



CEMETERY

RULES AND
REGULATIONS

Chapter 951, Cemeteries
Effective August 1, 2011

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Manual of Policies and Procedures Rules and Regulations of City of Stow Cemeteries

Maple Lawn Cemetery, 4915 Darrow Road
Stow Cemetery, 3162 Kent Road
Silver Springs Cemetery, 5080 Stow Road

In order to promote a safe and reverent environment for the families and friends of the deceased and for the mutual protection and benefit of the owners and/or purchasers of the Right of Interment and the City of Stow, the following Policies & Procedures and Rules & Regulations for Cemetery Interments have been adopted. All owners, purchasers and visitors on the property owned by the City of Stow shall be subject to these dictates. The reference to these Policies & Procedures, Rules and Regulations in the Certificate of Right of Interment shall have the same effect as if set forth in full therein. All determinations as to the interpretation of these dictates shall be at the sole and final discretion of the City of Stow Cemetery Board and the City of Stow Administration.

The Certificate of Right of Interment, these Policies & Procedures, Rules & Regulations and any amendment thereto shall be the sole agreement between the City of Stow and the Owner/Purchaser of the Right of Interment. Any oral or written statements of any person, unless in a notarized statement approved by the City of Stow, shall in no way bind the City of Stow. The City of Stow reserves the right to make modifications or amendments to these Policies and Procedures, Rules & Regulations without notice, and all owners, purchasers and visitors will be subject to the dictates of the City of Stow Cemeteries in place at the time.

The Certificate of Right of Interment conveys only the right of burial, and shall not be sold to another individual. This Right may only be transferred back to the City of Stow, and will be compensated in the amount of the original purchase price plus 25% of any increase between the rate in effect at the time of purchase and the rate in effect at the time of transfer back to the City of Stow.

In addition, the Cemetery Board reserves the right to inspect the Certificate of Right of Interment prior to burial or inurnment. Should the original certificate purchaser(s) be deceased, additional documentation and or court orders may be necessary in order to verify burial eligibility. This additional documentation shall be the responsibility of the party requesting burial or inurnment.

GROUND RULES

All cemetery property is sacred ground devoted to the burial of loved ones. A respectful atmosphere shall be maintained at all times.

No person within a municipal cemetery shall:

- Be present on the cemetery grounds between dusk and dawn without reasonable cause or permission from the Cemetery Specialist
- Play, loiter or park any vehicle without having official business in the cemetery
- Pick any flowers, wild or cultivated, if not owned by such person
- Destroy, deface, remove, sit or stand on, or perform any other disrespectful act to any monument, tree, shrub, building, equipment or any other object connected to the cemetery or any object for the purpose of the memory of a person interred in the cemetery.
- Have pets of any kind on cemetery grounds.

DEFINITIONS

Cemetery -- the place or area set apart for interment of the dead by burial in the earth or entombment in a columbarium and all walks, drives and grounds set aside for meditation and other natural ornamentation.

Cemetery Board -- the persons duly appointed by the Mayor of the City of Stow for the purpose of general policy making, planning and administrative power over all municipal cemeteries, as defined in the Charter of the City of Stow and the Codified Ordinances of Stow.

Certificate of Right of Interment -- the document which is provided to the purchaser of the right of burial upon payment in full and shall denote any burial rights or restrictions.

Disinterment -- the recovery of human remains by exhumation, disinterment or disinterment. 'Disinterment' does not include...the repositioning of an outside outer burial container that encroaches an adjoining burial space." Ohio Rev. Code Ann. 517.23 (Anderson 2000).

Grave -- an excavation in the earth in which a deceased person is buried or is to be buried.

Interment -- the act or process of burying a deceased person in a grave or inurnment the remains of a deceased person in a niche or grave. The permanent disposition of the remains of a deceased person by burial or inurnment.

Lot -- a space within the cemetery used or intended to be used for earth burial and containing two or more graves.

Marker -- also referred to as a "flat marker," or memorial.

Monument -- a memorial made of granite that is placed on a grave or family plot. A monument stands above the ground in an upright position.

Niche -- a space in a columbarium sufficient in size for the inurnment of the remains of a deceased person.

Niche Front -- the granite cover that is fastened on the place of inurnment and upon which the memorialization is engraved.

Owners and Purchasers -- persons who have purchased a Right-of-Burial in a City of Stow Cemetery.

Resident -- a person who has been a bona fide resident of the City of Stow for one day or more, or who was a bona fide resident of the City of Stow immediately prior to entering a nursing home.

Right of Burial -- an individual's right to burial or inurnment arising out of the purchase of the right in accordance with City of Stow policies and procedures, rules and regulations.

INTERMENTS

Right of Burial conveys only the right to be buried in a City of Stow cemetery; ownership of said land remains in the name of the City of Stow. All burials shall be conducted by City of Stow Cemetery employees and shall be in a vault or grave liner made of either concrete or steel. Urns shall be made of marble, metal or stone or may be in a vault of concrete, steel or fiberglass. Infant burials shall be permitted in Styrofoam casket/vault combinations.

One vault burial per grave is permitted. One infant burial over an adult grave is permitted, provided the adult burial is of sufficient depth. One cremation is permitted over another burial. Two cremation burials will be permitted in a grave where there are no vault burials. There shall be no more than two (2) burials in any single grave. Should the urn burial precede the vault burial, the prevailing disinterment fee shall apply at the time of the vault burial.

A Columbarium is provided at Stow Cemetery for the inurnment of cremains. Two inurnments are permitted in each niche if space allows (11.25" h x 11.25" w x 9" deep.) Niche face plates shall be engraved with name, year of birth and year of death only, except two emblems shall be permitted in a location to be designated by the Stow Cemetery Board. All engraving shall be of a lettering selected by the Stow Cemetery Board and work shall be done through a City of Stow appointed source. Any emblems not of a standard design must be approved by the Stow Cemetery Board and may require additional fees. Prepayment of engraving fees shall be permitted, but actual engraving shall not take place until time of inurnment.

Cremation gardens are also available at Silver Springs Cemetery. Two burials are permitted in each garden space. (3'x4') Flush granite markers are required and may be no larger than 12"x24". In addition, no plantings of any kind are permitted in the cremation gardens. Spaces will be assigned in consecutive order.

Prior to interment, payment in full shall be made and a burial permit provided to the City of Stow.

Pre-payment of burial fees is permitted, provided that any increase in those fees from that date of pre-payment to the date of burial shall be paid in full prior to burial.

Saturday and City Holiday burials are subject to an additional charge.

MONUMENTS, MARKERS, GRAVESTONES

The City of Stow Cemetery Board respects the individuality of families and their diverse selections of monuments, markers and gravestones. Your choice may be installed on your gravesites, but must not be larger than the area to which you are entitled. The largest a monument can be for a single grave is 36" wide and 72" wide for a double grave. Foundations for monuments are installed by the Stow Cemetery Department. The foundation charge must be paid prior to the installation.

At Silver Springs Cemetery diversity will also be permitted, with the exception of the BabyLand located in Section C directly behind the Christmas Box Angel Statue. These 50 graves will be limited to a flat marker no larger than 24" by 14". If a monument is desired for a baby grave at Silver Springs Cemetery, an adult grave may be purchased. A new BabyLand has been created in Section I at Stow Cemetery where monuments are permitted.

Footstones will not be permitted except for flat markers of granite or bronze that will allow a mower to pass over, and must not exceed 12 x 24. A concrete foundation is required under all flat markers. No charge will be made for laying the foundation for a bronze, flat veteran marker, as a gesture of appreciation by the City of Stow for the service of veterans.

The Cemetery Board recommends that a granite base be installed under all monuments to reduce the chance of damage. The City of Stow will not be held responsible for damage to any monument caused by normal cemetery operations. Maintenance of monuments, markers, and grave stones is the responsibility of the individual owner.

PLANTINGS AND ADORNMENTS IN CITY OF STOW CEMETERIES

In order to maintain a neat appearance throughout the cemeteries, certain rules and regulations have been established for the planting, care and removal of any plants and other adornments. Prior approval by the Stow Cemetery Board and/or the Cemetery Specialist shall be obtained prior to the planting of any flowers, shrubs or trees in City of Stow Cemeteries. The Cemetery Specialist or his designated representative may direct grounds crews to remove or mow over any flower beds or adornments that have become unsightly. In no way shall the City of Stow, the Cemetery Board, or cemetery personnel be responsible for any type of adornment.

All flower beds shall be kept within twelve inches (12") of the front of the grave monument. No edging or border is permitted. No large urns or potted flower containers may be permitted to block the path of the mowing equipment. If this occurs, the container shall be removed from the gravesite. Potted plants shall be removed when the blossoms are dead. Artificial flowers are permitted only during the non-mowing winter months and shall be removed by March 1. Cut flowers are permitted on each grave for a period of five (5) days and shall be removed as soon as they become unsightly. To avoid any embarrassment to you or cemetery personnel, promptly remove any containers you wish to keep.

In addition, at Silver Springs Cemetery, certain plantings will be permitted and will be restricted to a list of plant material approved by the Urban Forester and the Stow Cemetery Board. The list of approved plant materials for Silver Springs Cemetery may be obtained from the Cemetery Office. Any plantings in violation of these rules shall be removed without notice. Please make proper arrangements with the Cemetery Specialist prior to purchasing or planting any flowers, shrubs or trees.

Disinterments Per H.B. 328, effective 11-24-1995
By John McGough, OFDA Legislative Consultant

Disinterment by Surviving Spouse

To request a disinterment, a surviving spouse shall apply to a cemetery and pay the reasonable costs and expense of the disinterment. The application must be in writing and shall state the following:

- That the applicant is the surviving spouse of the decedent
- That the applicant is 18 years of age or older and of sound mind
- The disease of which the decedent died
- The place at which the remains shall be reinterred

The application shall be subscribed and verified by oath (notarized.)

If the cemetery refuses to disinter or grant permission for disinterment after a surviving spouse makes application, the probate court of the county in which the decedent is buried shall issue a writ of mandamus requiring the cemetery to disinter the remains or to grant permission for their disinterment.

Disinterment by Those Other Than Surviving Spouse

A person who is 18 years of age or older and of sound mind and who is not the surviving spouse of the decedent, may obtain a court order for the disinterment of the remains of the decedent. The application to the probate court of the county in which the decedent is buried shall be in writing, subscribed and verified by oath, and include the following:

1. The relationship of the applicant to the decedent
2. A statement of the place at which the remains will be reinterred
3. The name, the relationship to the decedent, and the address of the decedent's surviving spouse, of all persons who would have been entitled to inherit from the decedent under Chapter 2105 of the Ohio Revised Code, if the decedent had died without a will, and if the decedent had a will, all legatees and devisees named in the decedent's will

4. If applicable, a statement that the applicant assumed financial responsibility for the funeral and burial expenses of the decedent
5. If the applicant did not assume financial responsibility for the funeral and burial expenses of the decedent, a statement to that effect
6. A statement that the applicant is 18 years of age or older and of sound mind
7. The relationship to the decedent

Upon giving the proper notice required by law, the probate court shall promptly conduct a hearing to determine whether to issue an order for disinterment of the remains of the decedent.

How to Challenge a Surviving Spouse's Application to Disinter

Any person who is 18 years of age or older and of sound mind may apply to the probate court of the county in which the decedent is buried for an order to prevent the decedent's surviving spouse from having the remains of the decedent disinterred. The application to prevent disinterment shall be in writing, subscribed and verified by oath, and include the requirements numbered 1, 2, 3 and 4 in the above paragraph and including:

5. A statement of the applicant's reasons to oppose the disinterment of the remains of the decedent

Correction of Interment Errors

A cemetery may disinter or grant permission to disinter and, if appropriate, may reinter or grant permission to reinter any remains buried in the cemetery to correct an interment error by complying with the internal rules of the cemetery pertaining to disinterments at any time by providing notice of the disinterment to the decedent's last known next of kin. The cemetery may correct an interment error without a court order or an application by a person.

PERPETUAL CARE FUND

The Perpetual Care Fund was established in 1977 for the care and maintenance of the City of Stow cemeteries. It is added to on a regular basis in the following manner:

- Twenty-five percent (25%) of all resident grave sales and opening and closing fees
- For non-resident grave sales, one hundred percent (100%) of the difference between non-resident and resident graves, plus twenty-five percent (25%) of the resident grave price
- Twenty-five percent (25%) of all niche sales and opening and closing fees
- All engraving fees for niche face plates shall be placed in this fund, and all engraving charges shall be paid from this fund.

All expenditures from the Perpetual Care fund shall be subject to the usual and customary fiscal control of the City of Stow, Department of Finance, based upon recommendation of the Stow Cemetery Board.

INDIGENT BURIALS

The City of Stow has an indigent burial program which shall be administered by the Service Department as follows:

(a) Interment of persons meeting the requirements of Ohio R.C. 5101.521 shall be done only with prior authorization of the Director of Public Service and as provided for in this section.

(b) The Mayor and Director of Finance are hereby authorized to pay the following sums for professional services rendered by funeral directors to prepare Ohio R.C. 5101.521 persons for burial in accordance with the rules and regulations established by the Director of Public Service.

Each adult person	\$700.00
Each child under 12 years of age	\$550.00
Each still birth	\$150.00

The Mayor and Director of Finance are also hereby authorized to pay for a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

(c) Ohio R.C. 5101.521 burials shall be scheduled to arrive at a municipal cemetery before 11:00 a.m., weekdays.

(d) Before any interments or payments are made pursuant to this section, the funeral director must submit the following to the Director of Public Service:

- (1) Three copies of a statement for the amount requested to be paid by the City pursuant to subsection (b) hereof;
- (2) Two copies of the death certificate and one copy of the burial permit; and
- (3) An original certificate of indigency form completed by the next of kin, or if not available, the most knowledgeable individual concerning

the affairs of the deceased, for the purpose of determining whether the deceased qualifies to be buried at the City's expense pursuant to the Ohio R.C. 5101.521. This certificate shall be in a form prescribed by the Director of Public Service and shall be completed, signed and witnessed in the offices at Stow Cemetery, or other location designated by the Director, prior to or on the day of the burial.

(e) Should it be ascertained, after any payment by the City pursuant to subsection (b) hereof, that such payment was made for a decedent whom the City did not have the responsibility to bury pursuant to Ohio R.C. 5101.521, the City shall be entitled to any benefits payable on behalf of such decedent by any person or agency who had the responsibility to pay burial benefits pursuant to Ohio R.C. 5101.521, up to an amount totaling the payment made pursuant to subsection (b) hereof plus the fees for the grave space and the opening and closing.

FEE SCHEDULE FOR CITY OF STOW CEMETERIES

	Resident	Non-resident
Grave	\$525.00	\$750.00
Burial (Burials completed by 3:00pm)	\$525.00	\$525.00
Burial – Weekdays After 3:00 pm/Saturday	\$775.00	\$775.00
Burial -Sunday or City Holiday	\$1,025.00	\$1,025.00
Burial of Urn- Per Permit	\$200.00	\$200.00
Burial of Urn -- Saturday	\$300.00	\$300.00
Burial of Urn-Sunday or City Holiday	\$400.00	\$400.00
Babyland Grave	\$200.00	\$400.00
Babyland Grave -- Saturday & City Holiday (includes interment fee; vault no larger than 43" x 28)	\$300.00	\$500.00
Niche in Columbarium "A"	\$500.00	\$500.00
Niche in Columbarium other than Structure "A"	\$895.00	\$895.00
Inurnment in Columbarium Daily 3-4:00 p.m.	\$100.00	\$100.00
Inurnment in Columbarium -- Saturday	\$200.00	\$200.00
Inurnment in Columbarium Sunday/City Holiday	\$300.00	\$300.00
Cremation Garden Site (includes marker foundation 12"x24" Flush	\$350.00	\$500.00

* All Cremation Garden Sites will be sold in consecutive order.

MISCELLANEOUS FEES

Memorial Foundation	Call for Pricing
Engraving of Niche Plate	Call for Pricing
Disinterment **	\$925.00
Disinterment of Urn**	\$300.00
Disinterment from Babyland**	\$450.00
Document fee for misc transaction, lost deed Right of Burial and etc.	\$100.00

*Flat granite or bronze veteran markers are exempt from the fee, as a token of the City of Stow's appreciation for the service of our veterans

**If reinterment is in a City of Stow cemetery, burial fees apply.

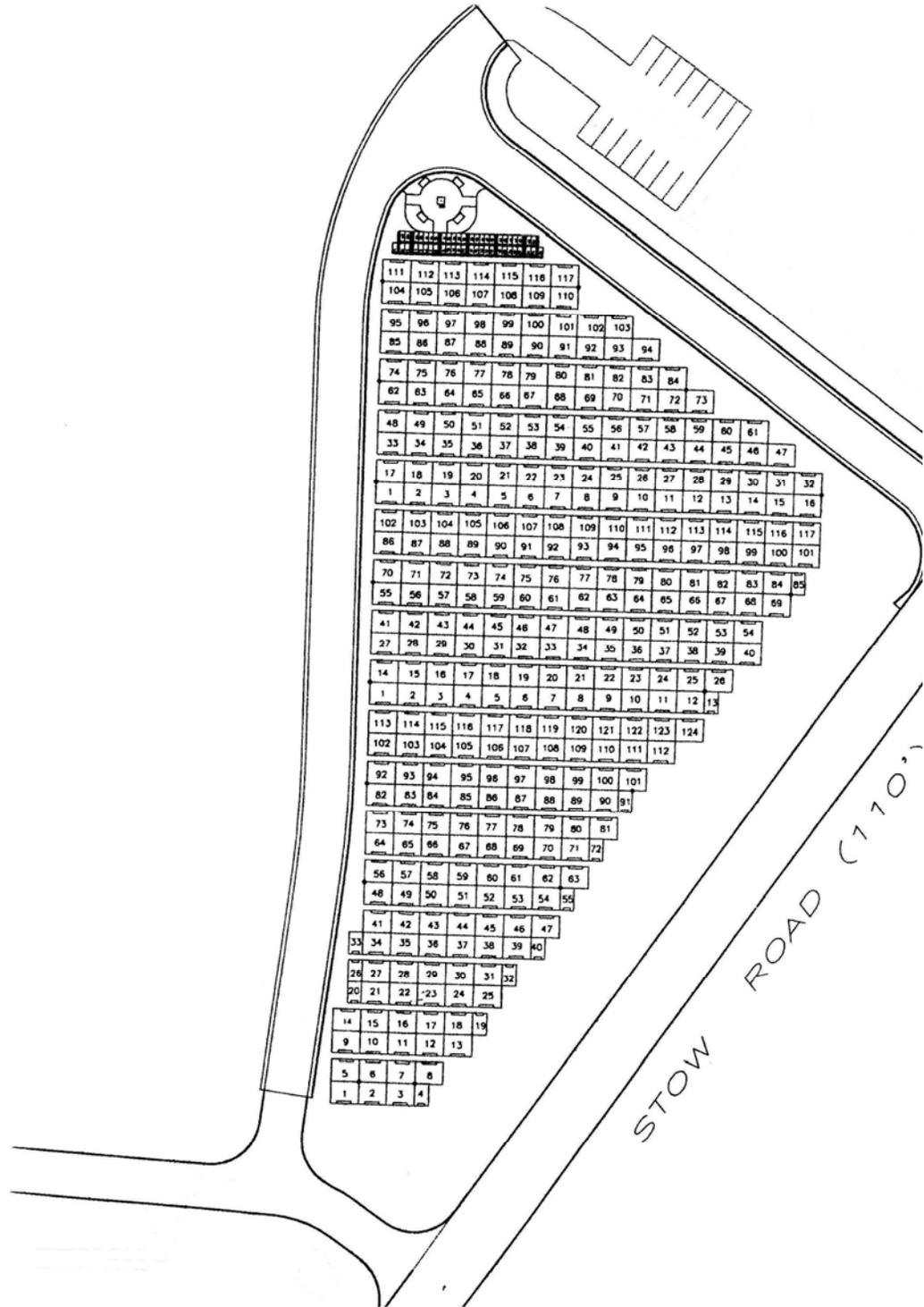
LOCATION OF CITY OF STOW CEMETERIES

Silver Springs Cemetery, located at 5080 Stow Road, accepted its first burial in March, 2001. Phase I includes Sections A, B, C, Babyland and the Christmas Box Angel Memorial Statue. See Appendix A for layout.

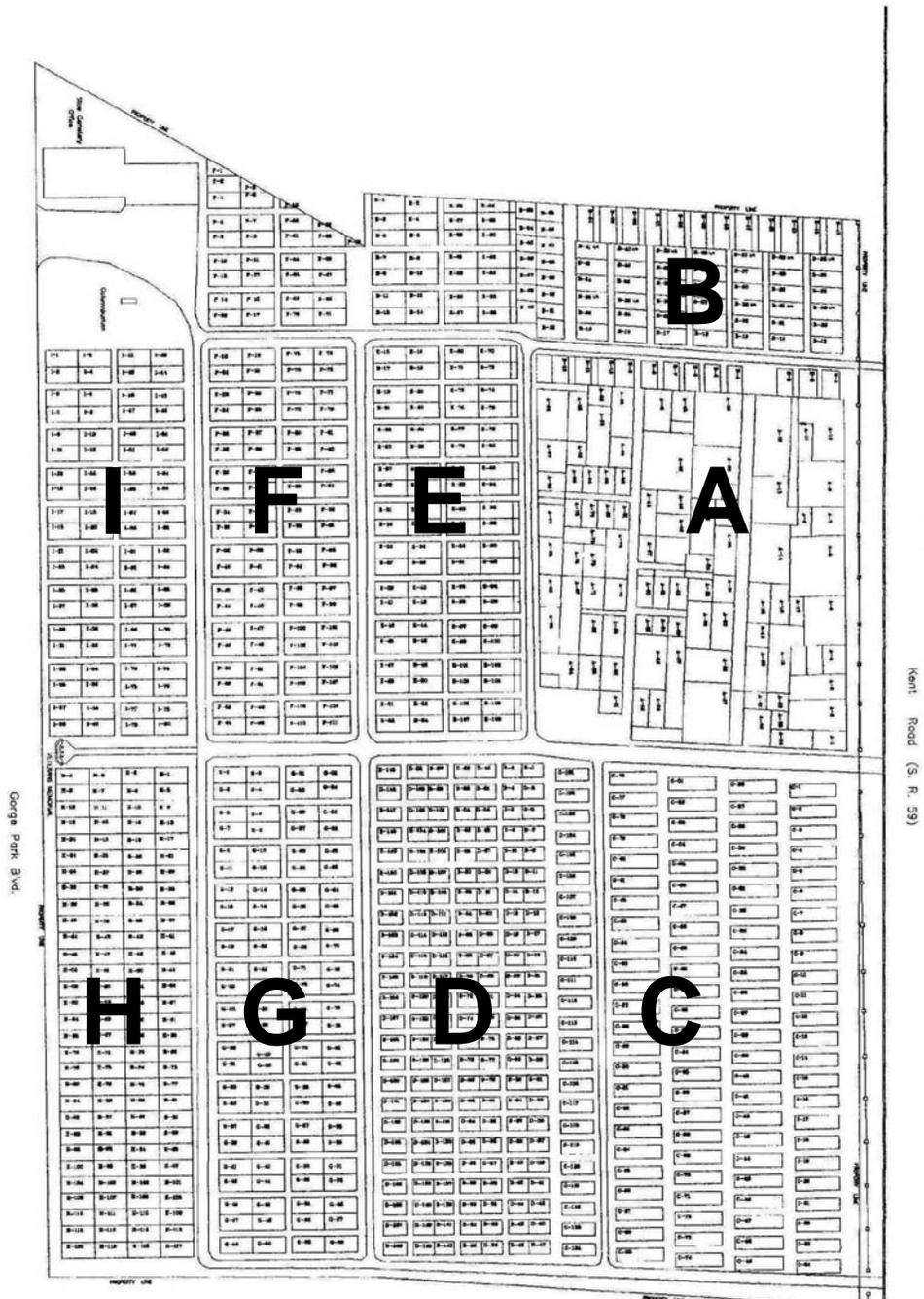
Stow Cemetery is located at 3162 Kent Road, across the street from Holy Family Church. At one time, this cemetery was referred to as Paradise Park Cemetery. Marked burials date back to 1809. Stow's first columbarium for the inurnment of cremains was constructed at Stow Cemetery in 1994. Each of the 80 niches provided in this beautiful granite structure will hold one or two urns, depending on their size. See Appendix B for layout.

Maple Lawn Cemetery is located at 4915 Darrow Road near the northern border of the City of Stow. This area was once known as Darrowville. Marked burials date back to 1807. The Darrowville Ladies Cemetery Association turned over Maple Lawn Cemetery to the City of Stow in 1961. See Appendix C for layout.

Appendix A – Silver Springs Cemetery



Appendix B - Stow Cemetery



Appendix C – Maple Lawn Cemetery

