

March 30, 2009

RULES AND REGULATIONS GOVERNING

Graceland Cemetery

Sidney, Ohio

Effective March 30, 2009

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been approved by City Council of the City of Sidney. All lot owners, decedent representatives, heirs of lot owners and visitors within the cemetery and all lots sold shall be subject to these rules and regulations and to the amendments which may be adopted from time to time.

I. OUR GOAL

The goal of the Graceland Cemetery is to be professional and compassionate when dealing with the families of the deceased and the general public, while maintaining the Cemetery in beauty and serenity.

II. DEFINITIONS:

CEMETERY OFFICE - the office maintained at Graceland Cemetery by the Cemetery Superintendent and City staff.

CERTIFICATE OF OWNERSHIP (aka Deed) - the original document given by the City to the original purchaser, granting a right of interment in a grave or crypt.

CREMAINS - Cremated remains.

CREMATION NICHE - a space located in the mausoleum large enough for the entombment of cremation urn.

DECEDENT'S REPRESENTATIVE - The party named by decedent who has the right to direct the disposition of the decedent's body; or, if not named, the party or parties entitled to exercise that right, per R. C. 2108.81.

DISINTERMENT - the removal of the remains of a deceased person from entombment or burial.

FOOTSTONE - a solid concrete, stone, or fabricated grave marker that indicates the remains of a person buried within a grave, located at the foot of a grave.

GRAVE - a space of sufficient size to accommodate one adult interment, or multiple interments, if permitted by this policy.

GRAVE MARKER - all types of grave identification other than a monument, footstone or memorial stone.

INDIGENT - (1) a person whose identity is not known; or (2) a decedent with insufficient assets to pay for his/her burial services; or (3) a decedent with next-of-kin who have insufficient income to pay for burial services.

INTERMENT - the permanent disposition of the remains of a deceased person by cremation and inurnment or entombment or burial.

LOT - the numbered divisions as shown on the record plat consisting of one or more graves.

MAUSOLEUM CRYPT - a space located in the mausoleum large enough for the entombment of a deceased person.

MEMORIAL STONE - a stone or memorial of granite, marble, or other rock like material which shall be installed with its top being flush with the surface of the ground.

MONUMENT - a stone or memorial of granite or marble or other rock-like material which shall extend above the surface of the ground.

SCATTERING GARDEN - the area of the cemetery designated for the purpose of scattering cremation remains.

III. GENERAL RULES OF BEHAVIOR:

1. Motor vehicles shall not be driven in excess of fifteen miles per hour within the cemetery. Parking of vehicles is restricted to the roadway. Vehicles shall be parked in such a manner so that other vehicles can pass.
2. Persons visiting the cemetery shall use the roads and walkways. No one is permitted to walk upon or across lots and lawns except in a straight path from a roadway or walkway to the gravesite such person is visiting.
3. Picking of flowers (wild or cultivated), breaking or injuring any tree, shrub or plant, or writing upon, defacing or damaging any memorials, fence, or other structure within the cemetery grounds is prohibited.
4. No person shall disturb the quiet and good order of the cemetery by loud or boisterous noise or improper conduct.
5. Pets brought into the cemetery shall be kept on a leash and are permitted only on the roadway. The pet owner or handler shall pick up animal waste and dispose of it offsite.

6. Receptacles for waste materials are located in convenient locations throughout the cemetery for use of general litter and trash disposal; no person shall litter.
7. The following conduct is prohibited:
 - (a) Peddling or soliciting the sale of any commodity or service within the cemetery.
 - (b) Bringing firearms into the cemetery except by a military escort accompanying a veteran's funeral or memorial service, or the Police/Sheriff Department.
 - (c) Drinking of alcoholic beverages, sunbathing, off-road motorcycling (2, 3, or 4-wheeled), or objectionable loitering.

IV. HOURS AND FEES:

8. Graceland Cemetery is open year around; however, no one is permitted in the cemetery at any time between 10:00 p.m. - 6:00 a.m., except City staff.
9. The cemetery office is open on Monday through Friday from 7:30 a.m. until 4:00 p.m., except holidays. The Cemetery Superintendent can be contacted as follows: (1) Phone; (2) E-mail; or (3) Fax, during normal working hours. The Cemetery E-mail is: cemetery@sidneyoh.com. The Cemetery fax number is: (937) 498-8170. The Cemetery phone number is (937) 498-8170.
10. No funeral services will be scheduled on the following holidays: NEW YEAR'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, THANKSGIVING AND CHRISTMAS DAY.
11. Fees for lot purchases, interments, disinterments, foundation installation, etc., are established by the City Manager in accordance with Section 921.12 of the Codified Ordinances. The current fee schedule is available upon request.
12. All fees or charges for services or lots should be paid at the Utility Billing Office at the City Building located at 201 West Poplar Street, Sidney, Ohio. However, if the Utility Billing Office is closed (weekends, etc.), arrangements can be made with the Cemetery Superintendent, and the charges can be paid at the cemetery office. Payment in full is required before the closing of a grave.

V. LOTS, MONUMENTS, MEMORIAL STONES AND GRAVE MARKERS.

1. A person desiring to purchase a grave or crypt should visit the cemetery. Cemetery personnel will aid the purchaser in making a selection.
2. No grave or crypt shall be used for any purpose other than for the burial of a deceased human being. Vaults, meeting the approval of the Superintendent, must be used for all interments, except for burial of ashes.
3. Only one monument, except in the Memorial Sections of the Cemetery is allowed per grave. The monument shall be placed at the head of the grave. Footstones may be added if the footstone is installed flush with the ground. If a family lot is purchased, footstones may be installed above ground at the discretion of the Cemetery Superintendent.
4. A maximum of two grave identification markers are allowed per grave; either (1) a monument and a footstone; or (2) two footstones.
5. Government markers may be placed on graves of eligible veterans per Federal regulations.
6. All monuments shall be set upon a foundation installed by the City per the fee set by Section 921.12 of the Codified Ordinances. The foundation will not be installed by the City until the soil has properly settled following the burial. Please contact the Cemetery Superintendent prior to placing any monument within the Cemetery.
7. The Cemetery Superintendent shall have the authority to remove any and all broken monuments, memorial stones, or grave markers from the graves and place them in storage. Broken monuments will be kept in storage by the City for one year, and if not claimed by the heirs within that time, the broken pieces will be disposed of.
8. Monuments, memorial stones and grave markers are not the property of the City and their maintenance and repair are the responsibility of the lot owner or heir. Monuments can be insured against damage. Please contact your insurance agent.

VI. PLANTINGS, FLORAL ARRANGEMENTS AND GROUND MAINTENANCE.

1. Anyone desiring to plant flowers shall do so per the following standards:
 - (a) No planting of woody plants is permitted on any grave.
 - (b) Flowers may be planted in a bed next to the monument foundation.

However, flowers may not be planted around any flat marker.

- (c) All flower beds shall be maintained by the lot owner or next-of-kin. If a flower bed becomes unsightly, cemetery personnel shall remove the bed and re-seed.
 - (d) Temporary floral arrangements may be set next to the grave for a period of seven (7) days before and seven (7) days after Memorial Day.
 - (e) For new graves, floral arrangements will be permitted to remain for seven (7) days after burial services.
 - (f) The Superintendent has the authority to remove any and all plantings, including shrubs and trees, which are dead, have outgrown their usefulness, or have spread beyond control.
2. Between November 15 and April 1, winter wreaths, grave blankets, etc. will be permitted. Winter wreaths and grave blankets must be removed by April 2 or they will be removed by the City.
 3. General cleaning of the Cemetery will begin each year during the 2nd full week following Easter. All grave decorations must be removed from the Cemetery grounds.
 4. Due to health and safety concerns for the public and maintenance workers, as well as to avoid the appearance of clutter, the following items will not be allowed on the Cemetery grounds or around gravesites:
 - (a) Styrofoam cups and containers
 - (b) Decorative fencing
 - (c) Rocks and stones
 - (d) Wire or objects made of wire
 - (e) Glass, ceramics, or other similar ornamental objects
 - (f) Cardboard or paper
 - (g) Toys or stuffed animals
 - (h) Balloons or inflatable items

Please do your best to avoid placing these type of objects near or around gravesites.

5. Deteriorated, unsightly and inappropriate grave decorations, as determined by the Cemetery Superintendent, shall be removed. The cemetery personnel will not retain or store items removed from a grave.

6. No temporary or permanent installation of bricks, concrete, blocks, stone, fence, hedge, railing or other landscaping fixtures shall be placed on or around any grave site.
7. The general care of the cemetery is assumed by the City and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the City. No person other than employees of the cemetery or contract labor of the City shall perform any maintenance on the lots.

VII. CEMETERY MAUSOLEUM:

9. No flowers or other decorations shall be hung, taped, glued, or wired to any crypt or niche front.
10. Designated areas around the mausoleum will be reserved for memorial floral plantings by mausoleum owners only.

VIII. PRIVATE MAUSOLEUMS:

1. No tomb or private mausoleum shall be constructed within the limits of the Cemetery except by permission of the Cemetery Superintendent and only in such places and in such manner as he/she may direct:
 - (a) Placement: The Superintendent shall have full discretion as to the placement of a private mausoleum within the Cemetery.
 - (b) Plan review: All construction plans of a private mausoleum shall be reviewed by the Cemetery Superintendent prior to construction. Construction plans shall be submitted to the Cemetery Superintendent prior to purchase of lot.
 - (c) The mausoleum shall not be constructed or installed by the City.
 - (d) Building specifications: All mausoleums shall include footings below the frost line. All footings shall be constructed with poured concrete on site.
 - (e) Disclaimer: The Cemetery and the City shall not be liable for any claims or actions arising out of the construction, erection or materials of the mausoleum installed and constructed by a private contractor.

2. The land adjacent to the mausoleum on the lots purchased may be used for the burial of cremains, with approval of the Cemetery Superintendent. Flat individual markers may be used to identify the location and name of the cremains.
3. The Cemetery Superintendent or City of Sidney reserves the right to reject any plan submitted even though these rules are met, if the aesthetics or structural conditions of the mausoleum are not acceptable.
4. All maintenance responsibility of the private mausoleum shall be performed by the owner or the owner's next-of-kin, or authorized contractor of the owner of the owner's next-of-kin.

IX. INTERMENTS / DECEDENT'S REPRESENTATIVE.

1. Per Revised Code Sections 2108.70 through 2108.90, the Cemetery Superintendent / City of Sidney shall provide final disposition of decedent's body per the arrangements selected by decedent's representative, if a representative is not named by the decedent, the decedent's representative per the following order of priority (See R. C. 2108.81):
 - (a) The surviving spouse;
 - (b) The surviving children;
 - (c) The surviving parent or parents;
 - (d) The surviving sibling whether the whole or the half blood or if there are more than one sibling of the whole or the half blood, all the surviving siblings collectively;
 - (e) The surviving grandparent or grandparents;
 - (f) The lineal decedents of the deceased person's grandparents;
 - (g) A person who was the deceased person's guardian at the time of deceased person's death;
 - (h) Any other person willing to assume the right of disposition including the personal representative of the deceased person's estate.
2. If there is disagreement among group representatives or within a class with equal rights regarding disposition, the majority decision of the group or class shall

prevail (See R. C. 2108.79).

3. When an interment is requested, the owner of the lot or the decedent's representative shall determine which grave within a lot is to be used for the burial.
4. If someone other than the original owner is to be buried in a grave, the "Burial Permission Form" must be completed by the owner, or if deceased, by all of the next-of-kin of the owner and submitted to the Superintendent. Should the lot owner or the next-of-kin fail or neglect to provide the necessary documentation, the City reserves the right to deny the interment.
5. Decedent's representative shall contact the Cemetery Superintendent's Office in order to determine the time of the burial. The priority of interments will be set based upon the order in which the applications are received by the City. The Superintendent requires 2 work days notice in advance of any interment. All efforts will be made to accommodate all applications.
6. Upon reaching the Cemetery, the Superintendent or one of his assistants shall assume control of all funeral processions. Each driver will be required to carefully observe and obey all directions given by Cemetery officials.
7. The scattering of cremains on a grave is prohibited. Scattering of cremains will be permitted in the Scattering Garden.
8. The number of interments for one gravesite are:
 - (a) one (1) adult burial; or
 - (b) one (1) adult burial and up to (3) cremations; or
 - (c) one (1) adult burial and (1) infant burial and up to two cremations; or
 - (d) up to four (4) cremations per gravesite; or
 - (e) two adult burials with a "double depth" vault, but no other burials or cremations; or
 - (f) or in the case of an infant, two (2) burials may be allowed per burial plot.
9. Cremation niches may include up to two (2) cremations.
10. Crypts may include one (1) burial and one (1) cremation.

X. INDIGENT SERVICES.

1. Per R. C. 9.15, the City will provide cremation services for a decedent who qualifies as an indigent.
2. If decedent's representative desires a burial for a decedent who otherwise qualifies as an indigent, such authorized representative shall be personally responsible for the cost of the burial, per R. C. 2108.89.
3. If the identity of the decedent is unknown and the decedent is found within the City limits, he/she will qualify for indigent cremation services by Graceland Cemetery. Otherwise, to qualify for indigent cremation services by Graceland Cemetery, the decedent must meet all of the following criteria:
 - (a) The decedent has insufficient estate (cash, property or assets, etc.) from which to pay the cost of burial services;
 - (b) Assistance from the Social Security Administration or Veterans Administration is not available or insufficient to pay the full cost;
 - (c) The responsible next-of-kin and/or the decedent's representative do not have sufficient income to pay the full cost.
4. To qualify as an indigent for cremation services by Graceland Cemetery, the decedent's representative shall sign an Indigent Services Agreement provided by the City acknowledging responsibility for services should the decedent or decedent's representative be found to not be indigent. The decedent's representative shall then complete and sign an application form provided by the City which documents and verifies decedent's assets and decedent's representative's income in order for the City's Finance Officer to determine whether the decedent qualifies for an indigent cremation. Income sufficiency will be based on gross income at or below 100% of the Federal Poverty Income Guidelines.
5. No monument or grave marker shall be placed on an indigent gravesite unless payment is made, in full, of the City's expenses for indigent services.
6. All services in excess of cremation shall be the responsibility of the decedent or the decedent's representative.

XI. OWNERSHIP RIGHTS OF GRAVES.

1. Cemetery graves, crypts and niches are conveyed by the City to the owner by a

Certificate of Ownership. The Certificate of Ownership grants to the owner the right to be interred in the grave, crypt or niche. The Certificate of Ownership does not grant to the owner general property rights, such as the right to sell or transfer the grave, crypt or niche to another party. Accordingly, no owner shall sell or convey ownership of his grave, crypt or niche or any part thereof to any other person.

2. The City will refund the original purchase price of a grave, crypt or niche, without interest, to the owner or the next-of-kin of a deceased owner who may desire to return a grave, crypt or niche to the City. A refund to the next-of-kin will require proof of the name and address of all next-of-kin and the consent by all next-of-kin to the refund. Following refund of the purchase price, the City will acquire all ownership rights to the subject grave or crypt.
3. The right of interment may be transferred by the owner to another party. The owner must complete the Burial Permission Form and file it with the Utility Billing office at the City Building prior to the interment of a third party.
4. In addition, the next-of-kin of deceased owner will acquire interment rights in vacant graves, crypts or niches owned by a deceased owner, by the laws of descent and distribution per R. C. 2105.06. Thus, a next-of-kin has the right to be interred in the lot on a “first come, first serve” basis until all of the graves, crypts or niches (owned by a deceased owner) within the lot are occupied. To qualify for “next-of-kin” interment rights, the next-of-kin must:
 - (a) Complete a “Burial Permission Form”.
 - (b) The signature of all next-of-kin are required.
 - (c) A list of all of the next-of-kin (i.e. probate documents or the decedent’s obituary) must be provided with the form.