



## ***RULES AND REGULATIONS***

As required by Ohio Revised Code 517.06

OF

### ***Watkins & Bouic Cemeteries***

**Millcreek Township, Union County Ohio**

#### **PURPOSE**

These rules and regulations are designed for the protection of owners of interment and/or inurnment rights as a group. They are intended, not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. Their enforcement will help protect the Township's Cemeteries and create and preserve their beauty. These rules and regulations are hereby adopted as the rules and regulations of the Watkins and Bouic Cemeteries, and all owners of interment and inurnment rights, visitors, and contractors performing work within the Cemeteries, shall be subject to said rules and regulations, amendments or alterations as shall be adopted by the Millcreek Township Trustees from time to time. The rules contained herein supersede and replace rules adopted by the Township Trustees on the 3<sup>rd</sup> day of June 2002.

#### I. DEFINITIONS

- A. **"Burial Vault"** shall mean an outside burial container (including urn) as specified by the cemetery to incase human remains.
- B. **"Cemetery"** shall mean not only the land and improvements thereon, but Watkins and Bouic Cemeteries duly authorized representatives.

- C. **“Contractor”** shall mean any person, firm, or corporation or anyone other than a Township trustee or employee engaged in the opening and closure of a grave site; placing, erecting, or repairing any memorial or monument; and performing any work on the Cemetery grounds.
- D. **“Domicile”** shall mean a person’s true, fixed, principal, and permanent home.
- E. **“Domiciliary”** shall mean, for purposes of these Regulations, a person who is domiciled in Millcreek Township, Union County, Ohio
- F. **“Interment”** shall mean burial of the remains of a deceased human being.
- G. **“Inurnment”** shall mean the burial of cremated remains of a deceased human being.
- H. **“Memorial”** or **“Monument”** shall mean any marker placed upon any lot for the purpose of identification or in memory of the interred or inurned.
- I. **“Owner”** shall mean the owner of rights of interment or inurnment.
- J. **“Trustee (s)”** shall mean the elected trustees of Millcreek Township, Union County, Ohio.

## II. CEMETERY HOURS

- A. The Watkins and Bouic Cemeteries are open from sunrise to sunset daily.

## III. OWNERSHIP

- A. Interment or inurnment rights shall be used for no other purpose than the disposition of the human deceased.

## IV. GENERAL REGULATIONS

- A. No children under the age of 16 are permitted within the Cemeteries without adult supervision. All children must display appropriate behavior while on the grounds of either cemetery.
- B. Any pet brought into the Cemetery must be on a leash while within the Cemetery. The person bringing a pet into the Cemetery is responsible for picking up and properly disposing of pet wastes. This Rule does not restrict the use of assistance animals by persons with disabilities.

- C. Consumption of food and non-alcoholic beverages are permitted in both cemeteries. All trash shall be removed from the cemeteries
  - 1. Possession of alcoholic beverages or illegal substances for consumption within either Cemetery is strictly forbidden.
- D. The sitting or leaning on monuments is not permitted.
- E. The Trustees are not responsible for theft or damage to anything placed on graves or lots.
- F. No action, including but not limited to scraping, rubbing, or spraying of liquids that results in damage or poses a risk of damage to the memorials or monuments is permitted for any purpose. For purposes of this Rule, "risk" has the same meaning as given in R.C. §2901.01(A)(7), as amended.
- G. No person shall use profane or boisterous language or in any way disturb the quiet and good order of either Cemetery.
- H. All person are forbidden to hunt fowls or other animals within either Cemetery.
- I. All persons are reminded that the grounds of both Cemeteries are sacredly devoted to the burial of the deceased and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance, or disregard of the rules and laws of Ohio

## V. SALE AND PURCHASE OF INTERMENT / INURNMENT RIGHTS

- A. All interment and inurnment rights are sold subject to payment of the price for the lot as established by the Trustees from time to time by separate Resolution. All interment and inurnment rights shall be fully paid prior to their use. The Trustees or their designee shall be contacted to select and purchase a lot.
- B. The Trustees established the following categories and descriptions for the purchase of cemetery lots. Current pricing for the below categories can be obtained by contacting a Township Trustee of the Township Clerk.
  - 1. Township Domiciliary
    - a) *Persons who are domiciled in Millcreek Township may purchase lots for themselves, spouse, and dependents under the age of 21 years; additional lots may be purchased at the non-domiciliary, non-property owner rate.*
  - 2. Non-Domiciliary Property Owner

a) *Persons who are not domiciled in Millcreek Township but who own property in Millcreek Township may purchase lots for themselves, spouse, and dependents; additional lots may be purchased at the non-domiciliary, non-property owner rate.*

3. Non-Domiciliary, Non-Property Owner

4. If a deceased past resident was domiciled within the township within the two (2) years preceding the date of death but moved to a nursing home, assisted living or retirement village, or was engaged in active duty with a branch of the United States military service, his or her heirs, executors or administrators of the estate may purchase a lot for the decedent at the resident's rate.

5. Upon application of a head of a family living in the township, the Trustees, without charge, may make and deliver to such applicant a deed or certificate for a suitable lot for the burial of his / her family member if, in the opinion, of the Trustees and by reason of the circumstances of the family, such payment would be oppressive.

C. The Trustees shall issue a "Deed" or "Certificate of Ownership" pursuant to Ohio Revised Code 517.07 to the new Owner subject to the provisions of said deed or certificate. The same rule shall apply in all cases of assignment for interment or inurnment rights.

D. The Trustees reserve the right of first option to repurchase the lot at the original price. Except as specifically permitted in these Rules and Regulations, no interment or inurnment right can be sold, assigned, transferred, pledged or hypothecated without the written approval of the Trustees.

E. Any and all transfers of any interment or inurnment rights, whether same be by conveyance or assignment via Trustee approval are subject to all rules and regulations of the Cemetery, which are now in full force and effect or which may be hereafter adopted.

F. The subdivision of interment or inurnment right is not allowed without the consent of the Township Trustees. Any owner(s) who wish to authorize the burial or inurnment of the remains of any person other than the person or persons to whom the deed or certificate was issued or to a child of them must do so in a writing given to the Trustees before the burial or inurnment.

G. The Trustees may exchange interment or inurnment rights, when desired by Owners. When such an exchange is made, the original conveyance (deed or certificate) must be surrendered by proper assignment, or by re-conveyance, if considered necessary by the Trustees before any change is implemented.

H. Each owner is vested with the ownership of his or her interment or inurnment right for the sole purpose of interment or inurnment of human deceased bodies. Under the rules and regulations of the Cemetery, the interment and inurnment rights cannot be conveyed without the consent of the Trustees, nor any use, division, or improvements of them made which the Cemetery Rules and Regulations prohibits.

I. The Owner of interment or inurnment rights may dispose of same by will or gift (family members only), subject to the forgoing conditions;

J. If Owner dies intestate, the interment or inurnment rights will descend to his or her heirs according to the law.

K. The Trustees are not responsible for the carrying out of the intent of the grantor.

L. Any person who receives a cemetery lot by inheritance, gift, or any other means shall provide to the Trustees such proof of that transfer as the Trustees may reasonably require before obtaining a new deed or certificate. The survivors or personal representative of such person must provide such proof before the transferee is buried or inurned on the cemetery lot.

M. The terms of sale and any deed / certificate for any lots executed in compliance with the notification requirements set forth in paragraphs a, b, and c above of this policy shall state that the Trustees shall have the right of reentry to the cemetery lot if the notifications are not met.

N. At least one hundred eighty (180) days before establishing reentry, the Trustees shall send a notice by certified mail to the last known owner address to inform him / her that his interest in the lot will cease unless the notification requirements are met.

O. If the owner's address is unknown and cannot be reasonably obtained or the certified mail notice is returned, it is sufficient to publish the notice once in a newspaper of general circulation in the county. In order to establish reentry, the Trustees shall pass a resolution stating that because of the lack of response to notice sent by certified mail and/or by publication, which provided a termination date, the Trustees reclaims its interest in the lot or right.

## VI. BURIAL REGULATIONS

A. The Trustees will comply with the provisions of Section 3705.17 of the Ohio Revised Code.

- B. The Township's Watkins Cemetery is the Township's current cemetery allowing for interments and inurnments. Bouic Cemetery is closed to new interments and inurnments.
- C. No interment or inurnment shall be made unless the interment or inurnment right has been paid in advance.
- D. No interment or inurnment shall be made until the Trustees, in consultation with family members or their designee, mark the proper location of lot to be opened for burial of the deceased.
- E. The Trustees reserve the right to require all non-Township entities involved with the opening and closing of a grave or crypt to appear at the cemetery more than 24 hours in advance of such interment or inurnment to select and verify the desired lot to be opened.
- F. The Trustees shall cooperate with the Funeral Director to schedule for the opening and closing of the grave. All open graves shall be surrounded by caution tape. Opening and closing payments are to be made to the funeral home, who will then pay the contractor directly.
- G. Funeral processions, upon entering the grounds of the Watkins Cemetery shall be subject to the direction of the Trustees or their designee.
- H. The Trustees must be notified of an impending interment or inurnment no later than 12:00 PM two business days prior to interment or inurnment. Notification of a Monday service must be received no later than 12:00 PM on the previous Friday.
- I. The Trustees reserve the right to schedule interment or inurnment services according to the Trustees availability of service time and needs.
- J. The Trustees shall have the right to have the interment or inurnment service at the grave according to current weather conditions.
- K. When a removal is to be made from a single grave to another cemetery, the formerly occupied single grave space and all rights therein revert to the Owner thereof. If no steel or concrete vault has been used for this original interment, one must be furnished by the person requesting the removal. If there is a steel or concrete vault and same is in a removable condition, charge for the removal of vault must be paid in advance.
- L. All disinterments or disinurnments must comply with the provisions of Section 517.23 of the Ohio Revised Code.
- M. All human remains not cremated must be contained in a steel or concrete burial vault.

N. All grave openings for casket interment shall be 93 inches by 36 inches and 60 inches deep. All urn openings for cremated remains shall be at least 30 inches deep so that urn is below winter frost levels.

O. No grave lot may contain more than two urns of cremated remains or one urn of cremated remains plus one body.

## VII. MONUMENTS / MARKERS

A. Only vaults, memorials, or monuments approved by the Trustees shall be permitted to be used. The Trustees reserve the right to remove items from graves or lots contrary to these Rules, as amended. .

B. No memorials, monuments, or markers may be erected or placed in the cemeteries unless approved by the Trustees or their designee.

C. Memorials or monuments must comply with the following standards:

1. Single person marker on one lot: not to exceed 48 inches in length; 14 inches in width; and 36 inches in height, as measured from the average grade.

2. Double person marker over two lots: not to exceed 72 inches in length by 14 inches in width.

3. All monuments or memorials must be erected or placed on a concrete footer. The concrete footer: shall not be above ground level, shall be 24 inches deep to be below the winter frost line; and shall have four pieces of iron rebar running the length of the footer shall be installed into each footer halfway down.

D. All memorials, monuments, or markers should be in line with nearby memorials, monuments, and markers and shall face the drive in the cemetery.

## VIII. GROUNDS / MAINTENANCE

A. The Trustees will provide for the general care of the Cemetery grounds and lots.

B. The Trustees shall have the Cemetery laid out in lots, avenues, and paths, and shall number the lots and have a suitable plat thereof made, which plat shall be carefully kept by the Trustees or their designee.

C. The rights to enlarge, reduce, replat, or change the boundaries or grading of either Cemetery or a lot or grave, from time to time, including the right to modify or change the locations of or any part thereof or remove or re-grade walks or paths, is hereby expressly reserved by the Trustees. The Trustees have the right to lay, maintain and operate, or alter or change pipe lines or gutters for systems including, but not limited to, sprinkling, drainage, or lakes, not sold for Cemetery purposes, including the interring and preparing for interment of deceased human remains, or for anything necessary, incidental, or convenient thereto.

D. The Trustees reserve to itself and to those lawfully entitled thereto and those permitted by the Trustees to do so, a perpetual right of ingress and egress, either by walking or wheelchair over lots for the purpose of passage to and from other lots.

E. All work on lots or graves will be done by the Trustees or designated contractor under the Direction of the Trustees, except when written permission is otherwise granted. All grading, landscaping work, and improvements of any kind, and all care of lots and plantings, trimmings, removal of trees, shrubs, and herbage of any kind and all openings of lots, interments, inurnments, dis-interments, and removals shall be made under the direction of the Trustees.

F. The Trustees shall have the right to remove any dead or damaged tree, shrub, or vine.

G. No enclosure of any kind, such as a fence, coping, hedge, or ditch, shall be permitted around any grave or lot. Grave mounds shall not be allowed and no lot shall be raised above the established grade.

H. The Trustees shall direct all improvements within the grounds and upon all lots and graves before, as well as, after interments or inurnments have been made therein. They shall have charge of the planting, sodding, surveying, and general improvements.

I. No person other than the Trustees or designated contractors shall be allowed to perform any work within the Cemetery without written permission from the Trustees.

J. If any tree, shrub, or plant standing upon any lot, by means of its roots, branches, or otherwise, becomes detrimental to adjacent lot avenues, or if any other reason its removal is deemed necessary, the Trustees have the right to remove such tree, shrub, or plant, or any part thereof, or otherwise correct the condition existing as in their judgment seems best.



- K. No person shall pluck or remove any plant or flower, either wild or cultivated from any part of the Cemetery.
- L. All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, memorial or monument, or in any manner deface the grounds of either Cemetery.
- M. No bench, chair, or trellis shall be permitted or be brought upon the Cemetery grounds.
- N. Holders containing flowers or other decorations will be removed as soon as flowers fade and wither, and the right is reserved by the Trustees to make such removal. Also, winter wreaths, and artificial flowers will be removed at such time as is specified by the Trustees, and the Owner thereby forfeits all rights, titles, and interest in the same, and the Trustees may dispose of them by sales, destruction, or in any other way it deems best.
- O. From March 1<sup>st</sup> to November 15<sup>th</sup>, only natural flowers shall be placed in urns. From November 15<sup>th</sup> to March 1<sup>st</sup>, artificial flowers or wreaths may be used.
- P. Flowers, including spring bulbs and summer bulbs, may be planted on graves if they are planted within 12 inches of the memorial, monument, or marker. Plants that extend beyond 12 inches from a memorial, monument, or marker are subject to being mown or trimmed. Trees, bushes, shrubs or other plants with woody stems are not permitted. No other digging on cemetery property is permitted unless approved by the Trustees.

## IX. SUPERVISION OF CEMETERIES

- A. The Trustees reserve the right to compel all persons coming into the Cemeteries to obey all rules and regulations adopted by the Trustees.
- B. The Trustees can modify these rules and regulations as they may find appropriate from time to time. Copies of the current Rules and Regulations will be available from the Fiscal Officer. The Trustees may from time to time establish a fee for copies of the Rules and Regulations by separate Resolution.

C. The Trustees shall take reasonable precautions to protect owners and the property rights of owners within the Cemeteries from loss or damage but it distinctly disclaims all responsibility for loss or damage from causes beyond their reasonable control. The Trustees are not and shall not be liable for damage caused by elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makes, explosions, unavoidable accidents, invasion, insurrections, riots, or orders of Military or civil authority, whether the damage be direct or collateral.

D. The Trustees reserve the right to correct any errors that may be made by the Trustees either in making interments, dis-interments, inurnments, dis-inurnments, or removals, or in the inscriptions, transfer, or conveyance and substituting and conveyance in lieu thereof other interment or inurnment rights of equal value and similar location as far as possible, or as may be selected by the Trustees or, in the sole discretion of the Trustees, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment or inurnment of the remains of any person in such property, the Trustees reserve and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Trustees shall also have the right to correct any errors made by allowing the placement of an improper inscription, including an incorrect names or date on the memorial or monument. Upon correction no further liability shall exist against the Trustees.

## X. MODIFICATIONS AND AMENDMENTS

A. The Trustees may, and it hereby expressly reserves the right at any and all times, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter, and / or repeal any rule, regulation, and / or article, section, paragraph and / or sentence in Rules and Regulations.

B. Special cases may arise in which literal enforcement of a rule may impose unnecessary hardship. The Trustees, therefore, reserves the right without notice, to make exceptions, suspensions, or modifications in any of the Rules and Regulations, when in its judgment, the same appear advisable; and such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application of these Rules and Regulations, or as creating any enforceable precedence.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

By:

\_\_\_\_\_

Keith Conroy Trustee

\_\_\_\_\_

William Jordan, Trustee

\_\_\_\_\_

William Lynch Jr., Trustee

Pursuant to the Resolution of the Board of Trustees of Millcreek Township adopted the

\_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

Attest:

\_\_\_\_\_

Date: \_\_\_\_\_

Joyce Beaver, Clerk