

# Smith Township Cemetery (North Benton) Cemetery

## RULES AND REGULATIONS

As required by Ohio Revised code 517.06

### 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 Smith Township, 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 Township Trustees from time to time, hereby superseding any and all previous Rules and Regulations.

### DEFINITIONS

“Burial Urn” The term is especially often used for funerary urns, vessels used in burials, to hold the cremated ashes.

“Burial Vault” (also known as a burial liner, grave vault, and grave liner) shall mean an outside burial container as specified by the cemetery to incase coffins containing human remains.

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

"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.

“Heirs” shall mean immediate family, meaning surviving spouse or children, or any person specifically named in a legal will.

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

"Inurnment" shall mean the burial of cremated human remains.

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

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

“Township” Smith Township, Mahoning County, Ohio.

“Trustees” Duly elected officer/officials of Smith Township, Mahoning County, Ohio.

### CEMETERY HOURS

The Cemetery is open to the public during daylight hours.

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### OWNERSHIP

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

Upon refusal of the Township to permit interment or inurnment because of its requirements, the Township may, at its discretion, refuse to let anything be done in violation of said requirements.

### SUPERVISION OF CEMETERY

Smith Township reserves the right to compel all persons coming into the cemetery to obey all rules and regulations adopted by the Township.

These rules and regulations may be changed, without notice to any owner by the Township Trustees.

The Trustees 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 Township 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 Township 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 Township or, in the sole discretion of the Township, 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 Township 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 Township 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 Township.

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 Trustees. 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 Township reserves to itself and to those lawfully entitled thereto and those permitted by the Township to do so, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.

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### SALE AND PURCHASE OF INTERMENT/INURNMENT RIGHTS

All interment and inurnment rights are sold subject to payment of the amount maintained in the Township Hall for the area of the lot. 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 Township unless same shall first be duly approved in writing by the Township. The Township shall issue a "Deed for Cemetery Lot" per Ohio Revised Code 517.07 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.

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 Township, 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 Township and no one shall be buried in any lot not having an interest therein, except by written consent of the Township Trustees.

All work on lots or graves will be done by the employees of the Township under the direction of the Township Trustees, 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, disinterments, and removals shall be made under the direction of the Township.

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 Township Trustees.

The Township 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 Trustees before any change is 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 dead bodies. Under the rules and regulations of the Township, the interment and inurnment rights cannot be conveyed without the consent of the Trustees, nor any use, division or improvements of them be made which the Trustees 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 Township 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 Township Trustees.

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The Trustees 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.

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

If any inscription or object is placed on any memorial, monument or other structure, and it is determined by the Township to be offensive, the Township Trustees 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 Township 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. An opening and closing fee is required for each interment or inurnment regardless of whether they are in separate urns or vaults or the same un or vault.

The Township 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 Township. The Township will comply with the provisions of Section 3705.17 of the Ohio Revised Code.

Funeral processions, upon entering the cemetery grounds shall be subject to the direction of the authorized employees of the Township.

The Township 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 Township reserves the right to schedule interment or inurnment services according to the Township's availability of service times and needs.

The Township shall have the right to have the interment or inurnment service at the grave according to the Township'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

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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.

The person or persons requesting disinterment must pay the cost or provide an authorized vault company for the actual disinterment, at their own expense.

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 Township. No such removal shall be made without the written consent of the Township, and then only on such conditions as the Township shall prescribe.

All human remains not cremated must be contained in a burial vault specified by the Township 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 Township 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 children 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.

No article of any kind will be permitted on any grave, lot or tree.

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

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

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

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

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

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

Any person found on the cemetery grounds without permission will 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 Township to make such removal. Also winter

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

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 Township. Visitors and Owners must not otherwise engage them. All orders, inquiries and complaints must be left at the Township Hall.

No person or persons other than an employee of the Township 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 work and planting of any kind on all lots and graves is strictly prohibited

All decorations must be in an appropriate container or stand. Artificial flowers may not be placed directly on the ground.

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 Township 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 Township, 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.

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