

CODIFIED ORDINANCES OF MANTUA

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Streets and Sidewalk Areas

- Chap. 905. Excavations.
- Chap. 909. Trees and Weeds.
- Chap. 913. Sidewalks.

TITLE THREE - Utilities

- Chap. 921. Water.
- Chap. 931. Sanitary Sewers.
- Chap. 941. Storm Sewers.

TITLE FIVE - Other Public Services

- Chap. 951. Parks.
- Chap. 955. Hillside Cemetery.
- Chap. 957. Garbage and Rubbish.

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TITLE ONE - Streets and Sidewalk Areas

Chap. 905. Excavations.
Chap. 909. Trees and Weeds.
Chap. 913. Sidewalks.

CHAPTER 905
Excavations

| | | | |
|---------------|-------------------------------------|---------------|----------------------|
| 905.01 | Consent of Council required. | 905.04 | Bond. |
| 905.02 | Permit required. | 905.05 | Cash deposit. |
| 905.03 | Application for permit. | 905.99 | Penalty. |

CROSS REFERENCES

Liability for damage - see Ohio R.C. 723.49 et seq.
Barricades and warning lights - see GEN. OFF. 521.03

905.01 CONSENT OF COUNCIL REQUIRED.

No person shall make any excavation, or remove any earth from any of the streets or public grounds of the Village, or disturb, remove, or interfere with any street crossing, sewer, water main, or culvert maintained by the Village without first obtaining the consent of Council except as hereinafter provided.
(Ord. 279. Passed 3-10-58.)

905.02 PERMIT REQUIRED.

No person, except persons in the employ of the Village for such purpose, shall make any opening, excavation or tunnel in or under any street or public place, or dig, remove or carry away any stone, earth, sand or gravel which may be therein, or shall make or cause to be made any connection with any line of sewer or water main in any street or public place, until a permit in writing to do so shall first be obtained from the Clerk-Treasurer with approval of the Village Administrator.

905.03 APPLICATION FOR PERMIT.

All applications for the permit shall specify the name of the owner and the location of the connection to be made, and shall contain an agreement that the applicant will comply with all statutes, ordinances and regulations relating to the work to be done.

(Ord. 279. Passed 3-10-58.)

905.04 BOND.

No permit shall be issued unless and until the applicant has filed with the Clerk-Treasurer a bond in the sum of one thousand dollars (\$1,000) with two or more sureties, to be approved by the Mayor and Clerk-Treasurer, conditioned that the applicant will indemnify and save harmless the Village from all loss and damage that may be caused by accident or want of care, skill or attention on his part, or on the part of any person in his employ, in the prosecution, protection or completion of any such work, or that may be occasioned by reason of any opening by him or them made, or caused to be made, in any street or public place, or by any material placed or caused to be placed therein.

(Ord. 279. Passed 3-10-58.)

905.05 CASH DEPOSIT.

No permit shall be issued unless and until a cash deposit in the sum of one hundred dollars (\$100.00) if pavement is involved, or twenty-five dollars (\$25.00) if no pavement is involved, is made with the Clerk-Treasurer, to insure proper restoration of the ground and pavement if any. From this deposit shall be deducted the expense to the Village of relaying the surface of the ground or pavement and of making the refill if this is done by the Village or at its expense, and the balance of such deposit shall be returned to the applicant without interest after the opening or excavation is completely refilled and the surface or pavement is restored.

(Ord. 279. Passed 3-10-58.)

905.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor.

CHAPTER 909
Trees and Weeds

| | |
|--|------------------------|
| 909.01 Purpose. | 909.03 Weeds. |
| 909.02 Trimming trees and shrubs. | 909.99 Penalty. |

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20

Assessments for tree planting or maintenance - see Ohio R.C.
727.011

Notice to cut noxious weeds - see Ohio R.C. 731.51 et seq.

Destruction of weeds - see Ohio R.C. 971.33 et seq.

Injury or destruction - see GEN. OFF. 541.06

Noxious weeds - see Ohio OAC Ch. 901:5-31

909.01 PURPOSE.

It is declared to be in the public interest that the removal of trees and/or parts thereof and shrubs located abutting sidewalks and/or streets within the Village be regulated in the manner described herein.

(Ord. 1988-10. Passed 3-14-88.)

909.02 TRIMMING TREES AND SHRUBS.

The owner of every lot or parcel of land within the Village upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk shall conform to the regulations provided in this section and Chapter 147 of these Codified Ordinances or the Village shall cause the tree, plant or shrubbery to be trimmed or cut down and removed in accordance with the regulations and assess the costs against the owner of the lot or parcel of land. Costs for the removal of trees pursuant to Section 147.17 shall be assessed or shared as set forth therein.

- (a) The owner shall trim, or cause to be trimmed, any tree, plant or shrubbery so that a clear height of ten feet between the lowest branches and the street or sidewalk is maintained.
- (b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or parts thereof, so that it shall not fall to the street or sidewalk.
- (c) The owner shall cut down or remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles or pedestrians using the street or sidewalk or located within the vicinity of such nuisance.
(Ord. 2011-76. Passed 12-13-11.)

909.03 WEEDS.

(a) No person, firm or corporation shall permit the growth of obnoxious weeds or other vegetation to the injury of any adjoining owner, upon lots or lands located in the Village.

(b) Any person, firm or corporation permitting the growth of weeds or vegetation as recited in subsection (a) may be ordered to cut and remove the same by the Police Department of the Village, and upon such owner's neglect or refusal to comply with the order within a period of ten days, the Police Department shall have the right to cause the weeds to be cut and destroyed and the expense thereof shall be charged to the owner of the property so affected.

(c) Upon the neglect or refusal of the owner of the property to pay the charge as specified in subsection (b) hereof, the Clerk-Treasurer shall be and hereby is authorized to certify the same to the Auditor of Portage County, Ohio, to be collected as other taxes.
(Ord. 1967-25. Passed 12-11-67.)

909.99 PENALTY.

In addition to any other penalties provided in this chapter whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree.

**CHAPTER 913
Sidewalks**

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| 913.01 | Duty to maintain and repair sidewalks. | 913.04 | Specifications for sidewalks construction and repair. |
| 913.02 | Notice; failure to make necessary repairs. | 913.05 | Financial hardship. |
| 913.03 | Responsibility for sidewalks. | 913.99 | Penalty. |

CROSS REFERENCES

Construction or repair - see Ohio R.C. 729.01 et seq.
Notice to construct or repair - see Ohio R.C. 729.03 et seq.

913.01 DUTY TO MAINTAIN AND REPAIR SIDEWALKS.

(a) No owner or occupant of property abutting on a sidewalk shall fail to keep that portion of the sidewalk upon which his property abuts in good repair and free from ice, snow or any obstruction or nuisance.

(b) A sidewalk shall be deemed to be in need of repair or replacement when removed, cracked, broken or otherwise damaged so as to have depressions or variances between abutting sections or pieces thereof greater than one inch. The Village Administrator or its authorized representative shall determine the need for repairs and notify the owner or occupant as hereinafter provided and, mark the area clearly.
(Ord. 95-25. Passed 10-9-95.)

913.02 NOTICE; FAILURE TO MAKE NECESSARY REPAIRS.

(a) When a portion of a sidewalk is found to be in need of repair or replacement, the Village Administrator or his authorized representative shall notify the owner, in writing, of the necessary repair or replacement, allowing a period of thirty days for the making of such repair or replacement, or proof of the scheduling of said repair or replacement with a bonded contractor. Contractor must complete said scheduled repair or replacement in ninety days.

(b) If, after the expiration of the thirty day period, the owners have not made the necessary replacement, repair, or the contractor has not completed the scheduled repair or replacement in ninety days, the Village shall make such repairs at the abutting property owner's expense and send a statement to such property owner or owners for such repairs or for his portion of such repairs or replacement. If not paid by the owner, the Village Administrator shall request the Clerk to certify the actual cost, together with a five percent (5%) penalty to be placed upon the tax duplicate and collected in the manner other taxes are collected.
(Ord. 95-25. Passed 10-9-95.)

913.03 RESPONSIBILITY FOR SIDEWALKS.

(a) Sidewalks are necessary in order to enhance the safety of pedestrian traffic, to provide for clear separation from the driven part of the roadway, and for aesthetics. Accordingly, the Village shall consider their installation and repair on all through streets and arterial highways.

- (1) No later than the April Council meeting each year the the Planning Commission shall review areas where sidewalks presently do not exist and, if deemed necessary, recommend installation of sidewalks for said area.
- (2) No later than the April Council meeting each year the Village Administrator shall recommend that year's sidewalk repair program and identify the next year's repair program geographical areas.
- (3) A public meeting will be held prior to the next Council meeting before plan approval.

(b) Where sidewalks or portions thereof are in need of repair or in cases where sidewalks or portions thereof existed but are now missing, it shall be the property owner(s)' responsibility per the Village Specifications.

(c) For emergency repairs and repairs from utilities and or other disturbances of sidewalks, the contractor and or homeowner will be responsible for the replacement of that damaged sidewalk.

(d) On new streets and developments or change of ownership, the Planning Commission shall require sidewalks in any site plan review at the developers expense. (Ord. 95-25. Passed 10-9-95.)

913.04 SPECIFICATIONS FOR SIDEWALKS CONSTRUCTION AND REPAIR.

(a) Sidewalks within the Village shall be constructed within the specifications that are available at the Village Administrator's Office.

(b) All sidewalks must conform to all ADA requirements. (Ord. 95-25. Passed 10-9-95.)

913.05 FINANCIAL HARDSHIP.

(a) Within twenty days after receipt of the notice to repair the sidewalk issued by the Village Administrator, an owner of property directed to make sidewalk repair may apply to Council's APF Committee for a deferment of payment of the costs of the repair on the grounds that timely payment will impose financial hardship upon him. Council's APF Committee shall examine the applicant's financial condition to the extent necessary to determine whether or not timely payment of the assessment will cause such hardship. Acceptable evidence of financial hardship shall be found if the property being assessed is the principal residence of the owner, the property is non-revenue producing and the combined income of the persons residing therein falls below fifty percent (50%) of the median income for the Mantua Village area, as reported from time to time by the U.S. Department of Commerce of Bureau of the Census, provided that proper documentation as to income level is submitted, or as otherwise determined by Council's APF Committee. If the APF Committee of Council determines that timely payment will cause such hardship, the Committee shall provide for deferred payment of all or part of the costs of the repair until the earliest of the following:

- (1) Such future date or dates as the Committee considers reasonable;
- (2) Such time as the property is sold or transferred by the applicant;
- (3) Such time as the property becomes subject to estate taxes under Ohio R.C. Chapter 5731; or
- (4) Such time as the use of the property is changed from an owner-occupied structure.

(b) Any charges, fees or other costs incurred by the Village as a result of additional accounting requirements, document preparation or borrowing made necessary by the deferment may be added to the amount of the assessment and collected in the same manner as the costs of the repairs. The amount of any repair costs deferred under this section shall be a lien upon the property until full payment is received by the Village. Appropriate interest may also be added to the amount of the costs of repairs deferred and collected in the same manner as the assessment.

(c) Evidence shall be submitted satisfactory to the Village Solicitor that the applicant has, and continues to have during the existence of the lien, a policy or policies of insurance insuring the buildings and improvements then existing or thereafter erected on the property against loss or damage by fire, lightning, wind storm, hail and such other risks as are ordinarily insured against by persons owning buildings and improvements similar to that of the applicant for the benefit of, and to the extent necessary to protect the interests of the Village until the note hereinafter provided is paid for.

(d) The APF Committee shall approve or disapprove the application within thirty days after receipt. In the event that the applicant is dissatisfied with the determination made by the APF Committee on his application, he may, within twenty (20) days of APF Committee's issuance of its determination, appeal the APF Committee determination to Village Council as a whole.

(Ord. 1998-8. Passed 5-11-98.)

913.99 PENALTY.

Whoever violates any provision of the chapter shall be fined not more than one hundred dollars (\$100.00). Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 95-25. Passed 10-9-95.)

TITLE THREE - Utilities

Chap. 921. Water.
 Chap. 931. Sanitary Sewers.
 Chap. 941. Storm Sewers.

CHAPTER 921 Water

**921.01 Transfer of utility
ownership and operation.**

**921.02 Drilling water wells
prohibited.**

CROSS REFERENCES

Power to provide and regulate water system - see Ohio R.C. 715.08,
 717.01, 743.01
 Water pollution - see Ohio R.C. 715.08, 743.25
 Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Tampering; unauthorized connections - see Ohio R.C. 4933.22
 Fluoridation - see Ohio R.C. 6111.13
 Water pollution control - see Ohio R.C.Ch. 6111
 Water supply - see OAC 4101:2-51-37
 Backflow - see OAC 4101:2-51-38

921.01 TRANSFER OF UTILITY OWNERSHIP AND OPERATION

Effective January 4, 2021, the ownership, operation and maintenance of the Village of Mantua water treatment and distribution system has been assumed by Portage County. All matters relating to connection to, service by and rates charged for water service within the Village of Mantua shall henceforth be governed by the Portage County Water Resources Rules and Regulations and the Mantua Village, County Of Portage Water and Sanitary Sewer Systems Transfer Agreement authorized by Village of Mantua Ordinance numbers 2019-49 and 2020-54. (Ord. 2021-02. Passed 1-21-21.)

921.02 DRILLING WATER WELLS PROHIBITED.

(a) The drilling of private water wells by individuals and/or business entities, other than for purposes of the operation of the potable water system within the Village, creates a substantial health and safety risk because of the danger of cross-connections and/or contamination to the potable water supply and system within the Village.

(b) It is, therefore, in the best interest of the Village to prohibit the drilling of water wells by individuals, partnerships, corporations, agencies, organizations and other entities.

(c) Any individual, partnership, corporation, agency or other entity shall be, and hereby is, prohibited from drilling well water within the municipal corporation limit of the Village, other than as required for purposes of the operation of the potable water system within the Village.

(d) The prohibitions of this section shall not apply to:

- (1) Political subdivisions [as defined in Ohio R.C.. 2744.01(F)] owning property within the Village, where such well is only sought to be drilled on that property for agricultural or irrigation purposes, and where no water extracted therefrom shall enter the sanitary or storm sewer systems of the Village.
- (2) Residential lots or parcels of land within the Village where no Village water supply is located within one hundred (100) feet of any boundary of such lot or parcel. Should a municipal water supply become available within 100 feet of such lot or parcel, the owner thereof shall cause connection to be made to the municipal supply and the well abandoned within 60 days of such availability.

(e) Whoever violates the provisions of this section shall be subject to a fine of five hundred dollars (\$500.00) and may be enjoined against the drilling or installing of a water well in a court of competent jurisdiction. For purposes of this section, each day of continuation of a violation shall be deemed a separate offense.
(Ord. 2021-02. Passed 1-21-21.)

CHAPTER 931
Sanitary Sewers

**931.01 Transfer of utility ownership
and operation.**

CROSS REFERENCES

Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
Compulsory sewer connections - see Ohio R.C. 729.06
Sewerage rates - see Ohio R.C. 729.49
Regulations to control house sewers and connections - see Ohio R.C.
729.51
Untreated sewage - see Ohio R.C. 3701.59
Interference with sewage flow - see Ohio R.C. 4933.24
Sewerage districts - see Ohio R.C. 727.44 et seq.
Assessments - see Ohio R.C. Ch. 729
Household sewage disposal systems - see OAC Ch. 3701-29

931.01 TRANSFER OF UTILITY OWNERSHIP AND OPERATION.

Effective January 4, 2021, the ownership, operation and maintenance of the Village of Mantua wastewater collection and treatment system has been assumed by Portage County. All matters relating to connection to, service by and rates charged for wastewater service within the Village of Mantua shall henceforth be governed by the Portage County Water Resources Rules and Regulations and the Mantua Village, County Of Portage Water and Sanitary Sewer Systems Transfer Agreement authorized by Village of Mantua Ordinance numbers 2019-49 and 2020-54. (Ord. 2021-03. Passed 1-21-21.)

CHAPTER 941
Storm Sewers

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|---------------|-------------------------------------|---------------|---------------------------------|
| 941.01 | Connection; permit required. | 941.04 | Notice of violation. |
| 941.02 | Permissible uses. | 941.05 | Regulations and records. |
| 941.03 | Inspections. | 941.99 | Penalty. |

941.01 CONNECTION; PERMIT REQUIRED.

No house sewer or drain shall be constructed to connect with a public storm sewer nor shall any connection be made to a public storm sewer within the village until the written permission of the Village Administrator has been obtained by the person, firm, or corporation proposing to or employed to perform the work. An application for a permit shall be signed by the owner, lessee, or agent of the property for which the connection is desired and by the person, firm, or corporation employed to perform the work. The application must describe the property and state the purpose for which the connection is desired, and shall be accompanied by a fee of thirty dollars (\$30.00). Applications for a stormwater connection permit shall be obtained from the Village Administrator's office.
(Ord. 2021-04. Passed 1-21-21.)

941.02 PERMISSIBLE USES

The written permission to construct a house sewer or drain connecting with a public storm sewer shall specify the permissible use of the house sewer or drain and the specifications shall be governed by the following requirements. The house sewer or drain may be used for the removal of surface water, rain water from roofs, subsoil drainage, building foundation drainage, cistern overflow, clear water from condensers, waste water from water motors and elevators, and any other clean and unobjectionable waste water. The house sewer or drain shall not receive sewage, floor drainage, industrial wastes, septic tank overflow, cesspool overflow, privy vault drainage, kitchen wastes, or any other liquid wastes of objectionable character.
(Ord. 2021-04. Passed 1-21-21.)

941.03 INSPECTIONS.

(a) Any stormwater pipes or connections to the Village stormwater collection system shall be inspected and approved by the Village Administrator or designee before it is covered over and used.

(b) The Village Administrator of the Village, or any deputy designated by him, is hereby authorized and empowered to enter and inspect, at any reasonable time, any premises, building, or structure within the Village in regard to the condition, arrangement, capacity, efficiency and connections of all devices on or in such premises, building or structure, for the disposition of storm water, with regard to the existence of any violation of this chapter which may constitute a health hazard or, which may create such a hazard in case of rain.

(c) Pursuant to the inspection and in addition to the provisions of division (b), the Village Administrator is authorized to make or cause to be made on behalf of the Village a dye test or other reasonable test of the house drains, driveway approaches, downspouts and other facilities and means for the disposition of the water of any such premises, building or structure. (Ord. 2021-04. Passed 1-21-21.)

941.04 NOTICE OF VIOLATION.

The Village Administrator shall notify, by certified mail, the owner of any such premises, building or structure where a determination has been made that any drains, approaches, downspouts, facilities or means are faulty, improperly constructed or connected, or otherwise in, or facilitative of, violation of this chapter. The notice shall apprise the person of the conditions and violations found to exist and shall require correction of the same within sixty (60) days from the mailing of the notice. The notified person shall comply with the requirement of the notice within the sixty (60)-day period. Failure to receive notice shall not relieve any person from compliance with the provisions of this chapter. (Ord. 2021-04. Passed 1-21-21.)

941.05 REGULATIONS AND RECORDS.

The Village Administrator is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of this chapter for the purpose of providing control of the installation of sewer connections and the inspection thereof. The Village Administrator shall maintain accurate and complete records of all permits issued and inspections made. The Village Administrator is hereby empowered to require the abandonment and removal of connections to the public storm sewers which violate the provisions of this chapter. (Ord. 2021-04. Passed 1-21-21.)

941.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each twenty-four (24)-hour period that the violation continues after a thirty (30)-day period following the first conviction. (Ord. 2021-04. Passed 1-21-21.)

(NOTE: The next printed page is page 53.)

TITLE FIVE - Other Public Services

Chap. 951. Parks.
 Chap. 955. Hillside Cemetery.
 Chap. 957. Garbage and Rubbish.

**CHAPTER 951
 Parks**

| | | | |
|---------------|---|---------------|----------------------------|
| 951.01 | Board of Park Commissioners. | 951.04 | Residents/guests. |
| 951.02 | Control and management of parks. | 951.05 | Buchert Park Lodge. |
| 951.03 | Rules and regulations. | 951.99 | Penalty. |

CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21, 719.01
 Playgrounds - see Ohio R.C. 755.12 et seq.
 Board of Park Trustees - see Ohio R.C. 755.19 et seq.
 Power to regulate vehicle speed in parks - see Ohio R.C.
 4511.07(E)

951.01 BOARD OF PARK COMMISSIONERS.

(a) There is hereby created a Board of Park Commissioners, consisting of five members, to be selected by the Mayor with the approval of Council, two of whom shall be members of Council, whose terms of office shall coincide with their term of office as council members. The other three members shall be residents of the Village, and shall serve terms of two years beginning on the first day of January of the odd numbered years. There shall also be one alternate member appointed annually by the Mayor, who shall serve when required to constitute a quorum in the event of member absence or vacancy of one or more seats.

(b) The Board of Park Commissioners shall meet on a monthly basis, but may cancel by posting notice on the entrance to Village Hall if there are no items for the agenda.

(c) Members to be notified by the Clerk-Treasurer.

(d) All vacancies shall be filled by the Mayor with the approval of Council and the person so appointed shall serve the unexpired term of the person whom they replace. (Ord. 2019-62. Passed 2-18-20.)

951.02 CONTROL AND MANAGEMENT OF PARKS.

(a) The Board of Park Commissioners will make recommendations to the Village Administrator who shall have the control and management of the Village Park and its facilities and all improvements and additions thereto.

(b) The Village Park facilities shall be defined as the following parcels of real property:

- (1) Parcel One: The real property located at the corner of Main Street and West Prospect Street, commonly referred to as the "Mini-Park", and known as Portage County Permanent Parcel Number 24-041-14-00-045-000.
- (2) Parcel Two: The real property bisected by East High Street, commonly referred to as Buchert Park, and known as Portage County Permanent Parcel Numbers 24-035-30-00-017-000 and 24-041-20-00-004-000.

(c) The Village Administrator shall supervise and control the use of the Park and its facilities and shall enforce the rules and regulations adopted by Council. The Village Administrator shall supervise the care and cleaning of the park facilities and shall assign service department personnel to conduct repairs and maintenance of the park facilities and hire or assign personnel to check and clean the park lodge after each use.

(d) The Clerk-Treasurer and/or Administrative Assistant shall schedule the use of the recreational facilities to avoid confusion and conflicts. Those wishing to use the park facilities shall apply by filling out a rental application through the Clerk-Treasurer and/or Administrative Assistant. (Ord. 2019-62. Passed 2-18-20.)

951.03 RULES AND REGULATIONS.

The following rules and regulations for persons using the Village Park and its facilities are hereby adopted:

- (a) There shall be no swimming in the waters of the Cuyahoga River adjoining the Mantua Village Park from Mantua Village Park lands.
- (b) The unlawful possession, unlawful use or unlawful discharge of any type of a firearm, or the possession of any knife, switchblade, bow and arrow, air gun, paintball gun, BB gun, spring-operated gun, slingshot, or other offensive weapon within a Village park or recreation area is strictly forbidden. The term "firearm" as used in this section shall have the same meaning as in section 2923.11 of the Ohio Revised Code.
- (c) No person shall ride, drive, or operate an all terrain vehicle, a motorcycle, mini-bike, or other motor bike within the park or upon park grounds.
- (d) No fireworks shall be brought into or discharged on or across the park.
- (e) No person shall be permitted on the park grounds between the hours of 9:30 pm and 7:30 am except pursuant to special event permits.
- (f) No vehicle shall be operated on the park grounds, streets and drives at a speed greater than ten miles per hour.
- (g) League type baseballs or hardballs may be used in regularly scheduled league games or practices in the Village park and be permitted, if approved by the Board of Park Commissioners.

- (h) No one shall bring or consume beer, intoxicating beverages or liquors on the park grounds except pursuant to special event permits.
- (i) The public water provided at the park shall be for the use and enjoyment of all persons using the park and its facilities and shall not be taken from the premises for purposes not connected with such use of the park.
- (j) No person shall use profane or indecent language in or about the park.
- (k) No indecent, immoral or lewd behavior shall be permitted about the park or in the park.
- (l) Every person using the park shall conduct himself in such a manner, as to not unreasonably interfere with the use and enjoyment of the park by all others.
- (m) No person shall intentionally or unreasonably damage or destroy the facilities, grounds, trees and other physical property in the park.
- (n) No fires shall be built for any purpose except in the fire places provided for the convenience of persons using the park.
(Ord. 2019-62. Passed 2-18-20.)

951.04 RESIDENTS/GUESTS.

The park and its facilities are for the use and enjoyment of the residents of Mantua Village and the Crestwood School District and their guests.
(Ord. 1970-15. Passed 7-13-70.)

951.05 BUCHERT PARK LODGE.

(a) All persons desiring to rent the Buchert Park Lodge shall submit an application form, designated by the Parks Committee, which shall be accompanied by the appropriate fee plus security deposit, no later than two (2) weeks prior to the rental date.

(b) Fees:

| | <u>Resident:</u> | <u>Non-Resident:</u> |
|---|------------------|----------------------|
| Parties, Showers, Graduations, Fund Raisers, Etc. | \$100.00 | \$150.00 |
| Non-Profit Organizations, Meetings | \$ 15.00 | \$ 30.00 |
| Security Deposit (Required) | \$100.00 | \$100.00 |

(c) Provided the Park Lodge is not in use by any other party, the renter shall be permitted to access the Lodge at no additional cost after 5:00 p.m. the evening before their event in order to set up.

(d) In addition to the Rules and Regulations set forth in Section 951.03, use of the Park Lodge is subject to the following rules:

- (1) Absolutely no tape, pins, staples, glue etc. may be used on walls or woodwork.
- (2) Remove all decorations and the fasteners from surfaces.
- (3) Wipe down and put all chairs away after use.
- (4) If tables were used, wipe down, fold and put on wall by markers.
- (5) Wash coffee pot and put away properly if used.
- (6) Clean refrigerator / freezer; remove all food.
- (7) Clean counter tops, stove, and kitchen area.
- (8) Damp mop all tile floors with cold water only including kitchen and both restrooms.

- (9) Remove garbage bags from all trash cans including restrooms and replace with new liners. All trash containers must be completely emptied.
- (10) Put all garbage bags in the dumpster on the east side of the building.
- (11) Turn off the gas log, if used, and close damper.
- (12) Be sure all doors are locked and all lights off before leaving.
- (13) Return key to Police Station at 4650 W. High St. no later than two (2) hours after event.

(e) **Security Deposit:** Security Deposit checks will be cashed by the Village upon receipt. Any refund due will be issued within thirty (30) days after the event. Deductions from security deposits may include, but are not limited to, the following:

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| Floor not swept or mopped sufficiently | \$10.00 charge |
| Garbage not emptied, no new bags | \$10.00 charge |
| Chairs not put away | \$10.00 charge |
| Door and/or windows left open or unlocked | \$10.00 charge |
| Rest rooms not cleaned/trash not emptied | \$10.00 charge |
| Counters and/or tables not wiped clean | \$10.00 charge |
| Coffee pot not cleaned | \$10.00 charge |
| Decorations not removed | \$10.00 charge |
| Food left in refrigerator, oven, or on counters | \$10.00 charge |

Security Deposit will be forfeited if less than five (5) business days' notice is given of event cancellation or rescheduling. (Ord. 2019-27. Passed 9-3-19.)

951.99 PENALTY.

Whoever violates Section 951.03 is guilty of a minor misdemeanor on a first offense; on a second offense or subsequent offenses such person is guilty of a misdemeanor of the fourth degree. (Ord. 2000-35. Passed 6-6-00.)

**CHAPTER 955
Hillside Cemetery**

| | |
|---------------------------------------|---|
| 955.00 Administration. | 955.10 Maintenance. |
| 955.01 Definitions. | 955.11 Monuments, gravestones, footstones and markers. |
| 955.02 Charges and fees. | 955.12 Floral decorations, vases and urns. |
| 955.03 Indigent burial policy. | 955.13 Plantings and adornments. |
| 955.04 Sale of lots. | 955.14 Deteriorated, unsightly and inappropriate. |
| 955.05 Transfer of lots. | 955.99 Penalty. |
| 955.06 General rules. | |
| 955.07 Premises rules. | |
| 955.08 Interments. | |
| 955.09 Disinterment. | |

CROSS REFERENCES

Burials may be prohibited - see Ohio R.C. 759.05
 Management and control - see Ohio R.C. 759.20
 Union cemeteries - see Ohio R.C. 759.27 et seq.
 Burial permits - see Ohio R.C. 3705.24 et seq.
 Burial of indigent persons - see Ohio R.C. 5113.15

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. (Ord. 2017-47. Passed 1-16-18.)

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.

(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 remains 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.

(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. (Ord. 2017-47. Passed 1-16-18.)

(r) "Resident" A person who is currently domiciled in the Village of Mantua, or who was domiciled in the Village of Mantua immediately prior to entering a nursing home and/or assisted living facility. For this purpose, "domicile" means the true, fixed and permanent home of the person to which whenever absent, the person intends to return. (Ord. 2018-32. Passed 8-21-18.)

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 |

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:

| | | |
|---|--------|--------|
| 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. (Ord. 2017-47. Passed 1-16-18.)

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 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.

(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 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.

(Ord. 2017-47. Passed 1-16-18.)

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.
(Ord. 2017-47. Passed 1-16-18.)

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.
(Ord. 2017-47. Passed 1-16-18.)

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. (Ord. 2017-47. Passed 1-16-18.)

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. (Ord. 2017-47. Passed 1-16-18.)

(i) No person shall unlawfully discharge firearms within the cemetery except for military funerals or Memorial Day services. (Ord. 2019-57. Passed 12-17-19.)

(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. (Ord. 2017-47. Passed 1-16-18.)

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).
- (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.
(Ord. 2017-47. Passed 1-16-18.)

955.09 DISINTERMENT.

Disinterment's shall only be conducted in compliance with sections 313.18, 517.23, 517.24 and 759.491 of the Ohio Revised Code
(Ord. 2017-47. Passed 1-16-18.)

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.
(Ord. 2017-47. Passed 1-16-18.)

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.
(Ord. 2017-47. Passed 1-16-18.)

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. (Ord. 2017-47. Passed 1-16-18.)

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. (Ord. 2017-47. Passed 1-16-18.)

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: 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.
(Ord. 2017-47. Passed 1-16-18.)

955.99 PENALTY.

Except as otherwise specified, violation of any provision of this Chapter shall be a minor misdemeanor. (Ord. 2017-47. Passed 1-16-18.)

**CHAPTER 957
Garbage and Rubbish**

| | | | |
|---------------|--|---------------|--|
| 957.01 | Definitions. | 957.04 | Unauthorized removal or collection. |
| 957.02 | Franchises for residential trash collection services. | 957.05 | Hours of collection. |
| 957.03 | Payment for curbside trash collection. | 957.99 | Penalty. |

CROSS REFERENCES
Burning - see FIRE PREV. 1511.05

NOTE: Pursuant to Ordinance 2016-60, the Village has awarded an exclusive franchise to Kimble Companies, for residential garbage removal.

957.01 DEFINITIONS.

The following terms, phrases, words or their derivation shall have the meaning given herein:

- (a) "Village" means the Village of Mantua, Ohio.
- (b) "Commercial establishment" means any structure, whether public or private, that is adapted for occupancy, for transaction of business, for rendering of professional service for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including, by way of example only, motels, hotels, public buildings, office buildings, stores, trailer parks, theaters, houses or buildings consisting of four or more residential units, factories and all outhouses, sheds, barns and other structures on premises used for business purposes and not defined as residential.
- (c) "Residential" means a house, building, room or suite of rooms so constructed or equipped as to provide residence quarters for not more than three families and excludes all premises and buildings defined as commercial establishments.
- (d) "Garbage" - shall include all animal and vegetable matter, singularly or in combination, which has been used as food, or intended to be used as food for humans. Specifically excluded from garbage shall be any yard waste, such as leaves, grass, weeds, branches, flowers, and fruits.
- (e) "Rubbish" - shall include all household waste not considered recyclable, including, but not limited to, contaminated paper, broken glass and crockery, floor sweepings, disposable diapers and other personal hygiene products, clothes, shoes, rubber, leather, and general household scraps. Specifically excluded from rubbish shall be: construction debris such as stones, masonry, concrete, lumber, shingles, tar paper, auto parts, engines, batteries, paints, liquids, and any hazardous waste materials.

- (f) "Bulk items" - shall include tires, household furnishings and appliances, which must be set at curbside on regular trash pickup day. Customers to have Freon removed from appliances (e.g. refrigerators, dehumidifiers and air conditioners), and have them properly tagged for removal by trash hauler.
- (g) "Yard Waste" - shall include leaves, grass, weeds, branches, bushes, flowers, fruits, and any vegetable matter commonly associated with residential property maintenance. Christmas trees are included in the definition of yard waste.
- (h) "Waste or Refuse" - shall include Garbage, Rubbish, and Bulk Items.
- (i) "Recyclables" means those materials designated by the Portage County Solid Waste District for separate collection and processing.
(Ord. 2011-52. Passed 11-16-10.)

957.02 FRANCHISES FOR RESIDENTIAL TRASH COLLECTION SERVICES.

(a) The Mayor is hereby authorized and directed to prepare specifications and to authorize the issuance of a franchise to a person, firm or corporation after advertising and receiving bids as required by law, for the collection, transportation and disposal or processing of residential garbage, rubbish, yard waste and bulk items of residents of the Village for a period not to exceed five years, subject to the provisions of this chapter.

(b) The franchise shall entitle the holder thereof to be the only collector of refuse and rubbish for hire from residents in the Village living in individual residential units, duplexes and triplexes that have curbside collection.

(c) A franchise may be terminated by the Mayor if any franchise fails to comply with the provisions of this chapter, any rule or regulation promulgated by the Village, or the terms of the franchise agreement. (Ord. 2010-52. Passed 11-16-10.)

957.03 PAYMENT FOR CURBSIDE TRASH COLLECTION.

(a) The refuse collection franchisee, as defined in Section 957.02, shall bill directly to the owner(s) or resident(s) as applicable, of individual residential units, duplexes and triplexes for the cost, as specified under the terms of the applicable contract, of curbside collection of garbage, rubbish, yard waste and bulk items.

(b) All owners and residents of individual residential units, duplexes and triplexes are required to utilize the services of the authorized franchisee for curbside pickup and to make payment to said franchisee under the terms of the contract in effect. Failure of any such owner to comply with the terms of this section shall be subject to the penalty set forth in Section 957.99. (Ord. 2010-52. Passed 11-16-10.)

957.04 UNAUTHORIZED REMOVAL OR COLLECTION.

No person, firm or corporation, who is not the authorized franchisee for residential refuse collection within the Village of Mantua, shall collect, remove, or carry away any residential waste or refuse, or contract with any resident for such removal, or be or operate any vehicle upon the streets of the Village for such purpose, in conformance with the provisions of this chapter and the franchise agreement then in effect. (Ord. 2010-52. Passed 11-16-10.)

957.05 HOURS OF COLLECTION.

Collection of trash and recyclable materials within the Village shall not commence before 7:00 a.m. (Ord. 2016-46. Passed 9-20-16.)

957.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for a second or subsequent offense. Each day of operation in violation of Section 957.04 shall be deemed to be a separate offense. (Ord. 2011-60. Passed 7-19-11.)

