

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

AN ORDINANCE AMENDING CHAPTERS 145 AND 955 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO CEMETERY ADMINISTRATION.

WHEREAS, Comprehensive amendments to Chapters 145 and 955 of the Mantua Village Codified Ordinances relating to administration of the Hillside Cemetery have been recommended by the Cemetery and Service Committees; and

WHEREAS, this Council now wishes to amend the Codified Ordinances of the Village of Mantua in order to address these recommendations.

NOW THEREFORE, be it Ordained by the Council of the Village of Mantua, Portage County, Ohio, a majority or more of the members elected thereto concurring, that:

SECTION 1: Existing Chapters 145 and 955 of the Codified Ordinances of the Village of Mantua are hereby repealed.

SECTION 2: Chapter 145 of the Codified Ordinances of the Village of Mantua is hereby enacted as set forth in “Exhibit A”, attached hereto and incorporated herein by reference.

SECTION 3: Chapter 955 of the Codified Ordinances of the Village of Mantua is hereby enacted as set forth in “Exhibit B”, attached hereto and incorporated herein by reference.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance shall take effect and be in full force from and after passage by Council and execution by the Mayor, at the earliest date allowed by law, to preserve the Public health, peace, safety, and welfare within the whole of the Village.

Passed in Council this 16th day of January, 2018.

1st Reading: November 21, 2017

Linda Clark, Mayor

2nd Reading: December 19, 2017

3rd Reading: January 16, 2018

ATTEST:

Effective: February 15, 2018

Jenny August, Clerk of Council

Village of Mantua, Ohio
ORDINANCE 2017-47
(amended)

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the ____ day of January, 2018.

Jenny August, Clerk-Treasurer

Approved as to Legal Form:

Michele Stuck, Solicitor

“Exhibit A”

CHAPTER 145
Cemetery Board

145.01 BOARD OF CEMETERY TRUSTEES ESTABLISHED.

- (a) The Mayor shall appoint a Board to be known as the Board of Cemetery Trustees. Such Board shall consist of three members, whose terms of office are as follows: one member for a term expiring in January 2018, one member for a term expiring in January 2020, and one member for a term expiring in January 2022. As these terms expire and thereafter each even numbered year, the Mayor shall appoint one member for a term of six years at the first regular meeting of Council.
- (b) In the case of a vacancy in the Board of Cemetery Trustees by reason of resignation, death, disability, or removal from office of a member, the Mayor shall appoint a member to fill such vacancy. An appointment to fill a vacancy shall be made at the first meeting of Council after such vacancy has been brought to the attention of the Mayor and Council. Such appointments shall be for the remainder of the unexpired term of the member so replaced.
- (c) The Mayor may remove from office any member of the Board of Cemetery Trustees for misconduct, neglect of duty, or malfeasance in office.

145.02 ORGANIZATION OF BOARD OF CEMETERY TRUSTEES.

- (a) The Cemetery Board shall have general policy review and planning duties for Hillside Cemetery subject to the appropriations of Council, and such other powers and duties as may be conferred upon it by Council not inconsistent herewith.
- (b) Rules, regulations and policies recommended by the Cemetery Board shall be submitted to the Service Committee for review and final approval by Council.
- (c) Meetings of the Cemetery Board shall be held on a regularly scheduled basis in a room designated at Village Administration Building. Such meetings shall be open to the public.

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

- (d) The Cemetery Board shall submit a report to the Mayor, Village Administrator and Council at least twice a year. These reports shall be submitted by February 1st and October 1st.
- (e) The Superintendent shall be the supervisor at the Cemetery and shall be responsible for the control, management and regulation thereof, subject to the policy making and planning power vested in the Cemetery Board.
- (f) Labor and equipment to perform the work shall be supplied by, and shall be under the supervision of the Superintendent, who shall also be responsible for the purchasing function.
- (g) All deeds and all records pertaining to the cemetery shall be kept at the Village Hall in a fireproof safe which has been provided through the trust fund. In the event that a new safe and/or other supplies are needed, they shall be paid for through the Cemetery Trust Fund as provided herein. The books and records shall be kept by the name of the owner of the lot and the funeral home, if any.

145.03 CEMETERY SUPERINTENDENT

- (a) The Mantua Village Administrator shall be the Superintendent of the Hillside Cemetery. The Village Administrator will submit a report to the Mayor, Cemetery Board and Council at least twice a year by April 1st and November 1st.
- (b) The Superintendent shall be notified when grave lots are sold or opened.
- (c) The Superintendent shall coordinate cemetery maintenance. The Village Maintenance Department will provide opening and closing of graves and general maintenance of the cemetery. General maintenance of the cemetery, mowing, tree and brush trimming will be done on an as needed basis as determined by the Superintendent. The Superintendent shall also coordinate the filling of low lying areas and grass planting between May 1 and October 1, as the need become apparent. Damage to headstones shall be reported to the Superintendent by filling out an incident report.

145.04 INTEREST ON CEMETERY TRUST FUNDS.

- (a) The Cemetery Trust Funds shall only be expended according to their terms, and expenses therefrom are subject to submission to the Trustee of the Funds and approval by the Probate Court.
- (b) All expenditures of the Cemetery Trust Fund monies shall be approved by Village Council with notification to the Cemetery Board. The Cemetery Board may recommend expenditures to the Village Council for consideration.
- (c) Cemetery Trustees are to receive an annual report on the Cemetery Trust Fund from the Village Clerk-Treasurer.

Village of Mantua, Ohio
ORDINANCE 2017-47
(amended)

“Exhibit B”

CHAPTER 955
Hillside Cemetery

955.00 ADMINISTRATION

- (a) Hillside Cemetery is located on the West side of Mantua Village off of Cemetery Drive at the curve on W. Prospect Street.
- (b) The Cemetery is maintained for the use and benefit of the public, and such Rules and Regulations as have been adopted for its care and conduction are designed to give all Lot Owners equal rights and protection therein. All visitors are requested to respect the solemnity of the place, and strictly observe the Rules and Regulations which have been established by the Village for the purpose of securing quiet and good order at all times within the grounds.
- (c) In order to promote a safe and reverent environment for the families and friends of the deceased and for the mutual protection and benefit of the owners and/or purchasers of the Right of Interment and the Village of Mantua, the following Policies and Procedures and Rules and Regulations for Cemetery Interments have been adopted. All owners, purchasers and visitors on the property owned by the Village of Mantua shall be subject to these dictates. The reference to these Policies and Procedures, Rules and Regulations in the Certificate of Right of Interment shall have the same effect as if set forth in full therein. All determinations as to the interpretation of these dictates shall be at the sole and final discretion of the Village of Mantua Cemetery Superintendent and the Village of Mantua Council.
- (d) The Certificate of Right of Interment, these Policies and Procedures, Rules and Regulations and any amendment thereto shall be the sole agreement between the Village of Mantua and the Owner/Purchaser of the Right of Interment. Any oral or written statements of any person, unless in a notarized statement approved by the Village of Mantua, shall in no way bind the Village of Mantua. The Council of the Village of Mantua reserves the right to make amendments to these Policies and Procedures, Rules and Regulations through proper legislative action, and all owners, purchasers and visitors will be subject to the contents of this Chapter in place at the time.
- (e) Residents and Nonresidents. Since the Village is obligated to pay from the General Fund all costs involved in the operation and maintenance of the cemetery over and above the income derived from the sale of lots, burials, the Perpetual Ordinary Care Fund, the Special Lot Endowment Fund, gifts and bequests and since nonresidents of the Village do not necessarily contribute to the General Fund by way of taxes, a distinction is made between nonresidents and residents of the Village in charges and fees for the lots and services rendered.

955.01 DEFINITIONS

- (a) “Cemetery” The place or area set apart for interment of the dead by burial in the earth or entombment in a mausoleum and all walks, drives and grounds set aside for meditation and other natural ornamentation.

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

- (b) “Cemetery Board” The persons duly appointed by the Mayor of the Village of Mantua for the purpose of general policy review and planning at Hillside Cemetery as defined in the Codified Ordinances of Mantua.
- (c) “Certificate of Right of Burial” the document which is provided to the purchaser of the right of burial upon payment in full and shall denote any burial rights or restrictions.
- (d) “Disinterment” The recovery of human remains by exhumation, disentombment or disinterment. “Disinterment” does not include the repositioning of an outside outer burial container that encroaches an adjoining burial space.
- (e) “Foundation” Permanent cement or stone placed for the setting of monuments, monument bases and markers.
- (f) “Grave” A lot sub-space within the cemetery used or intended to be used for earth burial. An excavation in the earth in which a deceased person is buried or is to be buried.
- (g) "Immediate Family Member" A spouse, parent, grandparent, child, grandchild, sibling, in-laws (mother, father, brother, sister). Includes adopted, half- and step- relations.
- (h) “Interment” The act or process of burying a deceased person in a grave or inurning the cremains of a deceased person in a niche or grave. The permanent disposition of the remains of a deceased person by burial or inurnment.
- (i) “Lot” A space within the cemetery used or intended to be used for earth burial and containing two or more graves.
- (j) “Marker” Also referred to as a “flat marker,” or memorial.
- (k) “Mausoleum” The stone building with places for entombment of the dead above ground.
- (l) “Monument” A memorial made of granite that is placed on a grave or family plot. A monument stands above the ground in an upright position.
- (m) “Monument Base” A permanent granite piece placed on the foundation on which a Monument sits.
- (n) "Niche" A space in a columbarium sufficient in size for the inurnment of the cremains of a deceased person.
- (o) “Niche Front” The granite cover that is fastened on the crypt or place of inurnment and upon which the memorialization is engraved.
- (p) “Owners” and “Purchasers” Persons who have purchased a Right-of-Burial in Hillside Cemetery.

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

- (q) “Private Mausoleum” A granite structure designed and constructed for the interment of the family for whom the structure has been constructed or other persons as may be designated by the Owner of the Right of Interment.
- (r) “Resident” A person who has been a bona fide resident of the Village of Mantua for one day or more, or who was a bona fide resident of the Village of Mantua immediately prior to entering a nursing home.

955.02 CHARGES AND FEES

(a) Grave and Burial Plot Costs.

	<u>Resident</u>	<u>Non-Resident</u>
Single Grave	\$200.00	\$400.00
Two-Grave Lot	400.00	800.00
Four Grave Lot	700.00	1,000.00
Five Grave Lot	900.00	1,250.00

Beginning January 1, 2020, the following rates apply:

	<u>Resident</u>	<u>Non-Resident</u>
Single Grave	\$220.00	\$440.00
Two-Grave Lot	440.00	880.00
Four Grave Lot	770.00	1,100.00
Five Grave Lot	990.00	1,375.00

Beginning January 1, 2022, the following rates apply:

	<u>Resident</u>	<u>Non-Resident</u>
Single Grave	\$240.00	\$480.00
Two-Grave Lot	480.00	970.00
Four Grave Lot	850.00	1,210.00
Five Grave Lot	1,090.00	1,500.00

(b) Mausoleum Fees.

First Level	\$2,000.00	\$3,000.00
Second Level	1,500.00/crypt	2,500.00
Third Level	1,000.00/crypt	2,000.00
Mausoleum Interment	300.00	600.00

Beginning January 1, 2020, the following rates apply:

First Level	\$2,200.00	\$3,300.00
Second Level	1,650.00/crypt	2,750.00
Third Level	1,100.00/crypt	2,200.00
Mausoleum Interment	330.00	660.00

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

Beginning January 1, 2022, the following rates apply:

First Level	\$2,420.00	\$3,630.00
Second Level	1,820.00/crypt	3,030.00
Third Level	1,210.00/crypt	2,420.00
Mausoleum Interment	360.00	730.00

(c) Grave Opening/Close.

Adult	\$250.00	\$450.00
Child Vault - 3 foot long	150.00	250.00
Child Vault - 4 foot long	200.00	350.00
Disinter/Re-inter same grave	1,000.00	1,500.00
Disinter/Re-inter new grave	1,400.00	2,000.00

Beginning January 1, 2020, the following rates apply:

Adult	\$275.00	\$495.00
Child Vault - 3 foot long	165.00	275.00
Child Vault - 4 foot long	220.00	385.00
Disinter/Re-inter same grave	1,100.00	1,650.00
Disinter/Re-inter new grave	1,540.00	2,200.00

Beginning January 1, 2022, the following rates apply:

Adult	\$300.00	\$545.00
Child Vault - 3 foot long	180.00	300.00
Child Vault - 4 foot long	240.00	435.00
Disinter/Re-inter same grave	1,210.00	1,815.00
Disinter/Re-inter new grave	1,800.00	2,420.00

(d) Cremations.

Interment	100.00	200.00
Disinter/Re-inter same grave	200.00	400.00
Disinter/Re-inter new grave	300.00	500.00

Setup and removal of awning for burials 75.00

Beginning January 1, 2020, the following rates apply:

Interment	110.00	220.00
Disinter/Re-inter same grave	220.00	440.00
Disinter/Re-inter new grave	330.00	550.00

Setup and removal of awning for burials 85.00

Beginning January 1, 2022, the following rates apply:

Village of Mantua, Ohio
ORDINANCE 2017-47
(amended)

Interment	120.00	240.00
Disinter/Re-inter same grave	240.00	485.00
Disinter/Re-inter new grave	365.00	600.00
Setup and removal of awning for burials		95.00

(e) Foundations.

Regular Marker/Monument	\$100.00/Square Foot
Veteran Marker Flush	No charge
Veteran Marker Raised at Head	50.00
Veteran Marker Removed	100.00

Beginning January 1, 2020, the following rates apply:

Regular Marker/Monument	\$110.00/Square Foot
Veteran Marker Flush	No charge
Veteran Marker Raised at Head	55.00
Veteran Marker Removed	110.00

Beginning January 1, 2022, the following rates apply:

Regular Marker/Monument	\$120.00/Square Foot
Veteran Marker Flush	No charge
Veteran Marker Raised at Head	60.00
Veteran Marker Removed	120.00

- (f) Additional Charges. An additional two hundred dollars (\$200.00) shall be charged for burials after 3:30 p.m., Monday through Friday and any time on Saturday, holidays or for special request when granted.
- (g) Costs for Nursing Home, etc., Residents. Any resident of the Village who, due to medical or other reasons beyond their control, are placed in a nursing home, convalescent center, comparable facility, but who had their last individual residence within the Village shall be entitled to resident fees for burial, burial plots and grave sites as set forth in this section.
- (h) Extra Services. The Superintendent shall, upon request, give estimates on work not covered in the foregoing schedules to be done by Village employees, agents or contractors on the cemetery grounds. The charges for such extra work shall be determined in advance.
- (i) Every two years, starting 2022-2030, the Cemetery Board must review the charges and fees set forth in this section. A recommendation must be made to Council by the October Council meeting of said year for changes to the charges and fees set forth in this section.

955.03 INDIGENT BURIAL POLICY

- (a) Purpose. This indigent burial policy is enacted to comply with the provisions of Ohio R.C. 9.15 pertaining to the burial of indigent persons whose legal residence at the time of

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

death was the Village of Mantua, who are not claimed by any person for private interment or cremation at the person's own expense, or interment or cremation when the body of an indigent person is claimed by an indigent person. The purpose of this policy is to provide for the burial of indigents, or the burial of an indigent person claimed by an indigent person, for reasons of public health and sensibilities.

(b) Application of Policy.

(1) When the body of a dead person is found within this County or in another County of this State and such person was not an inmate of a correctional, benevolent, or charitable institution of this State; and the body is not claimed by any person for private interment or cremation at the person's own expense; or delivered for the purpose of medical or surgical study or dissection in accordance with Ohio R.C. 1713.34, the Village shall be liable for the cremation and interment expenses, in the amounts set forth herein, if:

A. The deceased is determined to be an indigent person; and

B. The person was a legal resident of the Village of Mantua at the time of their death.

(2) When the body is claimed by an indigent person simply as that of a loved one, without undertaking to arrange and pay for private interment, the Village shall be liable for the cremation or interment expenses, in the amounts set forth herein, if:

A. The deceased is determined to be an indigent person; and

B. The person was a legal resident of the Village of Mantua at the time of their death; and

C. The claimant is determined to be an indigent person.

(c) Administration. The Village Administrator and the Clerk-Treasurer are hereby appointed as the proper officers of the Village, in accordance with Ohio R.C. 9.15, to be responsible for the administration of this indigent burial policy. If the next-of-kin of the deceased are not available or are unknown, the Village Administrator and the Clerk-Treasurer shall have the authority to sign all documents necessary for the cremation.

(d) Determining Indigence.

(1) Prior to the cremation authorization the Village Administrator and the Clerk-Treasurer shall make reasonable attempt to determine whether the deceased person is in fact indigent and, where the deceased person is claimed by an indigent person, whether the claimant is in fact indigent.

(2) "Indigent decedent" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State or County Veteran's Administration. The estate of the decedent shall include, but is not limited to, the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.

(3) The term "indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty. The criteria for determining whether an individual is indigent include the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

- (e) Determining Legal Residency.
 - (1) Prior to the cremation authorization, the Village Administrator and the Clerk-Treasurer shall make reasonable attempt to determine whether the deceased person was a legal resident of the Village.
 - (2) "Legal Residency" means a physical presence in a particular location, coupled with the present intent to make that place a permanent residence for a period of time.
 - (3) In cases where the decedent was living in a nursing home or hospital located within the Village, legal residency shall mean intent to make the nursing home or hospital a permanent residence.
- (f) Policy.
 - (1) Upon finding that the deceased was a legal resident of the Village and an indigent person, and where the deceased person is claimed by an indigent person, that the claimant is indigent, the Village Administrator and the Clerk-Treasurer shall authorize the funeral director or other party to cremate the decedent.
 - (2) The Village shall dispose of the remains of indigent persons by cremation only. The Village shall pay a maximum of eight hundred dollars (\$800.00) for the cremation and interment of the remains of the deceased. Said services shall include transportation of the deceased to the funeral home, necessary supplies and procedures, and a temporary urn for the storage of the deceased's cremated remains. The Clerk-Treasurer is hereby authorized to pay such expenses, upon certification from the Village Administrator and receipt of an invoice or bill from the funeral director.
 - (3) The cremated remains of the deceased may be released to the decedent's family. If the cremated remains are not claimed, the Village may cause the remains to be buried, and the Clerk-Treasurer is hereby authorized to pay such expenses, upon certification by the Village Administrator and receipt of an invoice or bill for the burial.
 - (4) The Village shall also provide at the grave of the person's cremated remains, if such remains are buried, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.
- (g) Limitations.
 - (1) If the body of an indigent person is claimed by relatives or friends who arrange for the funeral according to their wishes, the Village shall not pay all or any part of the expenses for the same.
 - (2) The Village's Indigent Burial Policy is not supplemental. The funeral director or funeral home personnel shall not ask for nor accept any funds above the amounts set forth herein. Upon completion of the cremation, the funeral director shall submit an itemized bill to the Clerk-Treasurer containing the following information:
 - A. The name and age of the deceased;
 - B. Place of burial;
 - C. Services performed;
 - D. Total costs of services;
 - E. Amount received from other sources; and
 - F. Amount due from the Village.
 - (3) The funeral director or funeral home shall reduce the cost to the Village by the amount of funds received from any other source. If additional funds are paid to

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

the funeral director or funeral home after the Village has paid as herein provided, the Village shall be refunded the exact amount of the additional funds paid to the funeral director or funeral home within thirty days (30) days of the receipt thereof. The funeral director shall submit a notarized statement to the Clerk-Treasurer indicating his understanding and compliance with the provisions of this Policy.

- (4) In the event that it is found after the cremation of the deceased and payment of the cremation and/or burial expenses by the Village, that such indigent decedent and/or indigent claimant had means, assets, insurance or other benefits or allowances available for the payment of all or part of such expenses, such proceedings may be taken to recover such costs and expenses as may be authorized by law.

- (h) Potters Field.

There is hereby established and set aside for the burial of any person determined to be indigent pursuant to the provisions of this section, a "Potters Field" for Hillside Cemetery. The section of the cemetery for the purpose provided herein is more specifically described as Graves 1 and 2 in Lot numbers 63, 65, 67 and 69, consisting of 8 graves.

955.04 SALE OF LOTS

- (a) The purchase of lots/graves shall be arranged through the Superintendent who shall show the lots/graves which are for sale.
- (b) When a section of the cemetery has been platted and prepared for sale, the price of lots shall be fixed from time to time by the Village Council.
- (c) The deed to a lot or grave conveys only burial rights and the title to the land remains with the Village of Mantua.
- (d) Deeds to Lots/Graves shall be signed and approved by the Village Administrator and the Village Clerk-Treasurer.
- (e) All graves are for burial purposes only and are not to be sold for use as extensions of adornments, statues, additional monuments/markers etc. from adjoining graves.
- (f) In general all lot and grave sales are for cash and the bill is payable at the time of purchase to the Village of Mantua and received by the Village Clerk Treasurer.
- (g) As the deed to a lot or grave conveys only the right of burial, the Village retains control and supervision of all lots which have been sold and the Superintendent shall enter upon any lot and prohibit, modify or remove any structure, object, adornment or improvement on such lot which may have been placed in violation of cemetery rules or which may be considered, in the Superintendents judgment, to be objectionable or injurious to the lot or adjoining lots, or to the general appearance of the cemetery.

955.05 TRANSFER OF LOTS

- (a) Lots may be sold to residents or non-residents of the Village of Mantua by the Village Clerk-Treasurer and Village Administrator. Lots cannot be resold by the purchaser/owner to any other individual; however, on application of the owner, lots can be returned to the Village for refund of the original purchase price by the Village of Mantua.
- (b) Transfer of Title. Upon application to and approval of the Village Administrator, lot owners may be permitted to transfer their interest in such lots only to an immediate family member.

Village of Mantua, Ohio
ORDINANCE 2017-47
(amended)

955.06 GENERAL RULES

- (a) No grave shall be opened except by order of court or upon a permit issued and properly executed by the proper authority.
- (b) No person shall remove any object from any place in the cemetery or make any excavation without the consent of the Superintendent.
- (c) All rubbish, unsightly material or debris accumulation from any work or any cause must be removed at once by the person causing its accumulation. All derricks, tools, etc., must be removed immediately upon completion of any work necessitating their use, and the grounds left in as good condition as found.
- (d) No person shall obstruct any drive or path in the cemetery or in any way injure, deface, or destroy any stone, structure, grass, flower, tree, shrub, vine or any other thing in the cemetery.
- (e) Tents, artificial grass, matting, lowering devices and other equipment controlled by either the Superintendent or contractor designated by the Superintendent used in making interments, disinterment and removals shall be provided by the Funeral Director at no charge to the Village.
- (f) Any person in the cemetery, including undertakers/funeral directors, shall be under the control and subject to the direction of the Superintendent.
- (g) All cemetery waste and debris shall be deposited in receptacles designated for such use.

955.07 PREMISES RULES

- (a) Children under the age of 16 must be under adult supervision while in the cemetery.
- (b) Vehicles must remain on drive surfaces at all times.
- (c) Animals and pets are not permitted in the cemetery unless leashed or used to assist the disabled.
- (d) No vehicle shall be driven faster than 10 miles per hour within the grounds of the Cemetery. No motorized recreational vehicles are allowed on cemetery property. Bicycles are to stay on maintained roadways and off the grass.
- (e) The drinking of alcoholic beverages in the Cemetery is strictly prohibited at all times, except upon the occurrence of official ceremonies or functions for which permission has been granted by the Superintendent or his designated representative.
- (f) Visitors are prohibited from plucking any plants, whether cultivated or wild, unnecessarily disturbing the birds or animals, breaking or injuring any tree or shrub, marring any monument or landmark or in any way defacing cemetery grounds, fences or buildings thereon.
- (g) Standing or sitting upon monuments is not permitted.
- (h) No advertising of any form shall be permitted within the cemetery.
- (i) No person shall discharge firearms within the cemetery except for military funerals or Memorial Day services.
- (j) The cemetery grounds are closed to everyone except cemetery employees and other authorized persons, during the hours of darkness. Violators of this provision are subject to arrest and prosecution.
- (k) Any person acting in a boisterous or loud manner, or in any way improper to the sanctity of the grounds, may be expelled by the Village Service Department staff or other appropriate department.

- (l) 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 shall be strictly enforced to maintain this principle.

955.08 INTERMENTS

- (a) Interment includes grading, fertilizer and seeding of lot.
- (b) All burial receptacles, which exceed fifty (50) inches in length, shall be constructed of reinforced concrete, metal or other similar permanent material commonly accepted for burial purposes; the composition and design of which shall be subject to the approval by the Superintendent. This rule does not apply to indigent interments.
- (c) In any one gravesite, one of the following combinations is permitted:
 - (1) One vault interment.
 - (2) One ash interment.
 - (3) One vault interment with one ash interment on top of vault.
 - (4) Two ash interments.
- (d) The number of interments which may be properly made on a grave space is definitely fixed at the time of purchase, and no more shall be permitted. In order that uniformity may be sustained, the Superintendent shall determine the location of graves on a lot. Every reasonable effort will be made to comply with the wishes of owner.
- (e) Only one body shall be allowed in a grave. A cremains or infant burial over an adult's grave may be permitted, provided that the adult burial is of sufficient depth and in a permanent vault and approved by the Superintendent.
- (f) Interment in a lot shall be permitted for the owner of the lot named as the grantee in the deed, and for his/her immediate family and heirs, and for such other person or persons as may be designated in writing to the Superintendent and Village Clerk Treasurer by the lot owner during his/her lifetime. However, the burial of any person other than the lot owner or his/her immediate family and heirs may be refused, notwithstanding the written designation of the lot owner, if the lot owner accepts or agrees to accept any compensation of payment for granting the right to such burial. Upon the death or judicially-declared incompetent lot owner, it is the duty of any person or persons having the right of burial upon the lot under the terms of the deed thereto and the cemetery rules to file with the Superintendent and Village Clerk Treasurer proof of their right to the use of the lot, and further burials upon the lot may not be permitted until such proof is presented.
- (g) Interments on Sunday or general holidays as observed by the Village of Mantua are not permitted, except when ordered by the Board of Health. No interment may be made unless the body or cremains is accompanied by a burial permit, (usually procured by the Funeral Director). Cremains may not be scattered on the ground; they must be buried by an employee of the Village of Mantua.
- (h) Funerals may only enter the cemetery between the hours of 9:00 a.m. and 4:00 p.m. on weekdays and 9:00 a.m. and 2:00 p.m. on Saturdays, except by permission by the Superintendent.
- (i) The Superintendent shall be contacted before setting the time of any funeral to avoid conflict with another funeral. Notice of not less than 48 hours shall be given for the opening of a grave. Special religious traditions will be provided for. All funeral processions, while within the cemetery grounds shall be under the direction and control of the Superintendent and/or his designee(s).

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

- (j) Wooden vaults or outer boxes are prohibited.
- (k) The schedule of grave service charges shall be furnished upon request by the Superintendent or Clerk Treasurer.
- (l) Interment charges are due and payable when the order is given and includes opening and closing of the grave.
- (m) Interments shall be made by Village Service Department staff or a contractor designated by the Superintendent only.
- (n) In unusual circumstances the Village Service Department or funeral director has the right and obligation to defer or delay burial proceedings until a decision is made to remedy the situation. All concerned parties will receive an explanation for the delay.

955.09 DISINTERMENT

Disinterments shall only be conducted in compliance with sections 313.18, 517.23, 517.24 and 759.491 of the Ohio Revised Code

955.10 MAINTENANCE

- (a) All mowing and/or machine weed trimming will be done by the Village Service Department. No individuals may operate a private mower on cemetery grounds. Permitting residents to perform work at the cemetery in return for reduced fees is inconsistent with the Codified Ordinances and will not be authorized.
- (b) The cemetery does not allow elevated graves bordered with sod. No sod is permitted to be placed on any grave. The Village Service Department will level, seed and maintain all graves including the settling of gravesites.
- (c) Poinsettia flowers, wreaths, and small seasonal decorations are welcome from November 15th to March 31st and must be removed no later than April 1st of each year. After April 1st the decorations will be removed and discarded by the Service Department employees. Due to safety considerations, grave blankets are not to be used.
- (d) The Village Service Department reserves the right to remove any shrub, flowers, vases, etc. that are damaged or diseased, or not lending to the appearance of the cemetery. In the interests of safety of visitors and Service Department personnel, metal stakes, glass vases and wire shall not be used for decorations or ornaments on the grave site and will be removed and discarded without notice.
- (e) All requests or orders for special work on any lot or grave must be authorized through the Superintendent's office. No employee is permitted to perform such services without written or oral instructions from said office.
- (f) Lot owners shall not change the grade of any lot or interfere in any way with the general plan of the improvement of the cemetery. Except for permitted plantings, no holes may be dug on or near gravesite. No fences or enclosures of any description shall be permitted which interfere with the maintenance of the grounds.
- (g) Lot enclosure of concrete, brick, wood, stone, metal, and plastic are permitted within the headstone area. The enclosure may not exceed 12" from headstone base.
- (h) The Village of Mantua Service Department will exercise reasonable care in performing maintenance and other work on the cemetery grounds. However, recognizing the vulnerability of graves, lot markers and memorials as well as floral tributes, the Village of Mantua disclaims any liability for accidents or damage to such items occurring in the normal scope of cemetery work.

- (i) The Service Department conducts two annual cemetery cleanups, spring and fall. On a semi-annual basis, all ground mounted decorations will be removed for general cleanup purposes. Spring cleanup will start April 1st and fall cleanup will start October 15th. Any items desired to be retained must be removed before these dates.

955.11 MONUMENTS, GRAVESTONES, FOOTSTONES AND MARKERS

- (a) Benches, Statues and other accessory items: Requests to place such items must be submitted to the Superintendent in advance of items being ordered. The Superintendent may request additional information in order to make a decision. To be considered, benches must be made of the following materials only: granite, marble or concrete. Wooden benches will not be permitted under any circumstances. Permitted benches must be placed on a foundation poured by the Service Department. Foundation fee shall be paid in advance by lot owner. The Superintendent may permit the placement of such items provided they do not violate any of these Rules and Regulations, the Codified Ordinances of the Village of Mantua or encroach upon the property of another.
- (b) No grave markers (flush mounted) or monuments (above ground mounted) may be erected or placed in the cemetery unless specifications, plans and location have been first submitted to and approved by the Superintendent. In the event the Superintendent disapproves of the specifications, plans, or location, the applicant may, within in ten days, submit a written appeal to the Cemetery Board. The Board shall have a hearing and render a decision within twenty days of receipt of the appeal. In no case shall more than one monument be allowed on one grave space.
- (c) To ensure permanency, all foundations shall be built by employees of the Service Department at the expense of the grave owners.
- (d) The Superintendent or his designee shall have authority to inspect the setting of any monument or marker, and if improperly done, order the resetting of same at no charge to Village.
- (e) After a monument or marker has been placed in the cemetery, it may not be removed without permission of the Superintendent.
- (f) On grave spaces where monuments may be placed, the monument base or marker shall not exceed the following:

<u>Number of Grave Spaces</u>	<u>Width of Grave Space</u>	<u>Width of Monument Base or Marker</u>
One (1)	40 inches	36 inches
Two (2)	40 inches	76 inches
Three (3) or more	40 inches	(contact Superintendent)

*Minimum monument base shall not be less than 6" (six inches).

- (g) Only one grave monument or marker shall be placed on each grave space as surveyed, and centered at the head of the grave space except that bronze or stone military markers supplied by the Veterans' Administration may be placed flush with the ground at the foot of a grave. Bronze military markers shall be permitted to be placed on the back of upright monuments, if space is available.
- (h) The Village will allow non-military flat memorial markers at the foot of a grave. One such marker will be permitted per grave in addition to the headstone and may be placed on graves also having military markers. Markers must be installed with a suitable

foundation per cemetery regulations. All costs associated with the installation of the marker will be the responsibility of the family of the interred.

- (i) Monument foundations shall be installed only by Village employees and the cost thereof billed and paid for by the monument company, or the lot owner before installation. The Village shall provide a foundation free of charge one time for a veteran's marker furnished by the U.S. Government. Depending on ground contours, all foundation bases shall be below ground and/or flush with existing ground elevation.

955.12 FLORAL DECORATIONS, VASES AND URNS

- (a) All flower beds must be in front of headstones. No flower beds are permitted behind headstones.
- (b) The planting of annual/perennial flowers or placement of artificial flowers and miscellaneous decorations are permitted at the gravesite throughout the year. Those who place decorations on the gravesites are requested to maintain these items; there are trash cans available for disposal of items and access to water.
- (c) Glass containers are strictly prohibited and will be removed where found. Also any other substance considered hazardous will also be removed.
- (d) Potted plants, cut flowers and arrangements are encouraged on Easter, Mother's Day, Father's Day, Memorial Day, etc. Plants placed on graves should be removed within seven 7-14 days of the holiday. After that period, plants may be removed by Service Department staff. Shepherd hooks and monument saddles will be permitted. The planting of flowers may not exceed 18" from headstone base. Cut flowers may be placed on any grave. All floral baskets, designs and wreaths shall be removed and discarded when they become withered, faded or unsightly.
- (e) The maintenance of planted flowers, boxes, cut, live, and artificial flowers and wreaths is permitted throughout the year and is the responsibility of the lot owner or family. Those which are not maintained, which become overgrown and/or unsightly, will be removed without notice by the Service Department.
- (f) Only artificial flowers are permitted from October 1 to March 1, except immediately following interment.
- (g) Hanging baskets shall be suspended from a single shepherd hook, made of steel only. Only one shepherd hook per family lot shall be permitted. No other decorations may be attached to the hook. If a shepherd hook is not in use, it will be removed and stored by the Service Department.
- (h) When an urn remains unplanted later than the first of July, or when it becomes worn out and dilapidated, it shall be removed and discarded without notice.
- (i) Funeral designs and floral pieces shall be removed from the graves when they become wilted or unsightly. Persons desiring to retain any must remove the same within forty-eight hours after the interment.
- (j) No more than two urns may be placed on any individual grave. Location of an urn upon a grave is preferably at the side of the monument. One-piece urns or pots which can be moved for mowing may be used for potted plants.
- (k) Summer decorations shall be removed from lots before October 15.
- (l) Winter decorations, such as wreaths, shall be allowed to remain in place during the winter season while the grass is dormant, but shall be removed from lots before April 1st.
- (m) Flowers shall be placed on all graves that have trust fund accounts each Memorial Day along with additional decorations as may be specified in each decedent's will.

Village of Mantua, Ohio
ORDINANCE 2017-47
(amended)

955.13 PLANTINGS AND ADORNMENTS

- (a) Families must be aware that any decoration used on the gravesite may be subject to the elements and vandalism. The Village cannot be held responsible for such damage or theft.
- (b) All holiday decorations, religious symbols, and wreaths shall be removed within 30 days after such national or religious holiday.
- (c) Only those shrubs permitted may be planted beside monuments. Live flowers may be planted around monuments in beds. Any planting of shrubs must be approved by the Cemetery Superintendent before any work is commenced. The Superintendent has the authority to remove any and all plantings, including shrubs which are dead, have outgrown their usefulness, have spread beyond control, or were planted without permission.
- (d) For other than Baby Rows, balloons, toys and stuffed animals are permitted only on the birthday of the deceased and holidays, and may remain for one week.
- (e) For Baby Rows, toys or stuffed animals will be permitted when securely affixed to a monument or on a foundation.
- (f) No planting of permanent plants, such as trees, shrubs, flowers, etc., is permitted without prior approval of the Superintendent.
- (g) All trees, shrubs, and/or bushes must be maintained within the boundaries of the lot or grave and must in no way interfere with or touch adjoining lots or graves. Trees and shrubs may not be cut off above ground level for removal; they must be removed completely including roots.
- (h) No fences or enclosures of any kind will be permitted.
- (i) Plantings of trees and shrubs must be approved by the Superintendent and shall be done by the lot owner or family and heirs at their own expense. Placement shall be in accordance with the directions of the Superintendent in conformity with the general beautification plan. The Superintendent is authorized to enter upon any lot to make improvements deemed necessary by the Superintendent.

955.14 DETERIORATED, UNSIGHTLY AND INAPPROPRIATE

- (a) In order to maintain a neat appearance, the Superintendent or his representative reserves the right to trim, cut down or remove any existing tree, shrub, plant or flower on lots within the cemetery.
- (b) Any existing tree, shrub or bush becoming unsightly may be removed when considered necessary. If a tree or shrub on a lot becomes detrimental, dangerous or inconvenient to adjacent lots or walks or if it becomes unsightly, the Service Department shall have the right to remove such tree or shrub or any portion thereof.
- (c) Subject to the approval of the Superintendent, the planting of shrubs and flowers shall be permitted on cemetery lots; however, no planting of any kind shall be permitted on center over graves. Any planting made in violation of the rule may be removed without notice. It is advisable to make the necessary arrangements at the cemetery before planting material is purchased.
- (d) Due to safety concerns, the difficulty in performing appropriate maintenance on the Cemetery grounds, and to avoid the appearance of clutter, items that are not permitted on the grounds of the Cemeteries at any time include, but are not limited to, the following:

Village of Mantua, Ohio

ORDINANCE 2017-47

(amended)

styrofoam decorations, fences, coat hangers, rocks and stones, wires, ornaments, ceramics, glass, shells, food items, cardboard and paper, signs, tires. If such items are found, they will be removed by the Service Department staff.

955.99 PENALTY

Except as otherwise specified, violation of any provision of this Chapter shall be a minor misdemeanor.