

# RULES AND REGULATIONS

## *OAKLAND CEMETERY AND MEMORIAL PARK*



CITY OF SANDUSKY, OHIO

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**Date: January 1, 2006**

**RULES AND REGULATIONS**  
**FOR THE OAKLAND CEMETERY MEMORIAL PARK**  
**CITY OF SANDUSKY, OHIO**

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## HISTORY

The Oakland Cemetery Memorial Park, which originally encompassed some 134 acres, was purchased by the City of Sandusky from land owned by the widow Jane S. Williams. The first burial took place on May 1, 1850, and Moors Farwell, Sandusky's first mayor, was buried there on December 15, 1880. Oakland Cemetery has been the official burial ground for the City of Sandusky since then and is the final resting place for almost all of the pioneer residents and those involved with Sandusky's History.

Historians at the turn of the century commented on the fact that people came from far and near to appreciate the well-kept grounds, the variety of trees, and to admire the stately blue limestone structures. The residence and the Chapel were constructed in approximately 1885, and the Chapel was renovated and rededicated in 1975.

The colorful foliage evident during the change of seasons and the addition of new strains of trees brought about by the Memorial Tree Fund contributions and the regular tree replacement program enhance the grounds and give one the feeling of being in a peaceful, serene arboretum. The Veterans Stand, constructed in 1923, is the site each year of a patriotic Memorial Day program, and is just one of the several areas of veteran recognition within the Oakland Cemetery grounds.

The Oakland Cemetery offers different types of burials to suit every individual need. The Cemetery sells plots for conventional in-ground burial, and these areas of the Oakland Cemetery offer special care from donations to the Special Care Fund. This entitles the plot owner to grounds keeping care throughout the year. The Oakland Cemetery also offers above-ground entombment in private mausoleums or in the Garden Mausoleum. This garden type mausoleum was constructed and dedicated in 1979. Its unique open air construction and use of native sandstone and marble create a beautiful blend of modern function and old world quality.

The Chapel at the Oakland Cemetery also offers columbaria niches for the placement of the final remains from cremation, as does the Garden Mausoleum and Ridgeview Columbarium. The Chapel can also be used as an alternative to the graveside service. Non-denominational services can be held in the Chapel and interment can be done in the Chapel just as it would be at the graveside.

The rolling hills and lush and varied landscape reflect the many different alternatives that are available to those choosing the Oakland Cemetery and Memorial Park as their final resting place.

## GENERAL REGULATIONS

### Section 1. General

These Regulations promulgated by the Oakland Cemetery Board and approved by the City Commission of the City of Sandusky, are effective until further notice. Unless the context otherwise requires, these Regulations are applicable to Oakland Cemetery and the Oakland Memorial Park (hereinafter referred to as "Cemetery").

Oakland Cemetery and Oakland Memorial Park are adjacent areas, owned, operated, and maintained by the City of Sandusky exclusively for Cemetery purposes.

All rights in and to a burial space are derived from a deed or other instrument issued by the City of Sandusky. Each such instrument contains the following words or words of similar meaning:

"The City of Sandusky hereby grants unto John Doe and his heirs and assigns the use, for cemetery purposes, of a burial lot, grave, space, niche, or crypt in the Oakland Cemetery and being Lot number \_\_\_\_\_. TO HAVE AND TO HOLD the above granted premises for cemetery purposes and for no others, (subject to such rules and regulations of said City of Sandusky, or other lawful authority for the administration and management of said cemetery as are now or may be hereafter in force), to the said grantee and his heirs and assigns forever."

All persons who have acquired the ownership of a burial space in the Cemetery from others than the City of Sandusky are reminded that "ownership" or "title" means the right to use such burial space for cemetery purposes, subject to present and future rules and regulations, and that such ownership or title does not include the fee of the ground.

### Section 2. Definitions

<b>Body</b>	The body, or part thereof of a human being including the remains after cremation.
<b>Burial Space</b>	Includes burial lot, grave space, niche, or crypt.
<b>Cemetery</b>	The Oakland Cemetery and/or Oakland Memorial Park.
<b>Columbarium</b>	A vault with niches for urns containing the ashes of deceased.
<b>Crypt</b>	A vault especially constructed for the entombment of bodies.
<b>Funeral</b>	The entrance of a body into the Cemetery for the purpose of interment therein, together with the procession to the grave, vault, niche, or crypt, graveside ceremonies, and departure from the Cemetery.
<b>Grave space</b>	A portion of ground designed for the burial of one person.
<b>Headstone</b>	A memorial stone set at the head of a grave.
<b>Inter</b>	To Bury. Interment is synonymous with burial.
<b>Lot</b>	A plotted area of land in the Cemetery, containing two or more grave spaces.

<b>Mausoleum</b>	A structure designed to accommodate more than one crypt.
<b>Niche</b>	A recess or hollow designed to accommodate cremation urns.
<b>Office</b>	The office of the Superintendent in the Cemetery.
<b>Owner</b>	An owner of a lot or grave space is one whose name is registered in the Cemetery office as possessing the burial rights in such lot, grave, space, niche, or crypt. If two or more persons are so registered, they are co-owners. Where the context requires, the word “owner” may refer to a person who is entitled to have his name so registered.
<b>Related</b>	Includes relationship by whole blood, half blood, marriage, adoption, or designation of heir.
<b>Spouse</b>	Wife or husband of a living person. For the purposes of these regulations, the word “spouse” includes a widow or widower who has not remarried.
<b>Superintendent</b>	The person appointed by the City of Sandusky to have charge of the Cemetery office, records, and grounds and enforce the rules and regulations of Oakland Cemetery.

### **Section 3. Traffic and Conduct**

#### **(1) Business and Visiting Hours.**

The Cemetery office and grounds are open for business and visiting at such hours as shall be established by the Cemetery Board and posted. All persons entering or leaving the Cemetery shall use the regularly designated entrances and exits. Visiting is prohibited when the Cemetery is closed.

#### **(2) Conduct in the Cemetery.**

Visitors are reminded that the Cemetery is a place where decorous conduct and good order are essential. Loud, menacing, and boisterous conduct, mischief, unnecessary noise, trampling grass, shrubs and flowers, and trespasses are prohibited. The City of Sandusky has police jurisdiction within the Cemetery and shall enforce all applicable state law and Codified Ordinances of the City of Sandusky including all applicable penalties and prosecute violations in the Sandusky Municipal Court.

#### **(3) Traffic.**

Speed limit is 10 m.p.h. Parking is permitted only at the edge of established roads, off the grass and with brakes set. No parking near open graves or in “no parking” areas.

#### **(4) Vehicles.**

Buses and trailers are prohibited except by special permission of the Superintendent. Bicycles and motorcycles are prohibited except for transportation to and from the office and to and

from specific lots or graves.

(5) General. The following are prohibited:

- (A) Carrying firearms except at military funerals as part of a military escort;
- (B) Post Mortem examinations within the Cemetery;
- (C) Dogs, unless leashed or confined to vehicles;
- (D) Playing radios, picnicking, lounging and loafing;
- (E) Fishing, hunting and trapping.

#### **Section 4. Funerals**

(1) (a) Advance Notice.

Arrangements for funerals shall be made not less than 48 hours in advance (except as otherwise provided by law) at the office of the Superintendent.

(b) Funeral Hours

Funerals shall be conducted during regular Cemetery hours, Monday through Friday, prior to 4:00 p.m. and on Saturdays, Sundays and holidays prior to 3:00 p.m. The time of a funeral shall be determined as of the entry of the funeral procession into the Cemetery.

(c) Additional Charges

In addition to the regular Cemetery charges for a funeral, the following charges shall be made and paid before interment:

(1) For a funeral after 3:00 p.m. on weekdays or on Saturday, Sunday or holidays, the additional charges shall be as determined by the Cemetery Board or the City Manager.

(2) Oversize graves (over 8' long or 40" wide):

Persons making requests for burials shall furnish the name of the deceased, place and date of birth, last residence, date of death, cause and place of death, proposed date and hour of interment, and such other information that shall be required to satisfy Section 8 of these regulations entitled "Who May Be Interred". Such notice, arrangements, and information also apply to burial in vaults or mausoleums, and where remains have been removed from another burial place for reinterment in a cemetery.

(2) Burial Permit

Interment shall not be made until a burial permit is deposited in the Cemetery office, except as otherwise provided. Such permit shall be in the form required by law, and with payment made in advance to Oakland Cemetery.

(3) Conduct of Funeral Processions

Funeral processions in the cemetery are subject to the direction of the Superintendent. Before arriving at the Oakland Cemetery, funeral directors shall make sure that all caskets are locked except in those cases where a ceremony is to be held in the Chapel. In those instances, the funeral director shall make sure that the casket is locked prior to leaving the Chapel.

(4) Public Lot

No interment in the public lots shall be permitted except with the permission of the Superintendent. Oakland Cemetery shall provide a flush 8" X 16" marker with the name and age, if known, and date of death. No upright memorial headstone or marker will be permitted unless the space has been purchased.

(5) Vaults

Outer cases shall be made of concrete or metal. (Exceptions may be made for small children.) Metal vaults shall be of not less than 12 gauge steel or other metallic material of equal or greater strength, except that for children of not more than 36 inches, the material may be of laminated plastic or similar material. Wooden boxes are prohibited except for still birth interment.

(6) Temporary Vault

When it is impossible to make immediate permanent interment, the basement of the Chapel may be used as a temporary vault, with the permission of the Superintendent, but subject to removal upon 24 hours notice. The remains of the person dying of a contagious disease may not be placed in the temporary vault. A burial permit is required. A body placed in the temporary vault shall be encased in a tight, strong, and well-constructed casket.

**Section 5. Disinterment**

(1) No body interred in the Cemetery shall be removed from the Cemetery or disinterred until a permit has been deposited in the office of the Superintendent. Such permit shall be in accordance with law. A body may be disinterred from one part of the Cemetery and reinterred in another part of the Cemetery. Permission of the owner of the lot or grave space in which reinterment is to take place is required as though it were a first interment (see Section 8).

(2) If a body is disinterred from a single space, (not part of a lot), the rights of the owner of the vacated space may be terminated by the City of Sandusky upon payment by the City of the purchase price received by the City for such space.

(3) No disinterment or subsequent reinterment shall be permitted until the person requesting such action has filed with the City of Sandusky, upon a form provided by the City, an assumption of liability for damages which the City of Sandusky may sustain by reason of such disinterment, and in addition thereto, if

required by the City of Sandusky, a surety bond satisfactory to the City, in such amount as the City shall determine.

(4) Cremation disinterment will not be permitted unless the original interment was placed in a sealed vault of plastic, steel or concrete. A full burial can take place if a previous cremation interment was on the single grave space only if the cremation was in an appropriate container for disinterment. Disinterment fees will apply.

(5) Disinterment and reinterment are subject to the payment in advance of scheduled fees to the City of Sandusky.

## **Section 6. Purchase of Burial Spaces**

(1) The City of Sandusky, by agreement with a purchaser, may sell to such purchaser a single grave space or a lot, or a niche or crypt, in a plotted section of the Cemetery, at such price as has been fixed therefore by the City of Sandusky. Such a space or lot may not be used, nor shall any interment be permitted therein, until the same is fully paid for; provided, however, that the City may sell a lot (but not a single grave space) upon an agreement that the same shall be paid for in installments, the last of which shall be due not later than one year from the date of purchase. In such case, each installment shall be at least equal to the value of one grave space upon such lot, and upon payment of each installment, interment may be permitted upon the space so paid for. If, however, all installments are not fully paid by the end of one year from the date of purchase, the rights of the purchaser shall terminate as to all unoccupied grave spaces, and the purchasers shall not be entitled to reimbursement. A headstone may be erected at each occupied grave space, but the remainder of the lot shall not be used for the erection of a monument or other memorial until the full purchase price of the lot is paid, within the time or aforesaid period.

(2) Except as hereafter provided, no person other than a resident of Erie County may purchase a grave space or lot from the City of Sandusky. For the purposes of this regulation a resident of Erie County is:

(a) A person who possesses the residence qualifications of a voter in a County election;  
or

(b) A person who does not possess the residence qualification of a voter but who actually resides in Erie County at the time when a member of such person's family or household dies and is to be interred in such grave space or on such lot, or

(c) A person who has resided in Erie County for a continuous period of twenty years with credit given toward this twenty-year period for military service, or is related to a current Erie County resident as described in Section 7, Subsection 2(A), 2(E), or could have at any time qualified as a resident purchaser as defined in Section 6, Subsection 2, may purchase the lot in the Oakland Cemetery, provided the absence from Erie County does not exceed the length of residence. Provide, however, that when a person who resides in Erie County at the time of his death, (whether or not he had the qualification of a voter), is to be interred in the Cemetery, a nonresident of Erie County

may purchase a grave space for such interment, or, if such nonresident purchaser and said decedent are related within the categories described in Section 7, Subsection 2(A) to (E) inclusive, such non-resident may purchase a lot for such interment.

(3) The Location of a lot is a matter of selection and agreement, for which a personal inspection is desirable. Single grave spaces are available in several sections of the Cemetery, but within each section such grave spaces are sold in regular order, and, therefore, the location of such space is not a matter of selection. The above requirements will apply to the purchase of niches and crypts in the Garden Mausoleum.

## **Section 7. Transfer of Ownership**

### **(1) Transfer from a Deceased Owner**

A burial space may be transferred from a deceased owner of record by Will, or under statutes of descent and distribution to any transferee except a corporation (other than a fiduciary or the City of Sandusky). If the estate of a deceased owner of record is not administered, the right to succeed to record ownership thereof may be established by sworn statement or affidavit. In such case, title to said burial space shall be deemed to have passed under the statutes of descent and distribution of the State of Ohio, in effect upon the date of such statement or affidavit, without regard to the domicile of the decedent, or the date of death.

### **(2) Transfer From a Living Owner**

It is the policy of the City of Sandusky that burial spaces shall not be purchased and resold for the purpose of deriving a profit there from. Accordingly, an inter vivos transfer of ownership will not be accepted at the cemetery office except to:

- (A) A transferee or transferees who are related to the transferor, or are related to a deceased person who is interred in said lot, by blood, marriage, or adoptions as hereafter set forth, or
- (B) The City of Sandusky, or
- (C) A trustee or guardian for the transferor or for beneficiaries who are related to the transferor.

For purposes of this section, a transferor is related to a transferee if the transferee is the transferor's:

- (1) Spouse.
- (2) Lineal ancestor or lineal descendant.
- (3) Brother, sister, uncle, aunt.
- (4) Lineal descendant of a brother, sister, uncle, aunt.
- (5) Spouse of a person in categories (2), (3), and (4).

An instrument of transfer shall be accompanied by an affidavit that the transferee or transferees satisfy the foregoing requirements as to relationship hereinbefore provided.

- (3) If the record title is in a fiduciary, such fact shall be noted on the Cemetery

records. Title to a burial space shall not be transferred by a fiduciary except to:

- (A) Such fiduciary's predecessor in title, or
  - (B) A transferee to whom such fiduciary's predecessor in title (when living) could have transferred the same, or
  - (C) In accordance with the testamentary provisions of a trust instrument or Will applicable to said burial space, or
  - (D) To the City of Sandusky.
- (4) A corporation other than a fiduciary shall not become the owner of a burial space. The City of Sandusky has the option to recover said burial space upon payment to said corporation of the purchase price paid therefore to the City of Sandusky provided that if said corporation is no longer in existence, said lot or space may be recovered without compensation. Recovery shall be effected by transferring the ownership to the City of Sandusky.
- (5) Reference is made to Section 14 of these Regulations for provisions for recovery of unused portions of lots upon which there have been no burials for 25 years or more.
- (6) Only the unused and vacant graves that remain on a lot can be transferred from deceased owner(s). Graves that have been designated for others, used for family monuments, or have trees/plantings placed by the original lot owner are not considered unused or vacant.
- (7) Whenever in these Regulations provision is made for the furnishing of a sworn statement or affidavit, the City of Sandusky and the Superintendent shall be entitled to rely thereon, and neither the City of Sandusky nor the Superintendent shall be liable for action taken or denied in good faith in reliance upon such sworn statement or affidavit.
- (8) When the owner of record of a burial space is deceased, and title to that burial space has not been transferred to a living owner, the rights of such deceased owner shall not escheat to any other governmental authority, but rather such rights shall be exercised by the City of Sandusky for the care, maintenance, and preservation of occupied burial spaces to the same extent that the City shall provide general care for all occupied burial spaces, the title to which is recorded in the name of a living person or persons.
- (9) The City of Sandusky shall have the right to repurchase upon the default of the purchaser a burial space from any person or banking organization. Upon repurchase, these burial spaces may then be resold as set forth in Section 8.

### **Section 8. Who May Be Interred**

- (1) No body except that of a human being may be interred in the Cemetery.
- (2) With the written approval of the record owner or co-owner of a burial space, any person may be interred in such burial space. In the event of disagreement between two or more co-owners, the written approval of one co-owner or the majority of said co-owners shall prevail over the objection of others.

(3) When a person is to be interred upon a lot or in a single grave space, the aforementioned written approval may be omitted by the Superintendent if he is satisfied that such person is related to the owner, or to a co-owner, or to a person then interred upon such lot as:

- (A) Spouse.
- (B) Lineal ancestor or lineal descendant.
- (C) Brother or sister.

(4) When the owner of record of a burial space is deceased, and no action has been taken to transfer ownership on the Cemetery records to a living person or persons, or when there is no known living person upon whom said ownership may devolve, the Superintendent may consent to the interment thereon of a deceased person as to whom there is reasonable ground to believe that such person would be entitled to be an owner or co-owner by devolution of title from the last owner of record under the statutes of descent and distribution of the State of Ohio in effect at the time of such interment.

(5) It is the policy of the City of Sandusky to construe these regulations liberally, and to accept what evidence is deemed credible so that the requested interment may proceed without protracted research or to the embarrassment of relatives and friends. It is expected, however, that lot owners will take steps to bring titles up-to-date, to the end of avoiding any possible problems.

#### **Section 9. Fees, Prices and Charges**

(1) All permits and the fees therefore, the prices of burial spaces sold by the City, and all charges for services performed by the City, its agent and employees, in or concerning the Cemetery, shall be established by the City of Sandusky. Subject to amendment by the City of Sandusky, the Cemetery Board is authorized to establish, increase, and decrease the same. A schedule of fees and charges shall be available for inspection at the Cemetery office. A differential may be established between fees, prices, and charges to be paid by: (a) residents of the City of Sandusky, and (b) others.

(2) The crypt prices in the Garden Mausoleum shall include the costs of inscription and the charge for the installation of a vase if purchased. So much of the information as is known at the time of purchase shall be inscribed upon the crypt face. If the purchaser chooses not to inscribe the crypt face at the time of the purchase, there will be an additional charge for inscription at the time of interment. All crypt prices are subject to entombment fees.

(3) All niche prices are subject to inurnment, and costs may be increased as necessary.

(4) Additional expenses incurred under the provisions of Section 4, Subsection (1) pertaining to advance notice of funerals are not included in the crypt or niche prices.

#### **Section 10. Planting and Decoration**

(1) There shall be no trees, shrubs or bushes on any lot made up of less than four spaces. The Superintendent reserves the right to trim, cut down, or remove

any tree, shrub, plant, or flower on lots in violation of this rule, also, any tree, shrub or bush becoming unsightly may be removed when considered necessary by the Superintendent.

(2) There shall be Superintendent approval to plant any tree, shrub, or bush on any lot within the Cemetery. All trees, shrubs, or bushes must be kept well within the boundaries of the lot. They must in no way interfere with adjoining lots. Trees, shrubs must be kept trimmed and cut so that they in no way touch stones on any other lots. Orders for trimming, removal or care are made at the Cemetery office. Trees cannot be cut off above ground level; they must be removed completely, by Cemetery personnel.

(3) In order to facilitate lot maintenance, no fences or enclosures of any kind will be permitted. Shells, toys, wire arches, wooden trellises, globes, tripods, and such other objects are not permitted on any burial space. Any floral frames, baskets, containers, or forms placed on graves shall be removed in accordance with posted schedules.

(4) Owner shall maintain urns and iron or concrete benches in good condition and shall be subject to removal by the Superintendent if not properly cared for.

(5) No graves will be permitted to be mounded or planted except on lots with Self-Care.

(6) Flowers are permitted on burial spaces only if they are in approved pots or urns in accordance with posted schedules. Not more than two pots or containers per grave space will be permitted. Approved containers shall be set only at ground level. Urns not planted and not in good condition shall be removed from lots. Urns and pots are only permitted in the headstone rows.

(7) Glass and other non-shatterproof containers shall not be permitted in the Cemetery. Thin plastic and clay pots under 6" are not approved containers.

(8) Live or artificial flowers may only be displayed at the Garden Mausoleum in approved containers that are available through the Superintendent of the Cemetery. At no time shall any arrangements placed in approved containers obscure the information on the crypt front. The Cemetery shall not be held responsible for damage caused by forces over which it has no control. This includes but is not limited to: animal damage, storm or wind damage and/or theft.

### **Section 11. Vaults and Mausoleums**

(1) Private or public vaults or mausoleums will be permitted upon lots especially provided for this purpose by the Cemetery Board.

(2) Exterior walls shall be of sandstone, granite, or marble and filled with catacombs where interment can be made separately, and hermetically sealed at the time of depositing the body.

(3) Entrance to such vaults with more than one crypt must be provided with one or more durable non-corrosive doors. All caskets placed in mausoleums (public and private) shall be vented, strong, and well constructed. A casket tray is required

upon entombment. The deceased body must be embalmed.

(4) Plans and specifications for such intended structure must first be submitted to the Cemetery Board and the City Engineer and will be subject to their approval.

(5) The construction of any vault shall be subject to the inspection and approval of the Cemetery Board which reserves the right to reject any material or manner of workmanship.

(6) In all cases, the owner of the lot shall be held liable for any and all damage caused either to the Cemetery or private property in the construction of the vault.

(7) Persons engaged in erecting vaults are prohibited from attaching ropes to trees or shrubs and from scattering their material over adjoining lots and in all cases must restore the grounds and drives to a condition satisfactory to the Superintendent.

(8) The Cemetery shall not be responsible for damage to vaults or other structures caused by forces over which it has no control. The Cemetery Board reserves the right to inspect and recommend repair to any structure which has become unsafe or neglected.

(9) No private vault or mausoleum shall be constructed or erected until sufficient funds have been deposited in the Special Care Fund to provide for adequate permanent repair and maintenance, the amount of such deposit to be determined by the Cemetery Board, after consultation with the City Engineer and the Cemetery Superintendent. Generally this amount is 15% of the project cost.

(10) The Oakland Cemetery has constructed the Garden Mausoleum which includes 88 niches and 364 crypts. These niches and crypts shall be subject to sale as set forth in Section 7 and 9. The following rules shall apply to the Garden Mausoleum:

(A) Any lettering or inscriptions shall be of uniform style and size for crypts and columbaria, and any inscription shall be done at the time of purchase, the cost for which shall be included in the sale price of the crypt or niche. At the option of the purchaser, inscription may be done at the time of interment or unurnment, however, there will be additional charge made at that time.

(B) The inscribed name shall be limited to two lines, the first of which shall be the surname only and shall be limited to dimensions established by the Board.

(C) At the crypt-owners expense, an aesthetic, religious, veterans, or organizational emblem or unit may be inscribed, provided it is within an area designated by the Board and is of a style and size acceptable to the Board. One emblem shall be allowed on a single crypt and two emblems on a double crypt.

## **Section 12. Memorials, Monuments, Headstones, Markers, and Corner Posts**

(1) Non monument or corner posts of any kind may be installed until full payment

of lot or space has been made to the Cemetery.

(2) No wooden, iron, or concrete crosses as memorials will be permitted. Temporary markers are permitted for one year.

(3) The bottom of the base of every memorial shall be bedded true and level to allow every part of it to be in contact with the foundation. All foundations installed shall have a five-inch boarder projecting from all four or more sides except where this requirement would throw the headstones out of line with existing stones. This projection shall be kept flush with the surface of the terrain.

(4) The Cemetery Board reserves the right to remove any structure or object which is deemed objectionable. Headstones/markers/memorials are permitted to be placed in the headstone row only.

(5) Markers

(A) A single space shall have one single marker.

(B) A two grave lot may have two singles or one double marker.

(C) A three grave lot may have three singles or a double and a single or a triple marker.

(D) A four grave lot may have a single marker, four singles, two doubles, or a triple and a single marker.

(E) In Section "P" and "Q" of Memorial Park addition, only grave markers may be installed and must be flush with the ground.

(F) Marker location on the grave will be in line to all others or at the discretion of the Superintendent.

(6) When a multiple marker refers to two or more burials, the positions of the individual's name on the stone shall indicate the position of the burial.

(7) Guy posts or stakes may be driven into the ground under supervision of the Superintendent to assist in setting a monument, and the monument dealer will assume the risk of any damages which may occur as a result of these guy posts or stakes.

(8) The use of a tree or monument for assistance in setting a monument is strictly prohibited.

(9) The City of Sandusky is not liable for any misinformation appearing on the monument or damage caused by forces over which it has no control.

(10) Material.

Only guaranteed first grade approved material for memorials, such as marble, granite, or bronze may be used.

(11) Dimensions.

Size of memorials shall be subject to approval of the Superintendent or Cemetery Board to conform to the size and location of the lot.

(12) Foundations.

- (A) All foundations shall be built by the Cemetery.
- (B) No foundations shall be poured between November 15 and April 1, or as otherwise directed by the Superintendent.
- (C) After foundations are installed by the Cemetery Superintendent, the office of the Cemetery will bill monument dealers.
- (D) When a disinterment has been made, the removal of the memorial and foundation will be additional charges.

(13) Deliveries of Memorials.

No delivery shall be made on Sundays or holidays, or after 4 p.m. Arrangements for delivery and erection of memorials shall be made so that there will be no interference with interments in nearby areas. Any exceptions to this rule must be made in writing and approved by the Cemetery Board.

(14) Memorial Planting or Memorial Gardens.

- (A) All requests for Memorial Planting must be approved by the Cemetery Office.
- (B) Arrangements for donations and care of Memorials can be made through the Cemetery Office and approved by the Cemetery Board and the City Commission. Donations for Memorial Planting by individuals, groups, or organizations are encouraged and desirable.
- (C) No planting may be disturbed in any manner or removed without Superintendent approval.

**Section 13. Care of Burial Spaces and Mausoleums**

(1) There are six classifications for the care of burial spaces.

- (A) General Care.
- (B) Special Care Trust Fund.
- (C) Self-Care. (closed)
- (D) Chapel Maintenance and Repair Trust Fund.
- (E) Garden Mausoleum Trust Fund and Ridgeview Columbarium Trust Fund.
- (F) Perpetual Care. (closed)

(A) General Care.

The general care of the Cemetery is assumed by the City of Sandusky under the supervision and direction of the Cemetery Superintendent. It includes cutting of the grass at reasonable intervals and the raking, cleaning, and general maintenance of the grounds.

(B) Special Care Trust Fund.

- (1) Lot owners desiring additional care of their lots may arrange with the Cemetery office and deposit with the City Treasurer \$100.00 per grave space (minimum \$200.00) on the entire lot, whether occupied or unoccupied. The

City Treasurer will deposit the sum in a Special Care Trust Fund from which the income will be used to defray the cost of such special care lot, which shall consist of straightening the headstones and care of such plantings and flowers and ground grooming which may be appropriate within the income earned on the sum deposited in the Special Care Fund.

(2) Except for private vaults and mausoleums, special care provided by the establishment of a trust fund, as above mentioned, shall be limited to the income received from the investment of the funds with no part of the principal being expended.

(3) All deposits made to the Special Care Fund for the care and maintenance of a private vault or mausoleum shall be separately designated on the books of the Special Care Trust Fund in an account for the private vault or mausoleum for which a deposit was made, and neither the income nor principal of such deposit shall be expended for any other purpose.

The cost of routine care and maintenance of a private vault or mausoleum and the grounds upon which it is situated may be charged to such account to the extent that the costs of such service exceeds the costs of general care as set forth above. In the event structural repairs, replacements, and cleaning of structural ornamental materials are necessary, they shall be charged to the account, but in no event shall the principal deposit be expended without the prior approval of the Cemetery Board. It is the purpose of this provision to secure the principal investments so that the income from said investment shall be adequate to provide sufficient funds for the maintenance of said private vault or mausoleum. In the event of major deterioration or casualty, or if for any other reason the amount of such deposit shall be such that the income will not equal such unanticipated costs of restoration and repairs, the principal of said deposit may apply to such deficiency, upon the approval of the Cemetery Board.

(4) Before a deposit shall be received by the Special Care Fund for an existing private vault or mausoleum, such vault or mausoleum shall be repaired or restored to sound structural condition, with all structural and ornamental materials cleaned, to the satisfaction of the City Engineer and the Cemetery Board.

(C) Self-Care.

Lot owners who wish to maintain and service their own lot and grave spaces may do so provided they make proper application to the Cemetery office, make a deposit set by the Cemetery Board for the "Self-Care" sign, and sign an agreement that they will cut the grass and care for their flowers and plantings and keep the shrubbery properly trimmed. The Cemetery Board reserves the right to cancel any self-care agreement because of failure on the part of the owner to keep his part of that agreement. In that event, the lot will be placed under general care, and any planting of flowers thereon not in compliance with Cemetery rules governing lots under General Care will be removed. In any event, it is advisable to confer with the Cemetery Superintendent before attempting any major improvements on said self-care lot.

(D) Chapel Maintenance and Repair Trust Fund.

(1) All funds from the sale of columbaria, niches, and all interment fees from the use of the columbaria are to be deposited in the Chapel Maintenance and Repair Trust Fund for chapel maintenance repair, including the columbaria facilities. Further, interest from that fund is to be used for the above-mentioned purposes only; all related expenses for this purpose are to come from the trust fund.

(2) Chapel maintenance and repair provided by the establishment of a trust fund as above-mentioned shall be limited absolutely to the income received by the investment of the fund, with no part of the principal expended, anything herein that may be construed to the contrary notwithstanding.

(E) Garden Mausoleum Trust and Ridgeview Columbarium Trust.

(1) A portion of the funds deposited to the Garden Mausoleum Trust and Ridgeview Columbarium shall be utilized for the general care of the Garden Mausoleum and Ridgeview Columbarium. In no event, however, shall the principal be expended, and expenditure of interest income shall be limited to maintenance and repair of the Garden Mausoleum and Ridgeview Columbarium, except as outlined in the following Paragraphs (2) and (3).

(2) In the event extraordinary or major repairs are required and any insurance and income is insufficient to make said repairs, the balance may be taken from the principal accumulated but not to exceed 50%. In that event, future interest earnings will be used to repay the principal in the trust.

(3) In the event that the principal and interest in the trust fund exceeds twice the value of the Mausoleum and Ridgeview Columbarium, the Board may recommend to the City Commission the excess income be used for other Cemetery purposes.

(F) Perpetual Care Closed.

No further deposits are being accepted in the Perpetual Care Trust; however, the City of Sandusky shall continue to maintain the burial spaces in as respectable a condition as they have in the past. All funds currently held in Perpetual Care shall be held in trust and invested as provided by law.

**Section 14. Recovery of Unused Burial Spaces**

Where the owner of a burial space is deceased or is presumed to be deceased by reason of unexplained absence from his usual place of residence for more than seven years and no interments have been made in said lot for more than twenty-five years, and there are two or more adjacent vacant grave spaces thereon, (such adjacent vacant grave spaces being side-by-side as distinguished from end-to-end), and by reasonable effort the names and addresses of the persons entitled to inherit such burial spaces may be declared abandoned by the Cemetery Board and shall revert to the City of Sandusky and may be sold by the City, free from claims of any and all persons otherwise entitled to the same under these rules and regulations. In the event that any person entitled to inherit said lot should subsequently appear, the City of Sandusky shall provide for such person suitable

space or spaces, free of charge as he may be entitled to, either one or more of the spaces left vacant or elsewhere in Oakland Cemetery or in Oakland Memorial Park.

#### **Section 15. Amendments of Regulations**

In order to maintain a high standard of care and service consistent with changing conditions, the Cemetery Board reserves the right to change these rules from time to time subject to the approval of the City Commission.

#### **Section 16. Correction of Errors**

The Cemetery Board/Superintendent reserves, and shall have, the right to correct any errors that may be made by it either in making interments or removals, or in the description, transfer or conveyance of any burial rights either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible or as may be selected by the Cemetery Board, or, in the sole discretion of the Cemetery Board, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery Board reserves, and shall have the right to , remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

#### **Section 17. Separability Clause.**

It is the intention of the Cemetery Board and the City of Sandusky that these Rules and Regulations shall be considered separable and in the event that any provision, clause or portion of any rule or regulation is held to be unenforceable or invalid, the remaining portions of these Rules and Regulations shall nonetheless survive and continue in full force and effect.