

Board of Trustees Canaan Township, Morrow County

Resolution Amending the Cemetery Rules and Regulations Policy

Date: December 29, 2023

Resolution Number: 12-29-2023-1

Motion by Trustee: John Bayles

Second by Trustee: Matthew Carwell

The ***Board of Trustees*** of Canaan Township, in Morrow County, Ohio met in Regular session on the 29th day of December 2023, at the office of Canaan Township, 2170 State Route 95, with the following members present:

Tyler Levering

John Bayles

Matthew Carwell

Whereas, the Canaan Township Board of Trustees has the authority to establish and revise the Cemetery Policy; and

Whereas, the Canaan Township Board of Trustees wish to provide rules and regulations to help protect the township cemeteries and preserve their beauty; and

Whereas, this policy has been reviewed to include updates and changes; and

Whereas, the trustees recommend the adoption of this new and updated policy to continue to maintain and preserve the care of the township cemeteries; and

Therefore be it resolved, Canaan Township Trustees have adopted the following Cemetery Rules and Regulations Policy effective January 1, 2024:

CEMETERY RULES AND REGULATIONS

Board of Township Trustees of Canaan Township, Morrow County, Ohio

As required by Ohio Revised Code 517.06

North Canaan Cemetery County Road 28

Worden Cemetery County Road 130

South Canaan Cemetery County Road 27

Rice Cemetery Township Road 60

PURPOSE

These rules and regulations are designed for the protection of owners of interment and/or inurnment rights as a group. They are intended not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. Their enforcement will help protect the Cemeteries and create and preserve their beauty. These rules and regulations are hereby adopted as the rules and regulations of the Canaan Township Cemeteries, and all owners of interment or inurnment rights, visitors and contractors performing work within the Cemeteries, shall be subject to said rules and regulations, amendments or alterations as shall be adopted by the Cemeteries from time to time, hereby superseding any and all previous Rules and Regulations.

DEFINITIONS

“Board” shall mean the Board of Trustees of Canaan Township.

“Cemetery” shall mean the North Canaan, Worden, South Canaan, or Rice Cemetery.

“Owner” shall mean the owner of rights of interment or inurnment.

“Interment” shall mean burial of the remains of a deceased human being.

“Inurnment” shall mean the burial or placement in a niche of cremated human remains.

“Lot” shall mean a single grave space.

“Memorial or Monument” shall mean any marker placed upon any Lot for the purpose of identification or in memory of the interred.

“Burial Vault” shall mean an outside burial container specified by the cemetery to encase human remains.

“Contractor” shall mean any person, firm or corporation or anyone other than an employee of the Cemetery engaged in placing, erecting, or repairing any memorial or monument and/or performing any work on the Cemetery grounds.

CEMETERIES HOURS

The Cemetery is open daily from dawn until dusk.

OWNERSHIP

Interment or Inurnment rights shall be used for no other purpose than the disposition of human remains. Upon refusal of the Cemetery to permit interment or inurnment because of its requirements, the Cemetery may, at its discretion, refuse to let anything be done in violation of said requirements.

SUPERVISION OF CEMETERY

The Cemetery reserves the right to compel all persons coming into the Cemetery to obey all rules and regulations adopted by the Cemetery. These rules and regulations may be changed, without notice to any Owner, by the Board.

The Cemetery shall take reasonable precautions to protect owners and the property rights of owners within the Cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control.

The Cemetery, Cemetery personnel, and the Board are not and shall not be liable for damage caused by elements, acts of God, natural disaster, declared national or state emergency, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or orders of any Military or civil authority, whether the damage be direct or collateral. The Cemetery is not responsible for theft or damage to anything placed or left on graves or Lots.

The Cemetery reserve the right to correct any errors that may be made by them either in making interments, dis-interments, inurnments, dis-inurnments or removals, or in the inscriptions, transfer, or conveyance, and substituting and conveying in lieu thereof other interment or inurnment rights of equal value and similar location as far as reasonably possible, or as may be selected by the Cemetery or, in the sole discretion of the Board, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment or inurnment of the remains of any person in such property, the Board reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location, each in the Board's sole discretion, as may be substituted and conveyed in lieu thereof.

The board shall have the right to correct any errors made by it or another by allowing the placement of an improper inscription, including an incorrect name or date on the memorial or monument. Upon correction, the Board shall have no further liability or responsibility.

The right to enlarge, reduce, repair, replat or change the boundaries or grading of the Cemetery on a lot or grave, from time to time, including the right to modify or change the locations of or any part thereof or remove or re-grade walks or paths, is hereby expressly reserved by the Board.

The right to lay, maintain and operate, or alter or change pipelines or gutters for sprinkling systems, drainage, lakes, etc., not sold to individual owners, for the Cemetery purposes, including the interring and preparing for interment of human remains, or for anything necessary, incidental, or convenient thereto hereby expressly reserved by the Board.

The Board reserves to itself and to those lawfully entitled hereto and those permitted by the Board to do so, a perpetual right of ingress and egress over Lots for the purpose of passage to and from other Lots.

SALE AND PURCHASE OF INTERMENT/INURNMENT RIGHTS

All interment and inurnment rights are sold subject to payment of the amount posted in the Township Office and on the Township Website (canaantwp.org) for the area of the Lot/right.

All interment and inurnment rights shall be fully paid prior to their use. The sale or transfer of any interment or inurnment right by any owner shall not be binding upon the Cemetery unless the same shall first be duly approved in writing by the Board or its authorized representative.

The Cemetery shall issue a deed or certificate of ownership per Ohio Revised Code 517.07 to the new Owner subject to the provisions of said deed or certificate. The same rule shall apply in all cases of assignment for interment or inurnment rights. Any and all transfers of any interment or inurnment right, whether by conveyance or assignment, are subject to all rules and regulations of the Cemeteries, which are now in full force and effect or which may be hereafter adopted or amended. An owner or a Lot or right shall advise the Board in writing of any change of address. Any person who receives a Lot or right by gift, inheritance, or any method other than by original conveyance, shall within one (1) year after receiving such interest, give written notice of his/her name and address to the Board, and shall notify the Board of any subsequent changes in his/her name or address.

Any Owner, member of the Owner's family, or Owner's descendant must either use the Lot or right within (30) years of the date purchased (hereinafter the "Termination Date") or renew their interests in the Cemetery at no charge, prior to the Termination Date. The Board shall have a right of reentry of any Lot or right sold after the enactment of these rules and regulations if an Owner, member of the Owner's family, or Owner's descendant does not use the Lot or right by the Termination Date or renew their interest prior to the Termination Date. At least (90) days prior to the Termination Date for use of the Lot or right, the Board shall send a notice to the owner to inform him or her that the interest in the Lot or right will cease on the Termination Date unless he or she contracts for renewal by that date. The Board shall send the notice by certified mail to the owner if the owner is a resident of the Township or a nonresident whose address is known. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to

publish the notice once in a newspaper of general circulation in Morrow County. In order to establish reentry, the Board shall pass a resolution stating that the conditions of the sale or the deed have not been fulfilled, and that the Board reclaims its interest in the Lot or right.

The Board shall compensate the Owner of an unused Lot or right who does not renew the terms of sale or the deed by paying the owner eighty per cent (80%) of the original purchase price of the Lot or right. Deeds for all Lots and rights sold after the effective date of these rules and regulations shall contain a notice of the Board's right of reentry if an Owner, member of the Owner's family, or Owner's descendant does not use the Lot or right by the Termination Date or renew their interests in the cemetery lot prior to the Termination Date.

There shall be no subdivision of an interment or inurnment right without the consent of the Cemetery and no disposition of remains in any Lot or right not having an interest therein, except by written consent of the Cemetery. Lots or rights, or any portion thereof, shall not be sold to any third party. Lots or rights may be sold back to the Board at the original purchase price per grave, crypt, or niche.

By majority vote, the Board may open or close sections of the Cemetery for the sale of Lots or other burial rights.

All work on Lots, graves, niches, or other facilities of the Cemetery, will be done by the employees of the Cemetery under the direction of the Cemetery, except when permission is otherwise granted. All grading, landscaping work, and improvements of any kind, and all care of Lots or crypts and all plantings, trimmings, removal of trees, shrubs, and herbage of any kind and all openings of Lots, all interments, inurnments, disinterment, and removals shall be made under the direction of the Cemetery or its authorized employees.

No enclosure of any kind, such as a fence, coping, hedge, or ditch, shall be permitted around any grave or Lot. Grave mounds shall not be allowed, and no Lot shall be raised above the established grade.

No interment or inurnment right may be sold, assigned, transferred, pledged, or hypothecated without the written approval of the Cemetery.

The Cemetery may exchange interment or inurnment rights, when desired by Owners. Before or at the time such an exchange is made, the original conveyance must be surrendered by proper assignment, or by reconveyance, if considered necessary by the Cemetery before any change is or can be affected.

Each owner is vested with the ownership of his or her interment or inurnment right for the sole purpose of interment or inurnment of human remains. Under the rules and regulations of the Cemetery, the interment and inurnment rights cannot be conveyed without the consent of the

Cemetery, nor any use, division, or improvements of them be made which the Cemetery prohibits or may deem improper.

The Owner of interment or inurnment rights may dispose of same by will, subject to the conditions herein. If Owner dies intestate, the interment or inurnment rights will descend to his or her heirs according to law.

The Cemetery shall not be responsible for determining or carrying out the intent of the grantor.

The general care of the entire Cemetery grounds and Lots, and all improvements thereon, is assumed by the Cemetery. The Cemetery, through the Board or its authorized representative, shall direct all improvements within the grounds and upon all Lots, graves, and other improvements before and after interments or inurnments have been made therein including, but not limited to, planting, sodding, surveying, and general improvements.

No person other than the proper employees of the Cemetery may perform any work within the Cemetery without a written permit from the Board or its authorized representative.

If any tree, shrub, or plant in or on any Lot, by means of its roots, branches, or otherwise, becomes detrimental to adjacent Lots, avenues, or other structures, or if for any other reason its removal is deemed necessary in the sole discretion of the Board or its authorized representative, the Cemetery shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in their judgment seems best.

No person shall pluck, take, or remove any plant or flower, whether wild or cultivated, from any part of the Cemetery.

BURIAL REGULATIONS

No interment or inurnment shall be made unless the Cemetery's opening and closing fee for such grave or other interment/inurnment right has been paid in advance.

The board reserves the right to require all persons authorized to order the opening and closing of a grave, crypt, or niche to appear at the Cemetery at least 24 hours in advance of such interment or inurnment to select the desired grave or niche to be opened. In addition, the completion and execution of the Cemetery's Burial Form or any other form(s) may be required.

No interment, entombment, or other disposition of human remains may take place at the Cemetery unless a burial permit for the deceased has first been presented to the Cemetery. The Cemetery will comply with the provisions of Sections 3705.17 of the Ohio Revised Code.

Funeral processions, upon entering the grounds of the Cemetery, shall be subject to the direction of the Cemetery or its authorized employees.

In order to hold an impending interment or inurnment service on a given day, the Cemetery must be notified of the service no later than 12:00 noon of the prior business day. Notification of a Monday service must be received no later than 3:00 p.m. on the previous Friday. Even with proper advance notice, the Board and Cemetery personnel reserve the right to schedule interment or inurnment services according to the Cemetery's availability of service times and needs.

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

When a removal is to be made from a single grave or another grave, the formerly occupied single grave space and all rights therein revert to the Owner thereof. If no steel or concrete vault has been used for this original interment, one must be furnished by the person requesting the removal. If there is a steel or concrete vault and same is in removable condition, the charge for removal of the vault must be paid in advance.

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

Any person desiring to remove remains from the grave space of another must present a written permit signed by the owner, the next of kin, and also him/herself to have such removal made. These shall remain on file in the office of the Cemetery. No such removal shall be made without written consent of the Cemetery, and then only on such conditions as the Cemetery shall prescribe.

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

No grave space may contain more than two urns of cremated remains or one urn of cremated remains and one body. ***For graves with one body and one cremated remains, the full burial MUST take place prior to the cremation burial.** *Amended and added to policy 6-11-2024.

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

GENERAL REGULATIONS

No children under the age of 16 are permitted within the Cemetery without adult supervision. All visitors must display appropriate behavior while on the grounds of the Cemetery.

No pets shall be permitted in the Cemetery.

Bringing lunches, food, beverages, or illegal substances for consumption within the Cemetery is strictly forbidden.

Sitting or leaning on monuments or walls is not permitted.

Only those vaults, grave markers, monuments, or vases approved by the Cemetery may be used.

The Board or its authorized representative shall have the right to remove any dead or damaged tree, shrub, or vine located within the Cemetery.

No touching, scraping, rubbing, or spraying of liquids on memorials or monuments is permitted for any purpose.

Any person found on the Cemetery grounds without permission, including, but not limited to, outside of posted hours or acting in violation of these rules and regulations will be considered to be trespassing. To prosecute trespassing and any other violations of these rules and regulations, the Board may take any and all enforcement action available under Ohio law.

Holdings containing flowers or other decorations must be removed as soon as the flowers fade and wither, and if not otherwise maintained, Cemetery personnel may make such removal. Artificial flowers must be on or near a monument and outside of walkways.

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

For extended visits to the Cemetery, visitors must make an effort to not park in such a way as to obstruct other vehicle traffic.

Hunting is prohibited in the Cemetery.

Grave blankets are permitted November – March only.

Flowers may be planted in front, back, or side of monument and should not exceed more than 12 inches from the stone.

Items on Lots may be removed for mowing or burial purposes.

All flower baskets, vases, and other items should be disposed of properly.

Shrubs and trees are subject to the approval of the Cemetery. Once planted, they become the property of the Cemetery. All persons are strictly forbidden to break or injure any shrub or tree, or mar any landmark, memorial, or monument, or in any manner deface the grounds of the Cemetery, including any structure, improvement, or landscaping.

All plantings must be kept weeded; shrubs must be trimmed; and decorated Lots must be generally maintained. If not, the Cemetery reserves the right to clear neglected Lots.

No wire fence will be permitted around monuments or anywhere on grave Lots.

Cemetery personnel are employed by the Township and may not be hired or otherwise engaged by Owners during the employee's work hours.

All orders, inquiries, and complaints must be left at the Township Office.

Only Cemetery personnel so authorized shall be permitted to bring or carry firearms within the Cemetery, except a military guard of honor only when in the charge of an Officer during a military service.

All persons are reminded that the grounds are sacredly devoted to the burial of human remains and that the provisions and penalties of law will be strictly enforced in all cases of wanton injury, disturbance, and disregard of these Rules and Ohio law.

FOOTER SPECIFICATIONS FOR MONUMENTS

The Cemetery has the final authority over the installation and placement of all footers and monuments and must be contacted at least two weeks before a footer is installed for a monument.

The following are mandatory:

The size of the monument and footer must not exceed the width of the lot.

The footer must extend a minimum of one (1) inch on all sides beyond the base of the monument.

The footer must extend at least thirty (30) inches deep with thirty-six (36) inches advisable. The size and weight of the stone will dictate extra depth, if necessary.

The Cemetery will mark the placement of the footer.

MODIFICATION AND AMENDMENTS

The Board may, and it hereby expressly reserves the right at any and all times, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in the Rules and Regulations.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Board, therefore, reserves the right without notice, to make exceptions, suspensions, or modifications in any of the Rules and Regulations, when in its sole and absolute discretion, the same appear advisable; and such temporary exceptions, suspensions or

modifications shall in no way be construed as affecting the general application of these Rules and Regulations, or as creating any enforceable precedence.

Be it Finally Resolved, that the Trustees reserve the right to make additional changes and updates to the Cemetery Rules and Regulations Policy by amendment or future board of trustees actions.

The roll being called upon its adoption resulted in the following vote:

Mr. Levering:	Yes	No	Absent
Mr. Bayles:	Yes	No	Absent
Mr. Carwell:	Yes	No	Absent

Signature Page for Cemetery Rules and Regulations Policy

Tyler Levering, Chairman

John Bayles, Vice – Chairman

Matthew Carwell, Trustee

Adopted December 29, 2023

Jill Retterer, Fiscal Officer