



## Brimfield Township – Restland and Westlawn Cemetery

### RULES AND REGULATIONS

#### **PURPOSE**

These rules and regulations are being adopted under Chapter 517 of the Ohio Revised Code and 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 *Restland Cemetery* and *Westlawn Cemetery* and create and preserve its beauty. These rules and regulations of *Restland Cemetery* and *Westlawn Cemetery*, and all owners of interment or inurnment rights, visitors and contractors performing work within *Restland Cemetery* and *Westlawn Cemetery*, shall be subject to said rules and regulation, amendments or alterations as shall be adopted through the Board of Trustees by *Restland Cemetery* and *Westlawn Cemetery* from time to time, hereby superseding all previous Rules and Regulations.

#### **DEFINITIONS**

**Cemetery:** as used herein refers to the land and the improvements within and upon Restland Cemetery and Westlawn Cemetery, as well as the Brimfield Township Board of Trustees and its duly authorized representatives.

**Deed:** The document by which a Right of Internment or burial in the cemetery is conveyed

**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 of cremated human remains.

**Memorial or Monument:** shall mean any marker placed upon any lot for the purpose of identification or in memory of the interred.

**Burial Vault:** shall mean an outside burial container as specified by the cemetery to in case human remains.

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

**Columbarium:** A vault with niches for urns containing the ashes of cremated bodies

**Niche:** A space in the columbarium used, or intended to be used, for inurnment of cremated human remains.

## **CEMETERY HOURS**

*Restland and Westlawn Cemetery* hours are from dawn to dusk.

## **PET POLICY**

All pets must be licensed and have all required vaccinations, including rabies vaccination. Pets must always be leashed. Pet owners must clean up after their pets. Excessive barking is not permitted. Under no circumstance is a pet permitted to defecate on a grave site.

## **INACTIVE CEMETERIES/SECTIONS**

*Westlawn Cemetery* is an inactive cemetery. *Westlawn* is no longer in use for the purpose of selling graves and under no circumstances should any form of burial take place anywhere on the grounds. If any such burial takes place within the Cemetery it will be deemed unlawful and shall become a legal matter.

*Restland Cemetery* and *Westlawn Cemetery* have specific designated Sections, Lots and Graves that are inactive. Any grave that has been listed as inactive is deemed no longer in use for the purpose of a grave sale. This list has been adopted and approved by the Board of Trustees on Wednesday, February 18, 2015. An official list is available at the Brimfield Township Town Hall.

*Scatter garden* is in the far west corner of the Cemetery. *Restland Cemetery* no longer offers the scattering of cremains to take place there.

## **OWNERSHIP**

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

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.

## **COLUMBARIUM**

Brimfield Township provides a Columbarium for the interment of cremains. The Columbarium offers niches in one size. Each niche can hold one set of cremains.

### **Dimensions**

10” wide x 11” high x 12” deep

The cost for a niche is listed on the cemetery fee sheet. The cost for a niche does not include opening and closing costs or engraving of the niche door. Engraving shall be done by a firm selected the Board of Trustees and Cemetery Sexton. Engraving shall all be in the same font selected by the Cemetery Sexton. Engraving cannot be completed prior to inurnment. Door engraving information is provided on the Fee Schedule.

### **Decorations**

Columbarium niches fall under different regulations than a grave space. No flower arrangements, plants, wreaths, artificial flowers, toys, or mementos will be allowed to be placed near the columbarium at any time, except at the time of internment. Restland Cemetery reserves the right to remove any such ornamentation or correct any such alterations at the expense of the owner. Funeral decorations will be removed within seven days after the interment or at the discretion of the Cemetery Sexton. Restland Cemetery will assume no responsibility for the safe keeping of any floral memorial or container.

## **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 Cemetery.

The Cemetery is not and shall not be liable for damage caused by such things but not limited to, the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or orders of any Military or Civil authority, whether the damage be direct or collateral.

The Cemetery, upon approval by the Township Board of Trustees, reserves the right to correct any errors that may be made by it either in making interments, dis-interments, inurnments, dis-inurnments or removals, or in the inscriptions, transfer, or conveyance and substituting and conveying in lieu thereof other interment or inurnment rights of equal value and similar location as far as possible, or as may be selected by the Cemetery discretion of the Cemetery, 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 Cemetery reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Cemetery shall also have the right to correct any errors made by allowing the placement of an improper inscription, including an incorrect name or date on the memorial or monument. Upon correction no further liability shall exist against the Cemetery.

The rights to enlarge, reduce, replant, or change the boundaries or grading of the Cemetery on a lot or grave, from time to time, including the right to modify or change the locations of or any part thereof or remove or re-grade walks or paths, is hereby expressly reserved by the Cemetery. 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 Cemetery purposes, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto. The Cemetery reserves to itself and to those lawfully entitled thereto and those permitted by the Cemetery to do so, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lot.

## **SALE AND PURCHASE OF INTERMENT/INURNMENT RIGHTS**

All internment and inurnment rights are sold subject to payment of the amount posted in the Cemetery or Township office for the area of the lot. All internment 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 same shall first be duly approved in writing by the Cemetery. The Cemetery shall issue a deed to the new Owner subject to the provisions of said deed. The same rule shall apply in all cases of assignment for interment or inurnment rights.

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

All work on lots or graves will be done by the employees of Brimfield Township 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 and all plantings, trimmings, removals of trees, shrubs, and herbage of any kind and all openings of lots, all interments, inurnments, disinterment's, and removals shall be made under the direction of the Cemetery.

No interment or inurnment right can 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. When 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 affected.

Each owner is vested the owner of interment or inurnment rights may dispose of such rights per their estate plan (last will or trust). If the owner dies intestate (without a will) or without a trust disposing of their internment or inurnment rights, then such rights will pass to the owner's heirs in accordance with Ohio law on intestate succession may deem improper. 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 foregoing conditions; If Owner dies in estate, the interment or inurnment rights will descend to his or her heirs according to law. The Cemetery cannot be responsible for the carrying out of the intent of the grantor.

The general care of the entire Cemetery grounds and lots is assumed by the Cemetery.

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

No person other than the proper employees of Brimfield Township shall be allowed to perform any work within the Cemetery without a written permit from the authorized representative of the Cemetery.

The Road Superintendent or Cemetery Sexton shall inspect all monuments prior to being set on foundations. Additionally, a Disposition Authorization Form may be required prior to any type of burial to take place in *Restland Cemetery*. If *Restland Cemetery* becomes aware of any dispute prior to final disposition, *Restland Cemetery* is authorized to suspend arrangements pending a resolution of such dispute.

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

If any tree, shrub or plant standing upon any lot, by means of its roots, branches, or otherwise, becomes detrimental to adjacent lots avenues, or if for any other reason its removal is deemed necessary, the Cemetery shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in their judgment seems best.

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

## **BURIAL REGULATIONS**

All burials shall be human remains only.

All burials will be in a vault, except for cremation ashes and infant children.

Upon request, Restland Cemetery will accept cremains for future inurnment stored at the Township's discretion.

No interment or inurnment shall be made unless the opening and closing fee for such grave has been paid in advance.

The cemetery reserves the right to compel all persons authorized to order the opening and closing of a grave to appear at the cemetery more than 48 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 cemeteries Interment, Inurnment Authorization form may be required.

No inurnment may take place at the Cemetery unless a burial permit, death certificate, and Certificate of Cremains has first been presented to the Cemetery. No interment may take place unless a burial permit and death certificate has first been presented to the Cemetery; in case of a provisional burial permit, the death certificate shall be presented to the Cemetery within thirty (30) days of burial. The Cemetery will comply with the provisions of Section 3705.17 of the Ohio Revised Code

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

All interments are conducted by Brimfield Township employees. As such, the Township reserves the right to insist on at least forty – eight (48) hour notice prior to burial or inurnment.

The Cemetery reserves 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 according to the Cemetery's schedule and current weather conditions.

When a removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights therein revert to the Owner thereof. If 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 some is in a removable condition, the charge for removal of vault must be paid in advance.

Application for disinterment or dis-inurnment must comply with the provisions of Section 517.23

of the Ohio Revised Code.

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

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

A grave space may contain a maximum of four burials, but only one body.

a. The ONLY exception that will be made is the burial of an infant child. In that case, the infant child may be placed at the foot of the grave, in addition to another body.

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**

Restland Cemetery abides by the Ohio Revised Code Section 4767.06(H) pertaining to Minimum Maintenance Guidelines. A copy is available at the office located at the Town Hall.

All upright monuments will be at the head of the grave. The ONLY exception to this regulation is Section 1988, which necessitates that some monuments be positioned at the foot of the grave.

No children under the age of 16 are permitted within the Cemetery without adult supervision. All children must display appropriate behavior while on the grounds of the Cemetery. The responsibility of children's behavior is that of the supervising adult.

Bringing alcohol for consumption within the Cemetery is strictly forbidden.

Any person found on the Cemetery grounds before or after specified hours, without permission, will be considered a trespasser.

Sitting or leaning on monuments or walls is not permitted. Benches placed within the cemetery are placed for this purpose but shall not be moved.

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

Only vaults, grave markers, monuments, or vases approved by the Cemetery shall be permitted to be used.

No bench, chair, or trellis shall be permitted or be brought upon the Cemetery grounds. The Cemetery shall have the right to remove any dead or damaged tree, shrub, or vine. Any person found on the Cemetery grounds before or after specified hours, without permission, will be considered a trespasser.

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

All persons are forbidden to hunt fowls or other animals about the Cemetery. No hunting of any kind is permitted by visitors on Cemetery property.

Cemetery employees are permitted to trap, kill and/or remove any destructive or burrowing vermin.

No money shall be paid to the attendants of the cemetery grounds. The entire time of the persons regularly employed on the grounds belongs to the Cemetery. Visitors and Owners must not otherwise engage them. All orders, inquiries and complaints must be left at the office located at the Town Hall. An employee of the Brimfield Township Road Department has permission to accept payment, along with the required certificates, at the time of service.

No person or persons other than an employee of the Cemetery so authorized shall be permitted to bring or carry firearms within the Cemetery, except a military guard of honor, and they only when in the charge of an Officer and during a Military service.

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

## **DECORATION POLICY**

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 article of any kind will be permitted on any grave, lot or tree, except for specified flowers and memorial wreaths.

No bench, chair, or trellis shall be permitted or be brought upon the Cemetery grounds.

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

Containers containing flowers or other decorations will be removed as soon as the flowers fade and wither, and the right is reserved by the Cemetery to make such removal.

Winter wreaths, and artificial flowers will be removed at such time as is specified by the Cemetery, and the Owner thereby forfeits all rights, title and interest to the same, and the Cemetery may dispose of them by sale, destruction or in any other way it deems best.

No glass vases, bottles, etc. shall be used for memorials. No rose bushes are permitted.  
No planting of trees, shrubs or bushes without permission from the Cemetery. Planting guidelines are as follows:

Must be in front of the headstone.

No further than two feet from the back of the monument

No wider than the width of the monument

Any display or flower may be removed for lack of maintenance and proper care, as determined by the Cemetery.

The Cemetery is not responsible for displays, flowers, shrubs, etc.

Artificial flowers are permitted year-round. If they are not maintained or removed within five (5) days from placing on the grave site, The Cemetery has the right to remove and discard such items.

Placing flowers, wreaths or baskets on lots and graves is not permitted except on Easter, Mother's Day, Father's Day, Memorial Day, Armistice Day, and Christmas Day. They shall be removed by the owners within five (5) days from placing on lots and graves on the special days herein set forth.

## **MODIFICATIONS AND AMENDMENTS**

The Cemetery may, and it hereby expressly always reserves the right, 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 Cemetery, therefore, reserves the right without notice, to make exceptions, suspensions, or modifications in any of the Rules and Regulations, when in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Rules and Regulations, or as creating any enforceable precedence.