

Trustees

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Cemetery Rules & Regulations

Adopted: 4/4/2022

These Rules & Regulations are provided as required by Ohio Revised Code {ORC} 517.06

PURPOSE:

These rules and regulations are designed for the protection of owners of interment and/or inurnment rights as a group. These rules are intended to prevent the inconsiderate from taking unfair advantage of others. The enforcement will help protect the cemetery and create and preserve its beauty. These rules and regulations are hereby adopted as the rules and regulations of the Clay Township cemeteries. All owners of interment or inurnment rights, visitors and contractors performing work within the cemeteries, shall be subject to said rules and regulations, amendments or alterations as adopted by the Township Trustees.

DEFINITIONS:

"BURIAL VAULT" shall mean an outside burial container as specified by the cemetery to incase human remains.

CEMETERY" shall mean not only the land and the improvements thereon, but township cemeteries, its employees and duly authorized representatives.

"CONTRACTOR" shall mean any person, firm or corporation, or anyone other than an employee of the Township engaged in placing, erecting, or repairing any memorial or monument and performing any work on cemetery grounds.

"HEIRS" shall mean immediate family, meaning surviving spouse or children, or any person specifically named as an heir in a legal will.

"INTERMENT" shall mean burial of the remains of a deceased human being. "INURNMENT" shall mean the burial of cremated human remains.

"MEMORIAL or MONUMENT" shall mean any marker placed upon any lot for the purpose of identification or in memory of the interred.

"MAUSOLEUM" shall mean a burial place for the bodies or remains of many individuals, often a single family, usually in the form of a building.

"OWNER" shall mean the owner of rights of interment or inurnment. "TOWNSHIP" shall mean Clay Township, Montgomery County, Ohio.

"TRUSTEES" Duly elected members of the Board of Trustees of Clay Township, Montgomery County, Ohio.

CEMETERY HOURS:

The cemeteries of Clay Township are open to the visiting public during daylight hours.

OWNERSHIP:

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

The Township may, at its discretion, refuse to permit interment or inurnment because of these rules, the Township may, at its discretion, refuse any request, proposal, application, or action in violation of said requirements.

SUPERVISION OF CEMETERY:

The cemetery reserves the right to compel all persons coming into the cemetery to obey all rules and regulations adopted by the Township.

These rules and regulations may be changed, without notice to any owner by the Township Trustees.

The Trustees shall take responsible precaution to protect owners and the property rights of owners within the township from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control. The Township is not and shall not be liable for damage caused by elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or orders of any military or civil authority, whether the damage be direct or collateral.

The Township reserves the right to correct any errors that may be made in either making interments, dis-interments, inurnments, dis-inurnments, or removals, or in the inscription, transfer, or conveyance, and substituting and conveying 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 Township, or in the sole discretion of the Township, by refunding some or all of the 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 improper inscription, including incorrect name or date on the memorial or monument. Such correction or refund is not an admission of liability in any way.

The rights to enlarge, reduce, replant, or change the boundaries or grading of the Cemetery on a lot or grave, from time to time, including the right to modify or change the locations of any part thereof or remove or re-grade walks or paths, is hereby expressly reserved by the Trustees. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, lakes,

etc., not sold to individual owners, for Cemetery purposes, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto. The Township reserves to itself and to those lawfully entitled thereto and those permitted by the Township to do so, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.

SALE AND PURCHASE OF INTERMENT/INURNMENT RIGHTS:

All interment rights are sold subject to payment of the amount posted in the Cemetery or Township office for the area of the lot. All interment and inurnment rights shall be fully paid for prior to such rights being transferred to owner.

The sale or transfer or any interment or inurnment right by any owner shall not be binding upon the Township unless same shall first be duly approved in writing by the Township. The Township shall issue a "Certificate of Ownership" per Ohio Revised Code 517.07 to the new owner subject to the provisions of said certificate. The same rule shall apply in all cases of assignment for interment or inurnment rights.

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

The subdivision of interment or inurnment right is not allowed without the consent of the Township Trustees and no one shall be buried in any lot not having an interest therein, except by written consent of the Township Trustees.

All work on lots or graves will be done by the employees of the Township under the direction of the Township Trustees, except when permission is otherwise granted. All grading, landscaping work, and improvements of any kind, and all care of lots or crypts and all plantings, trimming, removals of trees, shrubs, and herbage of any kind and all openings of lots, all interments, inurnments, dis-interments, dis-inurnments, and removals shall be made under the direction of the Township.

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. The only exception to this is immediately after burial during the settling process prior to seeding.

No interment or inurnment right can be sold, assigned, transferred, pledged, or hypothecated without the written approval of the Township Trustees.

The Township may exchange interment or inurnment rights, when desired by owners. When such an exchange is made, the original conveyance must be surrendered by proper assignment, or by reconveyance, if considered necessary by the Trustees before any change is affected.

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 dead bodies. Under the rules and regulations of the Township, the interment and inurnment rights cannot be conveyed without the consent of the Trustees, nor any use, division, or improvement of them be made which the Trustees prohibits, or may deem improper. The Owner of interment or inurnment rights may dispose of same by will, subject to the foregoing conditions: If the Owner dies in estate, the interment or inurnment rights will descend to his or her heirs

according to law. The Township cannot be responsible for the carrying out of the intent of the grantor. The general care of the cemetery grounds and lots is assumed by the Township Trustees.

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

If any inscription or object is placed on any memorial, monument, or other structure, and it is determined by the Trustees to be offensive, the Township Trustees shall have the right to enter upon such lot to remove, change, or correct the offensive inscription or object at the expense of the owner.

If any tree, shrub, or planting standing upon any lot, by means of its roots, branches, or otherwise, becomes detrimental to adjacent lot s/ avenue s, or if for any other reason its removal is deemed necessary, the Trustee shall 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.

No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the cemetery.

A "Mausoleum Agreement" must be completed prior to the erecting of any mausoleum.

BURIAL REGULATIONS:

No interment or inurnment shall be made unless the opening and closing fee for such gravesite has been paid in advance or to be paid by funeral home. An opening and closing fee are required for each interment or inurnment regardless of whether they are in separate urns or vaults or the same urn or vault.

The cemetery reserves the right to compel all persons authorized to order the opening and closing of a grave, crypt, or niche or appear at the cemetery more than 36 hours in advance of such interment or inurnment to select the desired grave or niche to be opened. In addition, the completion and execution of the cemetery's interment / inurnment authorization form may be required.

No interment, inurnment, or entombment may take place at the cemetery unless a burial permit for the deceased has first been presented to the Township representative. The Township will comply with the provisions of Section 3705.17 of the Ohio Revised Code.

Funeral processions, upon entering the cemetery grounds, shall be subject to the direction of the authorized Township personnel.

The Township must be notified of an impending interment or inurnment service no later than 36 hours prior to interment. Notification of a Monday service must be received no later than 12:00 noon on the previous Friday.

The Township reserves the right to schedule interment or inurnment services according to the Township's availability of service times and needs.

The Township shall have the right to have the interment or inurnment service at the grave according to the Township's schedule and current weather conditions.

Interments or inurnments are not permitted to be scheduled after 2:00 pm Monday through Friday. Interments or inurnments are not permitted to be scheduled after 1:00pm on Saturdays.

Internments or inurnments are not permitted on Sundays, nor on the following holidays; New Year's Day; Martin Luther King, Jr. Day; President's Day; Good Friday; Memorial Day; Fourth of July; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day; Christmas Eve and Christmas Day.

When removal is to be made from a single grave to another grave, 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 removal condition, charge for removal of vault must be paid in advance.

The person or persons requesting disinterment must pay the cost or provide an authorized vault company for the actual disinterment, at their own expense.

Application for disinterment or dis-inurnment must comply with the provisions of Section 517.23 of the Ohio Revised Code.

Any person desiring to remove a body from the grave space of another must present a notarized letter by the owner, the next of kin and also himself to have such removal made. These shall remain on file in the office of the Township. No such removal shall be made without the written consent of the Trustees, and then only on such conditions as the Township shall prescribe.

All human remains not cremated must be contained in a burial vault specified or approved by the Township prior to burial.

All cremations must be placed in an approved weatherproof container or urn.

A single grave space may contain no more than one full interment, one full interment and three inurnments (cremations), or four inurnments (cremations). If a full interment and inurnments are to be placed on a single grave lot, the interment must be made before the inurnments are made.

The remains of any person who died of a contagious disease will not be permitted in or on the cemetery grounds, except when placed in a hermetically sealed casket, in case of doubt on the part of Township as to the nature of the disease, satisfactory evidence from the attending physician or otherwise will be required.

GENERAL REGULATIONS:

Headstones are not permitted to be any wider than the width of the lot or lots they are intended to mark, and must be no more than 32" maximum for a single grave.

Head stones are not permitted to be more than 60" in height. Any change to this regulation must be approved by the Board of Trustees.

No more than one headstone, plus a ground level headstone and government marker is permitted on any grave lot.

All children must display appropriate behavior while on the grounds of the cemetery.

No pets shall be permitted to be buried in the cemetery.

Bringing alcohol, and or any illegal substances for consumption within the cemetery is strictly forbidden.

The sitting or leaning on monuments or walls is not permitted. Benches placed within the cemetery are placed for this purpose.

The cemetery is not responsible for the theft or damage to anything placed on graves or lots.

Only vaults, graves markers, monuments, mausoleums, or vases approved by the Trustees shall be permitted to be used.

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

Any person found on the cemetery grounds without permission may be considered a trespasser.

All winter decorations and artificial flowers will be removed by March 1st of the following year. Memorial Day decorations will be removed after the 1st week of June. All spring and summer decorations will be removed by October 1st,

No person shall use profane or boisterous language or in any way disturb the quiet and good order of the cemetery.

All hunting or trapping of any animals on cemetery grounds is strictly forbidden.

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 the cemetery.

Permanent plantings of trees and shrubs are prohibited. No landscape stones (including white stones and gravel), wood chips, or edging of any kind is permitted on graves or around headstones.

All decorations must be in an appropriate container or stand. Artificial flowers may not be placed directly in the ground

- **All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance, and disregard of the rules and laws of Ohio.**

MODIFICATIONS AND AMENDMENTS:

The Township 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 the Rules and Regulations. This also applies to all pricing for services provided by the cemetery.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Township, therefore, reserves the right at all times, 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.

