

RULES AND REGULATIONS

As required by Ohio Revised code 517.06

OF

Hicksville Union Cemetery

Revised: May 4, 2017 Approved: October 11, 2017

The Hicksville Union Cemetery is the property of the Village and Hicksville Township and is controlled by a Board of Trustees comprised of a representative of appointed by Hicksville Village Council, Hicksville Township Trustees, and a member at large. The board of Trustees organizes itself, electing a president each year. The Clerk is hired by the Board and acts as the Secretary to the Board.

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 Cemetery and create and preserve its beauty. These rules and regulations are hereby adopted as the rules and regulations of the Cemetery, and all owners of interment or inurnment rights, visitors and contractors performing work within the Cemetery, shall be subject to said rules and regulation, amendments or alterations as shall be adopted by the Cemetery from time to time, hereby superseding any and all previous Rules and Regulations.

DEFINITIONS

"Cemetery" shall mean not only the land and the improvements thereon, but Hicksville Union Cemetery its employees and duly authorized representatives.

"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 incase human remains.

"Space" shall mean interment/inurnment rights to approximately 4 by 10.5 foot portion of a lot designated on the Hicksville Union Cemetery plot map.

"Footer" shall mean a cement foundation placed under monument or memorial.

"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 performing any work on the Cemetery grounds.

CEMETERY HOURS

The Cemetery is open from Dawn until Sunset Daily.

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.

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 shall take responsible precaution 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 is not and shall not be liable for damage caused by 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 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 or, in the sole 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 pipe lines 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 lots.

The Sexton shall have full control of Hicksville Union Cemetery, shall keep accurate records of all interments, sale of spaces, and all other receipts and miscellaneous documents, and account to the Trustees as required. The sexton is responsible for seeing that the rules and regulations are observed.

The Hicksville Union Cemetery Board has given the sexton permission to refuse the placement of a footer unless they have spoken directly with the person purchasing the footer and ownership or right of placement on the space is verified.

SALE AND PURCHASE OF INTERMENT/INURNMENT RIGHTS

All interment and inurnment rights are sold subject to payment of the amount posted in the Cemetery or Township office for the area of the lot/space. 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 same shall first be duly approved in writing by the Cemetery. The Cemetery shall issue a "Warranty 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 same be by conveyance or assignment are subject to all rules and regulations of the Cemetery, which are now in full force and effect or which may be hereafter adopted.

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 the Cemetery, or 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, 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.

Grave spaces (interment/inurnment rights) may be purchased by contacting the Sexton. The payment may be made directly to the sexton or the sexton will notify the clerk of the intention to purchase and the clerk will issue a bill. A deed for the interment/inurnment rights purchased will be issued upon receipt of payment in full. A grave space is approximately 4' x 10.5' and the price is available from the sexton and will be updated when warranted. Spaces requested will be held for sixty days from date of the issuance of the first bill, after sixty days the spaces will be available to the public.

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 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 re-conveyance, if considered necessary by the Cemetery before any change is affected.

Any person desiring to dispose of their interment or inurnment rights may sell them. They are required to pay for the transfer of the deed to the new owners. They are required to provide written evidence of the intent to sell said rights and provide the clerk with all information necessary to transfer the deed. An owner may offer their rights back to the cemetery. The Board does not have to agree to the repurchase request. The repurchase of interment/internment rights may be for no more than the

original purchase price and the intention to return the interment or inurnment rights must be documented in writing.

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 dead bodies. 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 have charge of the planting, sodding, surveying and general improvements.

The placement of any above ground mausoleum must be approved by the Board of Trustees prior to placement. The placement of any above ground mausoleum must not obstruct movement of cemetery equipment and the purchase of extra spaces may be required to allow for efficient movement around an above ground mausoleum.

No person other than the proper employees of the Cemetery shall be allowed to perform any work within the Cemetery without a written permit from the authorized representative of the Cemetery. 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, either wild or cultivated from any part of the Cemetery.

BURIAL REGULATIONS

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, crypt or niche to appear at the cemetery more than 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 cemeteries Interment, Inurnment Authorization form may be required.

No interment or entombment 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 Section 3705.17 of the Ohio Revised Code.

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

The Cemetery must be notified of an impending interment or inurnment 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 PM on the previous Friday. 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 same is in a removable condition, 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 also 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.

No grave space may contain more than two urns of cremated remains or one urn of cremated remains and one 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

All graves are required to have a permanent marker installed within one year of interment.

Stone markers require a cement foundation and the foundation must be approved by the sexton. No permanent marker will be allowed if space or interment charges have not been paid in full.

It is strongly suggested children under the age of 16 are to be under adult supervision within the Cemetery grounds. All persons must display appropriate behavior while on the grounds of the Cemetery.

No person shall be allowed to ride or drive on any part of the grounds, except drives used and designated on the plot maps as avenues.

All pets are not permitted to run loose on the cemetery; they must be leashed and owners are required to remove pet feces from the cemetery grounds.

Illegal substances are strictly forbidden within the Cemetery.

The sitting or leaning on monuments or walls is not permitted. Benches placed within the cemetery are placed for this purpose.

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.

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

Any person found on the Cemetery grounds without permission may be considered a trespasser.

Holdings 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. **Also 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.**

The cemetery will conduct an annual cleaning at which time all decorations including floral arrangements, stone saddles, and other small memorial items are to be removed from the stones and foundations by the individuals/families who placed the items. If items are not removed; they are subject to removal by the sexton. Ironworks, cement and ceramic pots and cement and ceramic decorations, urns, and photocell lights may be left unless they are in disrepair. Notice of this cleaning will be announced in the local paper and on a notice board at the cemetery. If weather permits, the annual cleaning will be for a two week period and will take place the last two weeks of March. (The cemetery will try to avoid having the cleaning period include a major holiday.)

Planting of any trees, plants, shrubs, or flowers shall be under the supervision of the sexton and subject to approval of the Cemetery Board. All decorations must be located on the foundations and/or stones. Shepard's crooks, photocell lights, and other metal pole type decorations must be placed adjacent to foundation and are subject to removal if they interfere with the maintenance of the cemetery grounds. All broken or damaged items including concrete, plaster, or plastic decorations are subject to removal by the sexton.

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.

All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, memorial or monument, or in any manner deface the grounds of the Cemetery.

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 sent to the Cemetery Clerk.

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 Peace Officers, and a military guard of honor, during a military service.

All work and planting of any kind on all lots and graves is prohibited and subject to removal by cemetery employees.

Placing potted flowers, plants, wreaths or baskets on lots and graves must be maintained and subject to removal by Cemetery employees if they are not maintained. The digging of holes for any purpose whatsoever is strictly prohibited.

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.

MODIFICATIONS AND AMENDMENTS

The Cemetery 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 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.