

# **Fallen Timbers Union Cemetery District Rules & Regulations**

Proposed; approval expected at May 2020 meeting.

## **GENERAL GUIDELINES:**

No trees or shrubs may be planted on cemetery lots.

Flowers may be placed on or within 12 inches of the head stone.

All decorations will be removed by March 15 each year.

Fencing, borders, decorations, or any items interfering with mowing or trimming will be removed.

## **RULES AND REGULATIONS:**

The Fallen Timbers Union Cemetery District rules and regulations for Mennonite, Rupp, Winslow, Wakeman, and Whitehouse cemeteries are as follows:

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I. Introduction

There are five publicly owned cemeteries within the City of Waterville, the Village of Whitehouse, and Waterville Township. These are Wakeman Cemetery in Waterville, Whitehouse, Mennonite, and Rupp Cemeteries in Whitehouse, and Winslow Cemetery in Waterville Township. New burials currently take place only in Wakeman and Whitehouse Cemeteries. The cemeteries in the City and in Whitehouse had been maintained by Waterville Township under contracts with the City and the Village. Under the terms of the contracts, the Township was compensated by retaining the revenue received for the sale of cemetery plots and grave opening/closing fees. In 2018, the Township informed the City and the Village that the revenue received was no longer sufficient to cover the maintenance expenses and the contracts would be discontinued. Without the contracts, the City, the Village, and the Township would each be responsible for the maintenance of the cemeteries located within their jurisdictions. Besides the day-to-day maintenance, the City and the Village would be responsible for selling cemetery plots and the opening and closing of graves in Wakeman and Whitehouse Cemeteries. All of the costs related to the cemeteries would be additional expenses charged to the general funds of the City, the Village, and the Township.

As an alternative to the City, the Village, and the Township separately undertaking the expenses of maintaining the cemeteries, the formation of a "Union Cemetery" as provided in Sections 759.27 and 759.341 of the Ohio Revised Code was considered and was then determined to be the best option for the future operation and maintenance of the five cemeteries. On January 7, 2019, the Waterville City Council, the Whitehouse Village Council, and the Waterville Township Trustees, meeting in a joint session, unanimously voted to form the Fallen Timbers Union Cemetery District.

The day-to-day operation of the District is now overseen by a three-member Board of Cemetery Trustees, with one member each from the City, the Village, and the Township. The Ohio Revised Code permits the Trustees to appoint a Clerk-Treasurer for the District. In accordance with the Ohio Revised Code, a joint meeting of the Waterville City Council, the Whitehouse Village Council, and the Waterville Township Trustees is required to be held on the day of the first regular meeting of the Waterville City Council in May of each year. The District's annual budget and the property tax rate for cemetery maintenance and operations for the following calendar year are required to be adopted at this meeting. A District property tax rate of 0.46 mills for 2020 was approved at the May 2019 joint meeting.

Through the efforts of the City, the Village, and the Township working together, improved, consistent cemetery maintenance and efficiencies through economies of scale are expected to be achieved by the Fallen Timbers Union Cemetery District.

II. Purpose

The rules herein established are designed for the protection of lot owners. Enforcement of these Rules and Regulations will help to protect our cemeteries and to create and to preserve their beauty. It is the intention of Cemetery District management and the Board of Trustees to establish and to enforce these Rules and Regulations for the express purpose of ensuring that the Fallen Timbers Union Cemetery District's cemeteries continue to be major assets of the area.

### III. General Regulations

#### 1. General

- a. The Fallen Timbers Union Cemetery District shall be under the control of the duly appointed Board of Trustees and designated District personnel. They shall maintain the premises of the cemeteries and shall keep all burial lots and turf areas in generally good condition.
- b. Residents are those who reside within the boundaries of the member jurisdictions of the Fallen Timbers Union Cemetery District. All others are considered non-residents.
- c. In cases where a grave space is purchased by a resident, paying a resident price but used for the burial of a non-resident, an internment fee in addition to the normal internment fee shall be assessed at the time of burial of the non-resident. This additional fee shall be equal to the difference between the pricing of a single grave space to a resident at the time of burial and the price of a single grave space to a non-resident. No such additional charge shall be made for the burial of the owner of said grave, or the spouse or child of said owner.
- d. The cost of graves, foundations, internments, and any other charges are established from time to time by the Board of Trustees.
- e. In order to perpetuate the beauty and continuity of the cemeteries, the Fallen Timbers Union Cemetery District reserves the right to enforce all rules and regulations here set forth and others that might seem necessary for a particular situation.
- f. The terms "Cemetery" or "District" as used in these Rules and Regulations shall be construed to mean the Fallen Timbers Union Cemetery District, its cemeteries individually and collectively, and the officers and employees of the Fallen Timbers Union Cemetery District.
- g. The term "Board" as used in these Rules and Regulations shall be construed to mean the duly elected Board of Cemetery Trustees of the Fallen Timbers Union Cemetery District as provided in Section 759.36 of the Ohio Revised Code.

#### 2. Purchase of Lots

- a. The District will take all reasonable precautions to protect grave owners and the property rights of grave owners within the cemeteries from loss or damage; but the District distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act 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 damage be direct or collateral, other than as herein provided.
- b. Purchasers of a grave shall receive a deed entitling them use of said grave for burial of human remains, subject to these Rules and Regulations, the Ordinances of the City of Waterville, Resolutions of Waterville Township, Ordinances of the Village of Whitehouse, and the laws of the State of Ohio.
- c. Graves cannot be sold once purchased except back to the District, subject to the approval of the Board at the original purchase price. Repurchase will only be made to an owner who possesses the original deed which shall be relinquished to the District at the time of repurchase. The District reserves the right of refusal to repurchase.
- d. The District reserves the right to modify the layout of the cemeteries as appropriate.
- e. The District reserves the right to move an upright marker to facilitate grave digging.
- f. The Board reserves the right to exclude from any lot, any headstone, monument, or other structure, or other object, which may conflict with the regulations, or which may be considered hazardous or offensive to the public or injurious to the general appearance of the grounds, lawns, or graves.

#### 3. Ownership Rights of Interment

- a. Upon the death of the holder or part-holder of a grave, the rights of said grave will descend to his/her heirs as stated in the will or in accordance with the laws of descent of the State of Ohio.
  - b. If the owner of a grave gives permission for others to be buried in a remaining grave, this permission must be given in writing to the District, and the owner's signature shall be notarized.
4. Interment
  - a. Burials shall be permitted only with a proper burial permit signed by the funeral director. All charges for opening and closing of a grave space shall be paid in full before burial is made. If District personnel receive direction from grave owner or funeral director to open a gravesite, and a change is made after the site is opened, an additional charge will be assessed to the owner or funeral home making the initial request.
  - b. The District shall be notified at least 48 hours prior to the time of interment. Sunday and holiday funerals must be scheduled by 11:00 am two business days prior to service.
  - c. All interments and/or cremation burials must be scheduled to be at the cemetery no later than 2:00 pm on any given day. Should a scheduled funeral arrive late (after 2:00 pm cutoff), the District reserves the right to charge an additional fee as established by the Board. This fee is subject to review and change by the Board.
  - d. All caskets of the deceased are to be encased in a top sealed concrete vault or grave liner. (Caskets for infants shall be encased in a non-decomposable baby vault.)
  - e. All funerals on entering cemetery grounds shall be under the charge of District personnel.
  - f. All burials shall conform to the rules of the Boards of Health of Lucas County and the State of Ohio. All graves shall be dug by District personnel and shall be paid for in advance or guaranteed by the funeral director. The interment of two bodies in one grave is permitted only when one or both are cremations or an infant and is accompanied with proper certification.
5. Disinterments/Removals
  - a. Disinterments shall be arranged with the District upon notice of one (1) week, will be made during regular business hours, and paid for in advance.
  - b. Disinterments will be made in the manner prescribed by the laws of the State of Ohio.
6. Monument Specifications
  - a. Burial stones, footstones, or any form of monument shall be approved as to material, design, and location as proper by District personnel upon application for a foundation.
  - b. All monuments shall be placed on a concrete foundation. These foundations must be a minimum of 8" larger than the monument in length and width and 30" deep. Only District personnel shall prepare these foundations.
  - c. Monuments and memorials may not be set without prior approval and confirmation of exact grave location by District personnel. Any unauthorized memorial work will be removed from the grave until proper arrangements have been made with the District and will be at the expense of the owner.
  - d. Only marble, granite, or bronze will be permitted in all memorial work.
  - e. District personnel will not help unload or place any markers for the monument company.
  - f. Any monuments over two grave spaces shall be approved by the District.
  - g. The temporary marker provided by the funeral directors are assumed to be short lived and the District assumes no responsibility for same.
  - h. Should any memorial become unsightly or a hazard to visitors, the District shall have the right to either correct the condition or remove the same.
7. Marker Cleaning and Repair
  - a. Over time, there will be normal aging and upkeep required for all of the monuments and markers in the cemeteries which are the personal property of the grave owner and thus the maintenance and care are the responsibility of the owner. Repairs and maintenance can be obtained from local monument companies.

- b. Chemical cleaning of markers is prohibited.

#### IV. Special Areas

1. Cremation Garden
2. Babyland
3. Above Ground Mausoleum
4. Estate Lot

These Special Areas do not currently exist within the District's cemeteries. They are noted here for reference if areas such as these may be developed in the future.

#### V. Privileges and Restrictions

1. Hours of Operation
  - a. The cemeteries shall be closed after dark to the public; violators will be prosecuted under ORC Section 2911.21. District personnel, the Board of Trustees, City of Waterville Police, Village of Whitehouse Police, and/or Waterville Township Police shall remove, or cause to be removed, any person, pets, or unwanted animals observed to be in violation of any Ordinances, Resolutions, and/or Rules.
  - b. The cemeteries will be closed for burials on New Year's Day, Easter Sunday, Memorial Day, Thanksgiving Day, and Christmas Day.
2. Conduct of Visitors
  - a. Visitors are expected to conduct themselves in a manner that accords due respect to the deceased.
  - b. Visitors are requested to use the walks and drives.
  - c. Any person 16 years or younger must be accompanied by an adult who will be responsible for their behavior.
  - d. No motorized or non-motorized vehicles shall be driven in excess of 10 miles per hour.
  - e. All vehicles (including bicycles) shall be permitted only upon paved or stoned driveways. Horses will be allowed in the cemeteries only at funeral processions or parades. Snowmobiles or other forms of recreational transportation will not be allowed in the cemeteries.
  - f. Loud noises, loud, boisterous, or profane language will not be allowed.
  - g. Discharge of firearms, per the Ohio Revised Code, will be permitted only as part of military services, funerals, or ceremonies. Possession of a firearm shall be in accordance with the relevant Sections of the Ohio Revised Code.
  - h. Any building, burial stone, plant, or tree shall not be defaced, injured, marked upon, or removed.
  - i. Pets, leashed or unleashed, will not be permitted. This prohibition shall not apply to certified animals assisting persons with disabilities.
  - j. Intoxicating beverages and/or illegal drugs will not be allowed.
  - k. No advertising, selling, or soliciting will be permitted.
  - l. All persons within the cemeteries are prohibited from:
    1. Gathering flowers (wild, cultivated, or artificial); and
    2. Feeding and/or disturbing the birds and wildlife.
      - m. Funeral corteges and all persons entering the cemeteries shall be required to follow directions from District personnel.
      - n. Musical instruments or appropriate sound reproducing equipment shall be permitted in funeral services with the permission of the District.
3. Care of Graves

- a. No person or persons not employed by the District shall excavate any earth, lay, or remove any sod, alter the grade of any grave within the cemeteries either on or about his/her own grave or the graves of others, or plant any tree or shrub.
  - b. Fences, hedges, posts, decorative stone, and enclosures of any kind around graves are prohibited to facilitate mowing.
  - c. Annual cleanup will begin on March 15 each year and will take a few weeks.
4. Trees and Shrubs
  - a. The District will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and to maintain landscape features, but does not undertake to maintain individual plantings as allowed by the Board.
  - b. The planting of any vegetation, other than defined in the flower policy, is strictly prohibited without obtaining written permission from the District.
  - c. The District is not responsible for personal items and/or other property left, lost, or placed on lots or graves.
5. Flower and Floral Decorations Policy
  - a. Floral tributes, wreaths, etc. may be placed upon monuments in a regulation non-glass container any time of the year. Flowers, including burial service flowers, will be removed when they become unsightly, discolored, or wilted. All items shall be placed on the foundation when possible.
  - b. Planting of annuals is only allowed in the upright monument sections and such planting shall be within 8" in front of a monument. In no case will annual planting be allowed to extend beyond the width of the marker.
  - c. Grave blankets are only permitted between December 1 and March 1 in order not to interfere with lawn mowing.
6. Regulations Regarding Items Other Than Flowers
  - a. American flags placed by District personnel may be displayed at graves on Memorial Day and will be removed by District personnel.
  - b. Decorations placed on or around graves that are deemed hazardous or create a maintenance problem will be removed and disposed of by District personnel.
  - c. Glass of any kind is not allowed in the cemeteries at any time.

## VI. Suggestions

- a. Prospective patrons may feel free to visit the cemeteries for information without obligation to select or to purchase graves.
- b. Lot owners are urged to contact the District at any time if the meaning or intent of these Rules and Regulations are not clear, or if other information is desired.

## VII. Disclaimer

The cemeteries of the Fallen Timbers Union Cemetery District are intended to serve as the final resting place for qualified persons and it is essential that certain guidelines exist to ensure that the integrity, beauty, and maintenance of the cemeteries not be interrupted. All lot owners, visitors, and contractors who perform work within the cemeteries shall be subject to these Rules and Regulations. Although these Rules and Regulations are comprehensive in scope, they are not all encompassing. It is recognized that situations not addressed within this document may arise from time to time. In those instances, the Board will review the matter and issue its disposition. In all instances, the decision of the Board is final and may not be appealed.

These Rules and Regulations supersede and replace any/all previously issued Rules and Regulations and are effective Jan. 1, 2020. The District reserves the right to review and revise these Rules and Regulations at its discretion.