

Cemetery Rules And Regulations



City of Beavercreek
Cemetery Division

Adopted 12-31-20

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I. 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 to prevent the inconsiderate from taking unfair advantage of others. Their enforcement will help protect the Cemetery and create and preserve its beauty. The City of Beavercreek operates (3) active cemeteries and maintains an additional (4). These rules and regulations hereby apply to all of the Cemeteries of the City of Beavercreek Ohio and all owners of interment or inurnment rights, visitors and contractors performing work within the Cemetery, shall be subject to said rules and regulations, amendments or alterations as shall be adopted by the Cemetery from time to time, hereby superseding any and all previous Rules and Regulations.

II. Definitions

- a. **Burial Vault** shall mean an outside burial container as specified by the Cemetery to encase human or cremated remains
- b. **Cemetery** shall mean not only the land and the improvements thereon, but the Cemetery, the City of Beavercreek and its duly authorized employees or representatives
- c. **Columbarium** is a wall, room, or building with niches that store cremated remains or urns
- d. **Contractor** shall mean any person, firm or corporation or anyone other than an employee of the Cemetery engaged in placing erecting, repairing or cleaning any memorial or monument, or the installation and removal of burial vaults as engaged by Funeral Homes and others performing any work on the Cemetery grounds
- e. **Disinterment** shall mean to remove a vault or urn from a grave space. In this document, it is also used to mean removal of a casket from a crypt, in accordance with the laws of the State of Ohio
- f. **Dis-inurnment** shall mean the removal or relocation of cremated human remains from a burial site in accordance with the laws of the State of Ohio
- g. **Grave** means a space of ground in the Cemetery used, or intended to be used, for burial
- h. **Interment** shall mean burial of the remains of a deceased human being
- i. **Inurnment** shall mean the burial or placement of cremated human remains in a grave or niche
- j. **Niche** means a space used for the inurnment of human cremated remains
- k. **Memorial or Monument** shall mean any marker placed upon any grave for the purpose of identification or in memory of the interred

1. **Owner** shall mean the person or persons whom the Cemetery has conveyed interment right, who have acquired such right by transfer in accordance with these rules and regulations, or who hold such right by inheritance.

III. Cemetery Hours

- a. The Cemetery is open from dawn to dusk 365 days a year, weather permitting.

IV. Interment Rights

- a. Interment or Inurnment rights shall be used for no other purpose than the disposition of the human dead.
- b. The disposition of the remains of pets or other animals is not permitted in the Cemetery.
- c. Upon refusal of the Cemetery to permit interment or inurnment because of its requirements, the Cemetery may at its discretion refuse to permit anything be done in violation of its said requirements and rules and regulations.

V. Supervision of the Cemetery Division

- a. The Cemetery reserves the right to compel all persons coming into the Cemetery to obey all rules and regulations adopted by the Cemetery. All Contractors with the intent of performing work on the grounds of any Cemetery must first report to the City of Beavercreek and state the purpose of their visit.
- b. These rules and regulations may be changed by the City of Beavercreek, without notice.
- c. The Cemetery shall take reasonable precaution to protect owners and the property rights of owners within the Cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control. The City of Beavercreek 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.
- d. The Cemetery reserves the right to correct any errors that may have occurred; either in making interments, dis-interments, inurnments, dis-inurnments or removals, or in the inscriptions, 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 Cemetery or, in the sole discretion of the Cemetery. In the event such error shall involve the interment or inurnment of the remains of any person in such property, the Cemetery reserves 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 Cemetery shall also have the right to correct any errors made by allowing the placement of an improper inscription, including an incorrect name or date on the memorial or monument. Upon correction, no further liability shall exist against the Cemetery.

e. The right to enlarge, reduce, replat or change the boundaries or grading of the Cemetery or of a 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 Cemetery. The Cemetery reserves to itself and to those acting on behalf or permitted by the cemetery 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 Cemetery reserves to itself and to those lawfully entitled thereto and those permitted by the Cemetery to do so, a perpetual right of ingress and egress over graves for the purpose of passage to and from other graves.

VI.

Sale and Purchase of Interment/Inurnment Rights

- a. All sales are final and non-exchangeable. The City will buy back deeds from the owners or heirs upon presentation of the original deed, and/or execution of the necessary affidavit(s). The City will only pay the original purchase price for the deeds and the original price of prepaid open and close costs. Owners cannot sell or transfer their lots or graves, except back to the City, or through the aforementioned inheritance process. There is no transfer fee when sold or transferred to the City of Beavercreek.
- b. No interment or inurnment right can be sold, assigned, transferred, or pledged without written approval of the Cemetery.
- c. Any and all transfers of any interment or inurnment right, whether same be by conveyance or assignment are subject to all rules and regulations of the Cemetery, which are now in full force and effect or which may be hereafter adopted.
- d. 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 Cemetery, the interment and inurnment rights cannot be conveyed without the consent of the Cemetery, nor may any use, division or improvements of them be made when prohibited by the Cemetery. 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 Cemetery cannot and

will not be responsible for the carrying out of the intent of the owner.

VII.

Cemetery Maintenance

- a. All work on graves or within the Cemetery will be done by the employees of the City of Beavercreek, except when permission is otherwise granted.
- b. Improvements of any kind, including care of all plantings, trimmings, removals of trees, shrubs, etc. shall be completed by City of Beavercreek staff.
- c. All interments, inurnments, disinterment and removals shall be made under the direction of the City of Beavercreek.
- d. No enclosure of any kind, such as a fence, coping, hedge or ditch, shall be permitted around any grave. Grave mounds shall not be allowed, and no grave shall be raised above the established grade.
- e. The general care of the entire Cemetery grounds and graves is assumed by the Cemetery division.
- f. If any tree, shrub or plant standing upon any grave, by means of its roots, branches, or otherwise, becomes detrimental to adjacent graves or avenues, or if for any other reason its removal is deemed necessary, the Cemetery shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing in its sole and absolute discretion.
- g. No person shall pluck or remove any plant or flower, either wild or cultivated from any part of the Cemetery.
- h. Contractors that are authorized to perform services on the Cemetery grounds, shall ensure that no damage to the grounds results thereof. Contractors are responsible for providing their own insurance, supplies, materials and to prevent turf damage whenever operating off the Cemetery roadways. If damage occurs, Contractors are responsible for ensuring the timely repair of all damaged areas or for reimbursement to the Cemetery for costs of such repairs. All repair costs will be determined by the Cemetery authority.

VIII.

Burial and Inurnment Regulations

- a. No interment or inurnment shall be made unless the interment or inurnment right and the

opening and closing fees have been paid prior to service.

- b. All interments, inurnments, dis-interments and dis-inurnments shall be completed by Cemetery employees.
- c. Funeral processions, upon entering the grounds of the Cemetery, shall be subject to the direction of the Cemetery.
- d. The Cemetery must be notified of an impending interment or inurnment service no later than 12:00 noon of the prior business day. Notification of a Monday service must be received no later than 12:00 PM on the previous Friday.
- e. Internments are not permitted on Sundays or New Year's Day, Friday or Saturday before Memorial Day, Memorial Day, July Fourth, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve or Christmas Day. Requests for exceptions are subject to approval of the Public Administrative Services Director and additional fees may apply.
- f. The hours for funerals at the Cemetery are 9:00 a.m. to 3:00 p.m. Monday through Friday and 9:00 a.m. to 11:00 a.m. on Saturdays and Sundays. Funerals entering the Cemetery between 3:00 p.m. and 4:00 p.m. Monday through Friday and between 11:00 a.m. and 1:00 p.m. on Saturdays and Sundays will be charged additional late arrival fees. No funerals may take place after 1:00 p.m. on Saturdays or Sundays.
- g. The scheduling of all interment or inurnment services shall be completed by the Cemetery Sexton. The Cemetery reserves the right to schedule interment or inurnment services according to the Cemetery's availability of service times and needs.
- h. Per 3705.17 of the Ohio Revised Code, all interments must be accompanied by a Burial Permit issued by a local registrar or sub-registrar. No interment shall take place in the Cemetery unless such a permit is presented and made available to the Cemetery Personnel no later than the arrival at the gravesite for disposition. An Affidavit of Designation must be signed as well prior to burial.
- i. The Cemetery shall have the right to have the interment or inurnment service at the grave according to the Cemetery's schedule and current weather conditions.
- j. There are no Removals, Disinterment's, and Disinurnments to be performed on the days that regular interments are not permitted. Internments take priority over Disinterment if scheduled on the same day.
- k. When a 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 the steel or concrete vault and same is in a removable condition, the charge for removal of the vault must be paid

in advance.

- l. Any person desiring to remove a body from the grave space of another must present a written permit signed 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 Cemetery. No such removal shall be made without the written consent of the Cemetery, and then only on such conditions as the Cemetery shall prescribe. Additional disinterment forms if applicable will be required to be completed by the person requesting such a removal or an order from the county Probate Court may be required.
- m. Application for disinterment or disinurnment must comply with the provisions of Section 517.23 of the Ohio Revised Code.
- n. Any person desiring to remove a body from the grave space of another must present a written permit signed 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 Cemetery. No such removal shall be made without the written consent of the Cemetery, and then only on such conditions as the Cemetery shall prescribe. Additional disinterment forms if applicable will be required to be completed by the person requesting such a removal or an order from the county Probate Court may be required.
- o. All human remains not cremated must be contained in a concrete or appropriate metal vault specified by the Cemetery prior to burial.
- p. All cremated remains must be contained in a non-decomposing container approved by the Cemetery prior to inurnment.
- q. The maximum amount of burial rights per grave space is limited to two sets of human cremated remains or one set of cremated remains and one full size human burial. A double stack burial must be pre-planned. Indigent graves will have six (6) cremated remains in one (1) grave.
- r. The standard right per one full size grave space is understood to be limited to one right of use. Additional burial rights limited to the Cemetery's Rules and Regulations may be sold for each grave space by the City of Beavercreek.
- s. 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 the Cemetery as to the nature of the disease, satisfactory evidence from the attending physician or otherwise will be required.

IX. Memorialization Regulations

- a. Only two individual markers or monuments shall be allowed on each gravesite, one of which

must be a flush to the ground marker, having a width no greater than thirty-six (36) inches.

- b. All markers, monuments, and permanently placed urns or vases shall be placed on an appropriate foundation as determined by the Cemetery. When such is provided by the Cemetery the cost for the foundation will be determined by the Cemetery.
- c. All markers, monuments, urns or vases are subject to the approval of the Cemetery and shall be placed as designated on the Cemetery layout plan. Exceptions, due to individual circumstances, will be determined by the Cemetery.
- d. No advertisements are permitted to be placed upon any marker, monument or grave decoration. Tags to identify the manufacturer of the marker is acceptable.
- e. No interment or inurnment right owner shall erect or place, or cause to be erected or placed, on any grave in the cemetery any markers, monuments or vase until it is first approved by the Cemetery.
- f. The Cemetery is not responsible for damage to any markers, monuments or vase or the future restoration of such that may occur to other than an approved marker or monument.
- g. Markers or monuments must be set on a foundation conforming to cemetery specifications.
- h. No marker, monument, urn or vases is permitted to be removed from its foundation without permission from the owner of such or the Cemetery.
- i. If any inscription or object is placed on any memorial, monument or other structure, and it is determined by the Cemetery to be offensive, the Cemetery shall have the right to enter upon such grave to remove, change or correct the offensive inscription or object at the expense of the owner.
- j. While the Cemetery will exercise all possible care to protect raised lettering, carving or ornaments on any marker, monument or other structure, on any grave, it disclaims responsibility for any damage or injury thereto.
- k. No coping, curbing, fencing, ground cover, grave blankets, hedging, grave mounds, borders, walks, field stones, rocks or enclosures of any kind, shall be allowed around any grave; the Cemetery reserves the right to remove the same if so erected, planted or placed.

X. Inurnment Specific Regulations

- a. Columbarium's consist of single and double cremation niches.
- b. Single cremation niches shall contain no more than one set of human cremated remains and double niches shall contain no more than two sets of human cremated remains.
- c. The inside dimension of a single cremation niche is 11 inches wide, 11 inches high and 11 inches deep. The inside dimension of a double cremation niche is 22 inches wide, 11 inches high and 11 inches deep.
- d. All cremated remains or urns containing cremated remains shall be of a size that will fit within the dimensions of a single or double cremation niche.
- e. The inurnment or dis-inurnment of cremated remains in a niche shall be done under the direction of the Cemetery.
- f. All engravings on niche coverings must conform to the specifications as designated by the Cemetery.

XI.

Decorations of Graves or Columbariums

- a. Flowers or other decorations will be removed as soon as the flowers fade and wither, and the right is reserved by the Cemetery to make such removal. Also, winter decorations including artificial flowers, wreaths and blankets may be placed on graves and niches between November 1st and March 1st only.
- b. Winter decorations shall be removed March 1st by the owner or by the Sexton when they become unsightly.
- c. Decorations placed upon lots, graves or niches on special holidays during growing season (April through October) such as Easter, Mother's Day, Memorial Day, etc. shall be removed by the owner after seven days.
- d. Funeral flowers placed in the Cemetery will be removed after five (5) days.
- e. Cutting and trimming of grass is one of the largest and most costly maintenance activities of your cemetery. For economy of maintenance during the growing season, live flowers or plants shall be placed within one foot in front of the headstone only.
- f. Flowers or decorations to memorialize cremated remains in a niche may be placed on the ground or concrete at the base of the niche for up to one week after service. The taping or wiring of decorations on the columbarium, its niches and fixtures is strictly prohibited.
- g. Perennial flowers are permitted on the space one foot in front of the headstone only. Planting of rose bushes, trees, or shrubs on the grave is strictly prohibited.

- h. The placing on graves or niches in the cemetery of boxes, shells, toys, metal designs, ornaments, plastic bags, chairs, vases, glass, plastic flowers, or wires of any kind, wood or iron cases, glass and plastic blocks, artificial animals, tin cans, crockery waste baskets, pails, cardboard cartons, and the like are not permitted.
- i. Articles made of concrete, benches, statues, plaques or flower boxes are not permitted.
- j. The Cemetery cannot be responsible for baskets, hanging stands, vases, or other decorations. Mourners may remove temporary decorations they place themselves.
- k. Only one shepherd's hook is permitted per grave marker and must be placed within one (1) foot of the marker.

XII.

General Regulations

- a. No children under the age of 16 are permitted within the Cemetery without adult supervision. All children must display appropriate behavior while on the grounds of the Cemetery.
- b. All pets shall be leashed and under the control of the dog's handler on the Cemetery property. All pet waste must be removed and disposed.
- c. Bringing lunches, food, beverages or illegal substances for consumption within the Cemetery is strictly forbidden.
- d. No article of any kind will be permitted on any grave, or tree, except decorations in compliance with these Rules and Regulations.
- e. The sitting or leaning on monuments, markers or walls is not permitted.
- f. The Cemetery is not responsible for theft or damage to anything placed on graves or grounds of the Cemetery.
- g. No bench, chair, or trellis shall be permitted or be brought upon the Cemetery grounds unless so authorized by the City of Beavercreek.
- h. The Cemetery shall have the right to remove any dead or damaged tree, shrub or vine.
- i. The speed upon the Cemetery property for motorized vehicles is limited to 10 miles per hour. All vehicles should remain on the Cemetery road or pathways. Driving within the Cemetery sections is not permitted.
- j. No person shall use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
- k. All persons are forbidden to hunt fowls or other animals in or around 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 the Cemetery.

- m. No money shall be paid to the attendants of the Cemetery grounds.
- n. No person or persons other than an employee and representative of the Cemetery or others that are so authorized shall be permitted to bring or carry firearms within the Cemetery, except a military guard of honor, and they only when in the charge of an Officer and during a military service
- o. 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 the laws of the State of Ohio.
- p. Contributions toward the expense of general cemetery care and appearance are welcome and appreciated and will be placed in the Long-Term Care Fund.

XIII.

Modifications and Amendments

- a. The City of Beavercreek may, and it hereby expressly reserves the right to at any and all times, with or without notice to Owners, 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. In all matters not covered by these Rules and Regulations, the City reserves the right to act in its own best interest.
- b. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore, reserves the right without notice, to make exceptions, suspensions or modifications of any of the Rules and Regulations, at its sole and absolute discretion; 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.