 4, 2022

I. DEFINITIONS

A. The following words and phrases, for the purposes of these operational procedures, conditions, and regulation, have the meanings respectively ascribed to them.

1. "Cemetery" shall mean Greenwood Cemetery.
2. Cemetery land designations are as follows:
 - a) "Section" shall mean a collection of cemetery lots
 - b) "Lot" shall mean a collection of plots
 - c) "Plot" shall mean an individual gravesite. Interchangeable with "gravesite" or "grave space"
3. "City" shall mean any physical part of the City, the City Manager, the City Clerk, the City Department of Public Services, or any other entity otherwise responsible for municipal functions, and/or those employed by the city of Birmingham and or under the direction of the city and or its designated contractors.
4. "Corner Marker" also known as cemetery pin or lot pin, is used to locate cemetery sections, lots, and plots.
5. "Department" shall mean the City of Birmingham Department of Public Services.
6. "Immediate Member" shall mean spouse, children, grandchildren, parents, siblings, nieces, nephews, grandparents, aunts, uncles, and stepchildren. Shall also include domestic partner or those in a civil union.
7. "Memorial" shall include:
 - a) "Marker" shall mean a stone or object denoting the location of a grave which is not installed even with the ground level but does not exceed eighteen (18) inches in height, sixteen (16) inches in width, and twenty-four (24) inches in length.
 - b) "Monument" shall denote an object or memorial stone in excess of (18) inches in height, sixteen (16) inches in width, and twenty-four (24) inches in length.
 - c) "Flush Memorial Marker" shall mean an object denoting the location of a grave installed at lawn level.

8. "Minor" shall mean persons under eighteen years of age.
9. "Permanent outside container" shall be a container that encloses a casket. The following are considered permanent outside containers: concrete boxes, or concrete, copper, or steel burial vaults.
10. "Person of Historical Significance" shall be someone of importance to the history of Birmingham who has been buried in the Cemetery for at least 50 years. Final determination of historical significance shall be made by the Museum Director/City Clerk/City Manager in conjunction with recommendations from the Greenwood Cemetery Advisory Board, the Museum Board, and/or the Friends of the Birmingham Museum, and may include input from other Michigan based community historical groups and/or academic institutions, as well as any known family descendants.

II. CONDUCT OF PERSONS

- A. All persons shall be responsible for any and all damage caused to any property in the cemetery. No minor shall enter the cemetery grounds unless accompanied by an adult responsible for the minor's conduct, or unless permission has been granted by the City.
- B. All Persons shall:
 1. Enter the cemetery through an established gate.
 2. Only visit the cemetery between the hours from 7:00 am to 9:00 pm.
 3. Deposit or leave rubbish and debris in city-provided trash receptacles
 4. Refrain from picking, mutilating, removing, or destroying any living plants or parts thereof, whether wild or domestic, on the cemetery grounds, except for work by the City.
 5. Refrain from breaking, injuring, removing, defacing or otherwise harming any memorial on the cemetery grounds.
 6. Comply with applicable leash laws.
 7. Refrain from discharging any firearm on the cemetery grounds, except in the conduct of military funerals using only blanks, and with written permission of City or designee and prior notification of the Police Chief.
 8. Refrain from the carry, use, or consumption of any intoxicants at any time while on cemetery grounds, or bring into the cemetery grounds, or consume such while in the cemetery.
 9. Refrain from hosting or advertising any goods, services, or activities unless the City has provided written permission.
 10. Conduct themselves in only a quiet and respectful manner while on the cemetery grounds.

III. TRAFFIC REGULATIONS

- A. All vehicular traffic laws of the City of Birmingham shall be strictly observed. Every person or entity in control, including vehicular owners, drivers, and/or as operator who has engaged autopilot, will be jointly and severely liable for any and all damages caused by such vehicle which has entered onto cemetery grounds.
- B. No person shall:
 - 1. Operate a vehicle within the cemetery at a speed in excess of ten (10) miles per hour.
 - 2. Operate or park a vehicle on other than established driveways, except for the purpose of City authorized maintenance or construction as permitted.
 - 3. Turn a vehicle around within the cemetery by performing a u-turn.
 - 4. Use a cemetery driveway as a public thoroughfare.

IV. MAINTENANCE AND PERPETUAL CARE

- A. The City shall not be responsible for any special care of any particular section, lot, or burial space, or for the maintenance or repair of any monument, marker, or planting placed by the owner. Further, the City shall not contract or agree to give special care to any section, lot, or burial space, except as otherwise noted below.
- B. The City shall be responsible for the maintenance and repair of the driveways, buildings, water system, drainage, and fences. The City and/or its designated Contractor shall also cut and maintain the grass areas, remove the leaves, trim, remove, replace or add trees and shrubs, and, in general, maintain the cemetery as a place of natural beauty devoted to the burial of the dead.
- C. In order to preserve the integrity of potentially historical markers, the City shall maintain, using best practices and discretion, markers for deaths which have occurred at least 120 years ago or more, for which there has been no maintenance from descendants for a period of 10 years.

V. OPERATIONAL REGULATIONS

The following operational regulations shall apply to all areas within the cemetery:

- A. Corners of all sections, lots, and plots will be marked with corner markers set flush with the ground surface, which will be installed and maintained by the City and shall not be disturbed.
- B. The erection of any fence, railing, wall, coping, curbing, trellis, or embankment, or the planting of any hedge, on any lot or grave is prohibited.
- C. The cutting of paths shall not be permitted.

- D. The City shall have the right to remove from any lot any objects, including trees, shrubs, and flower pots that are not in keeping with the regulations of the cemetery.
- E. The City is not responsible for any damage or loss of personal items.
- F. Decorative items are only allowed on owned plots or sections, not on adjacent graves or other locations in the Cemetery.
- G. Only one (1) vase or planter shall be allowed on lots or plots, providing that the same shall be kept in good repair. If not kept in good repair, the City shall have authority to remove and shall not be liable for any such removal.
- H. Only one (1) pinwheel per plot allowed.
- I. Items which pose a sound, light or littering disturbance are not allowed, including balloons, wind chimes, artificial flowers, solar lights, candles, glass or porcelain objects.
- J. The City shall have the authority to remove unapproved items from lots or plots and make the unapproved items available to an immediate family member. If the item is not claimed within six months it will be considered abandoned property.
- K. Planters for the planting of flowers will be removed from lots and plots if not filled with foliage by July 1st. The City shall make the removed planter available to an immediate family member. If the item is not claimed within six months it will be considered abandoned property.
- L. No person shall plant, cut down, remove, or trim any tree, shrub, or plant within the cemetery except by permission of the City, or a person authorized to act in their stead in matters pertaining to the cemetery.
- M. The planting of flowers on any plot, or otherwise disturbing the grass, shall release the City from all obligation to reseed without an additional fee.
- N. It is not permitted to plant any plant that may grow over three feet in height or is a non-native or invasive plant. If a plant, approved or otherwise, becomes overgrown the City may trim, cut or remove the plant. The City may ask for reimbursement from the plot owner for cost of removal or maintenance.
- O. The City reserves the right to remove all plants, flowers or other objects wherever situated that are not maintained in accordance with these regulations.
- P. The City reserves the right to remove any object that interferes with safety and maintenance.
- Q. If an individual or group wishes to place items at graves they do not own, they must receive written approval from the City and will be responsible for a plan for removal.

VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS

A. MONUMENTS

1. Monuments will be permitted only on two adjoining side-by-side graves under one ownership. No more than one monument shall be erected on any plot.
2. Each monument shall be supported on a concrete foundation not smaller than the base of the monument it supports. Such foundation shall be constructed only by the City after payment has been made. Foundations will be installed April to November, weather dependent, as determined by the City. Requests received after November 1st will be held until conditions allow for installation.
3. Designs for monuments must be submitted to the City, when application is made for construction of foundations. A form with the size, material, and design must be submitted to the City or its designated contractor for approval, and all installation fees must be paid in full prior to delivery of the memorial.
4. A request to install a monument or marker on a grave of special historical significance may be made by a non-deed holder, subject to compliance with all applicable requirements for monuments and markers and final approval by the City. Such request shall be made by application, and shall include detail as to the historical significance of the person in question to the City or Cemetery, and obtaining necessary approval of such Application from the City, subject to the criteria in the Application. Any such marker or monument becomes the property of Greenwood Cemetery/City of Birmingham upon installation, and the City is not required to maintain such property, other than as part of the general maintenance of the cemetery.
5. No monument of artificial stone, sandstone, limestone, or soapstone will be permitted.
6. The City is not responsible for damage done to any attachments to a monument.
7. All contractors, vendors and workers engaged in setting monuments shall be under the supervision of the City and they will be held responsible for any damages. No work of setting monuments shall be started that cannot be completed by the end of the day following the start of such work.
8. All contractors/vendors engaged in setting monuments shall have prior approval from the City prior to commencement of work. Such contractor/vendor (and the workers thereof) will be held responsible for any damage resulting from said contractor's/vendor's (or the worker's thereof). Further, all monument installations shall be completed in a timely fashion, and may remain unfinished at the close of the business day provided the materials and area is left in a safe and secure manner.
9. No monuments shall be allowed in areas designated only for ground level memorials.

B. GRAVE MARKERS

1. Markers shall not exceed eighteen (18) inches in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.
2. Individual markers can be sod set without a concrete foundation.
3. A form with the size, material and design must be submitted to the City for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and April 15th unless weather permits.

C. FLUSH/LAWN LEVEL MEMORIAL SECTION – AREAS PLOTTED AFTER JANUARY 1, 2015

1. On grave spaces in Sections B, C, D, K, L, and O, all memorials on new plots created after January 1, 2015, must be installed at lawn level. Memorials can be individual markers measuring twelve (12) OR sixteen (16) inches wide, twenty-four (24) inches long and four (4) inches deep. Companion memorials over two (2) graves can measure up to forty-eight (48) inches wide, twelve (12) inches long and four (4) inches deep.
2. The memorials must be made of acceptable bronze or granite material and set at lawn level. Bronze plaques must be installed on granite prior to memorial installation.
3. A form with the size, material, and design must be submitted to the City for approval, and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and April 15 unless weather permits.

VII. FUNERALS, INTERMENTS AND DISINTERMENTS

A. FUNERALS AND INTERMENTS

1. No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials.
2. No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.
3. The City will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vaults or caskets. Tents, lowering devices, and other materials shall be furnished by the funeral director or vault company.
4. No grave shall be dug closer than six (6) inches from the line of any lot.

5. In all full burial interments, the casket shall be enclosed in a permanent outside container. Such outside container shall be installed by the funeral director, vault company, or the City's designated contractor.
6. In all interments of cremated remains, the container shall be installed by the City, its designated contractor, funeral director, or vault company. The size of the container must be submitted with the request for burial.
7. Time, date and location of interments must be coordinated by the city or designated contractor. Proposed interments must have approval from at minimum a 48-hour notice from the time of confirmation from the City Clerk or designated contractor, and must include the date, time and location of the interment.
8. All funerals within the cemetery shall be under the supervision of the City. No burials are to be made on Sunday or legal holidays, except by permission of the City. Overtime charges will apply after 2:00 pm Monday through Saturday, and any time on Sundays and Holidays.
9. Interments that involve preparation or follow-up work during other than regular working hours will be done at an additional charge for the overtime portion of the time required. The maximum charge shall not exceed the normal charges plus the weekend/holiday fee. This fee is in addition to the normal interment or disinterment fee charged during regular working hours.
10. Interment of the remains of any persons other than the owner will be permitted only after the written consent of the owner or the owner's authorized agent has been filed with the City Clerk or the City's designated contractor. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.
11. Only one (1) interment in any one grave space shall be permitted, except in the case of a parent and infant child, or two (2) children dying at about the same time, or in such other unusual cases as it shall seem to the City to be proper under the circumstances. Such interments shall adhere to *Section VIII Burial Rights Policy*.
12. A maximum of 3 occupants per plot are allowed if the owner of the plot or their heirs purchase the right to such interment. This can be in the form of one (1) casketed burial (full burial) and two (2) cremated remains, OR three (3) total cremated remains. Exceptions are made regarding children two (2) years & under.
13. Should the owner permit the burial of such cremated remains, only one additional memorial shall be permitted on the grave space and such memorial shall not be larger than twelve (12) inches wide, twenty-four (24) inches long and four (4) inches deep and installed at ground level.

B. DISINTERMENTS

1. Disinterment of a burial shall be facilitated by a Michigan licensed funeral director. Said funeral director shall obtain a permit for such removal from the local health officer of Oakland County. Disinterment shall not commence until after

issuance of the Oakland County permit is presented to the City or its designated contractor, approval for removal is granted by the City or its designated contractor, and all applicable fees are paid. Such disinterment shall only be scheduled between June 15th and October 15th each year unless approved by the City. The grave space where the disinterment occurred shall be returned to a safe condition.

VIII. BURIAL RIGHTS POLICY

A. Full Plot

1. A full plot accommodates up to three (3) burials. The primary burial can be cremated remains or a full burial. The additional two burials must be cremated remains.
2. Full plots purchased prior to January 1, 2015 require the purchase of the second and third burial right prior to each burial.

B. Cremation Plot

1. An individual cremation plot measuring three (3) feet by two (2) feet accommodates one (1) burial right for one (1) cremated remains.
2. A companion cremation plot measuring three (3) feet by four (4) feet accommodates two (2) burial rights for two (2) cremated remains.

IX. LOT SALES – PAYMENT PLAN POLICY

A. A payment agreement may be entered into to allow for the purchase price of a plot(s) to be paid over a period of time not to exceed twenty-four (24) months and the period provided to cure a default. A copy of this Payment Plan Policy shall be attached to all installment payment agreements and shall be provided to the Purchaser.

B. Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments not to exceed twenty-four (24) months. Such payment agreements shall be interest free. There shall be no prepayment penalty to the Purchaser.

C. Plot(s) being purchased under a payment agreement may not be used for interment until the full purchase price of the plot(s) has been paid. The Purchaser may apply all payments made on the plan to the plot(s) needed for burial. Should this application of funds to the burial plot reduce the balance in the Purchaser's account below 20% of the value of the remaining plots, the Purchaser shall be given a grace period of up to six (6) months to repay the 20% deposit on the remaining plot(s).

D. In the event a Purchaser fails to make an installment payment, the Purchaser shall have ninety (90) days from the default to cure the deficiency and bring the payments current.

E. For purchase agreements initiated after January 14, 2019, failure to pay the entire contract on or before the final payment due date and the cure period will result in

forfeiture of the unpaid plot(s) and 50% of all monies paid to date. If enough money is on account to completely pay for a plot(s), the Purchaser shall have the option to purchase said plot(s) with those available funds. Fifty percent of the remaining funds on account and any plots not paid in full shall be forfeited.

X. LOT RESALE POLICY

A. All graves sold by the City after October 1, 2014 can only be returned to the City. Such graves can only be transferred from the original purchaser to an immediate member with supporting documentation.

B. All graves returned to the City shall receive 50% of the original purchase price from the Greenwood Cemetery Perpetual Care Fund. Upon return of the graves, the City may resell the graves.

XI. SCHEDULE OF FEES AND CHARGES

Fees and other charges are as set forth in the Schedule of Fees, Charges, Bonds and Insurance.

XII. REVISIONS

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

1. October 18, 1971 Resolution No. 1434-71
2. February 13, 1984 Resolution No. 02-97-84
3. February 23, 2009 Resolution No. 02-52-09
4. December 17, 2012 Resolution No. 12-356-12
5. August 10, 2015 Resolution No. 08-174-15
6. March 27, 2017 Resolution No. 03-82-17 (and confirmed by Greenwood Cemetery Advisory Board on May 5, 2017).
7. January 14, 2019 Resolution No. 01-011-19
8. Greenwood Cemetery Advisory Board, November 4, 2022