

## **PREFACE**

Oakland Cemetery is owned and controlled by the City of Hutchinson, Minnesota. It is under the direct supervision of the Mayor and City Council of Hutchinson, Minnesota.

It is the aim of the City of Hutchinson to make Oakland Cemetery a quiet and beautiful cemetery. To secure this effect, land has been acquired and money has been spent. To continue the improvement and to preserve the appearance of Oakland Cemetery requires the cooperation of all lot owners.

For the mutual protection of every lot purchaser in Oakland Cemetery, the City of Hutchinson hereby adopts the following rules and regulations. All property owners and all lots sold, shall be subject to said rules and regulations, amendments, or alterations as shall be adopted by this City from time to time; and the reference to these rules and regulations in the deed or certificate of ownership to lots shall have the same force and effect as if set forth in full therein.

Lots in Oakland Cemetery shall be sold at such rates as the Hutchinson City Council shall from time to time designate. The Hutchinson City Council may review charges made for grave openings, holding vault fees, and winter and summer interment charges. If it is deemed advisable, the City Council may adjust prices accordingly.

## **DEFINITIONS**

### **1-A CEMETERY DEFINED**

The term "cemetery" means the burial park for earth interments.

### **1-B LOT AND GRAVE DEFINED**

"Lot" means space in the cemetery used, or intended to be used for the interment of human remains. The term includes and applies to one or more than one adjoining grave.

"Grave" means a space of ground used, or intended to be used, for one burial.

### **1-C INTERMENT DEFINED**

"Interment" means the deposition of human remains by burial.

### **1-D CITY DEFINED**

"City" means the City of Hutchinson, Minnesota, owning and controlling the cemetery.

### **1-E MEMORIALS DEFINED**

"Memorial" means a monument or marker.

"Monument" means a memorial of granite or other approved stone that extends above the surface of the lawn.

"Marker" means a memorial of granite or other approved material that does not extend above the surface of the lawn.

## **GENERAL SUPERVISION OF CEMETERY**

### **2-A ADMISSION TO CEMETERY**

This City reserves the right to compel all persons coming into the cemetery to present proper identification to the gatekeeper for examination; also all machines may be compelled to be brought to a full stop at the entrance, and further, the City reserves the right to refuse admission to any one not a lot owner or relative of a person interred in said cemetery, and to refuse the use of any of the cemetery facilities at any time to any person or persons whom the management may deem objectionable to the best interests of the cemetery.

### **2-B CEMETERY MANAGEMENT IN CHARGE OF FUNERAL**

All funerals, on reaching the cemetery, shall be under the supervision of the cemetery management.

### **2-C CASKET NOT TO BE OPENED OR BODY TOUCHED WITHOUT CONSENT**

Once the funeral service is completed, the City reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without a court order; provided that in the event necessity requires, the City may take appropriate steps to correct any obnoxious or improper condition.

## **INTERMENTS AND DISINTERMENTS GENERALLY**

### **3-A SUBJECT TO LAWS**

Besides being subject to these rules and regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted authorities of the city, county, and state.

### **3-B TIME AND CHARGES**

All interments, disinterments, and removals must be made at the time and in the manner prescribed and subject to the payment of such charges as fixed by the cemetery management, or City Council.

### **3-C NOTICE**

The right is reserved by the City to insist upon at least twenty-four hours notice before any interment April 15 through November 15, and forty-eight hours notice November 16 through April 14, and to at least one week's notice prior to any disinterment or removal. The City may refuse to make an interment until a more expedient time if the remains arrive at the cemetery entrance after 4 p.m. or if too many funerals arrive at the same hour. The City reserves the right to require additional time in the event of inclement weather.

### **3-D AUTHORIZATION TO INTER**

The City may inter or open a plot for any purpose on proper written authorization by any lot owner of record made out on forms approved by the City and duly filed in its office unless there are written instructions to the contrary on file in the office.

### **3-E RIGHT RESERVED TO REQUIRE CONCRETE BOX OR VAULT**

The City reserves the right to require a concrete box or vault in which the casket of every earth interment shall be enclosed. Cremains shall be exempt.

### **3-F LOCATION OF INTERMENT SPACE**

When instructions from the lot owner regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened where specified, the management may, at its discretion, open it in such location in the lot as it deems best and proper, so as not to delay the funeral; and the City shall not be liable in damages for any error so made.

### **3-G ORDERS GIVEN BY TELEPHONE**

The City shall not be held responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size, and location in a lot where interment is desired.

### **3-H ERRORS MAY BE CORRECTED**

The City reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments, or removals, or in the description, transfer, or conveyance of any interment property, 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 City or, in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event the error shall involve the interment of the remains of any person in such property, the City reserves, and shall have, the right to remove and reinter the remains to such property of equal value and similar location as may be substituted and conveyed in lieu thereof.

### **3-I DELAYS IN INTERMENTS CAUSED BY PROTESTS**

The City shall be in no way liable for the delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with. The City may require any protest to be in writing and filed in the office of the City Administrator.

### **3-J NOT RESPONSIBLE FOR EMBALMING OR FOR IDENTITY**

The City shall not be liable for the interment permit nor for the identity of the person sought to be interred; nor shall the City be liable in any way for the embalming of the body.

### **3-K NO INTERMENT PERMITTED UNLESS PROPERTY PAID FOR**

No interment shall be permitted in any property not fully paid for.

### **3-L INTERMENT OF MORE THAN ONE BODY**

Not more than one body, or the remains of more than one body, shall be interred in one grave, unless such grave has been purchased with the written agreement that more than one body, or the remains of more than one body, may be interred. However, two cremains per grave will be allowed. A second right of interment may be available to the original lot owner, or heirs, for the interment of an infant or cremains, in between two blood relatives. If such right of interment is available, an additional charge may be required.

Interment of up to four (4) cremated remains will be allowed in certain cremation grave spaces of Section 12 and Schmidt's Addition. However, only one (1) memorial will be allowed regardless of how many remains are interred.

Certain reclaimed or repurchased properties throughout the Cemetery may also be allowed multiple cremation interments depending on location, character of surrounding area, size of property, placement of memorials, and/or other considerations according to the judgment of Cemetery management.

### **3-M INTERMENT OF HUMAN REMAINS**

The use of the property in the Cemetery is restricted to the interment of human remains.

### **REMOVALS**

#### **4-A REMOVAL FOR PROFIT PROHIBITED**

Removal of a body by the heirs so that the lot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original lot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

#### **4-B MAY OBTAIN LARGER LOT**

A body may be removed from its original lot to a larger or better lot in the cemetery when there has been an exchange or purchase for the purpose.

#### **4-C CARE IN REMOVAL**

The City shall exercise due care in making a disinterment and removal, and it shall assume no liability for damage to any casket or burial case in making the disinterment and removal.

#### **4-D REMOVAL PROHIBITED**

Disinterment or removal of a body during the time period of November 16 through April 14, will not be allowed.

### **PAYMENTS**

#### **5-A PAYMENT OF SERVICE CHARGES**

The charges for the cemetery services must be paid at the time of the issuance of the order of interment or disinterment and removal.

#### **5-B PAST DUE INDEBTEDNESS**

Arrangements for the payment of any and all indebtedness due the City must be made before interment will be made on any lot. See 3-K.

### **OWNERSHIP**

#### **6-A DESCENT OF TITLE AND OWNERSHIP OF LOTS IN CASE OF DEATH (STATE LAW)**

Subject to the right of interment of the decedent therein, a cemetery lot or burial lot, unless disposed of as provided by law, shall descend free of all debts as follows:

First - To the surviving spouse a life estate with right of interment of such spouse therein, and remainder over to the person or City who would be entitled to the fee if there were no spouse;

Second - If there be no surviving spouse then to the eldest surviving child;

Third - If there be no surviving child then to the youngest surviving brother or sister;

Fourth - If there be no surviving son, daughter, brother, or sister of the decedent, then to the City in trust as a burial lot for the decedent and such of his relatives as the governing body thereof shall deem proper.

Grave markers, monuments, memorials, and all structures lawfully installed or erected on any cemetery lot or burial lot shall be deemed to be a part of and shall descend with such lot or plot. (Section 525.14 Minnesota Statutes Annotated).

#### **NOTICE TO HEIRS OF DECEASED LOT OWNERS:**

The only regular and legal proof of title by descent from a deceased owner is a certified copy of the proper Probate Court assigning the lot of the person deceased, or his interest in it, to the one claiming it. Whenever practicable this proof will be required.

If for any reason the furnishing of this proof is impossible, application should at once be made upon the death of the lot owner to the City Administrator to be sure that the records will show the lot to be in the name of the proper living person.

### **TRANSFER OR ASSIGNMENTS**

#### **7-A CONSENT OF CITY**

No transfer or assignment of any lot, or interest therein, shall be valid until the consent of the City has been endorsed thereon and the same has been recorded on the books of the City.

## **7-B INDEBTEDNESS**

The City may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the City from the record lot owner.

## **7-C TRANSFER CHARGES**

The City may fix a charge for all transfers of ownership in lots. No transfer of ownership shall be complete or effective until all charges are paid, if such charge is made.

## **SUBDIVISION OF LOTS**

### **8-A MAY NOT SUBDIVIDE LOTS**

The subdivision of lots is not allowed, and no one shall be interred in any lot not having any interest therein, except by written consent of all parties interested in such lot and of the City, provided, however, a relative of any record owner may be buried in said lot as provided in these rules or in the laws of the State.

## **CONROL OF WORK BY CITY**

### **9-A WORK TO BE DONE BY THE CITY**

All grading, landscape work and improvements of any kind, and all care on lots, shall be done, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut, or removed and all openings and closings of graves, and all interments, disinterments, and removals shall be made only by the City.

### **9-B CEMETERY MANAGEMENT MUST DIRECT AND MAY REMOVE IMPROVEMENTS**

All improvements or alterations of individual property in the cemetery shall be under the direction of and subject to the consent, satisfaction, and approval of the management, and should they be made without its written consent, the management shall have the right to remove, alter, or change such improvements or alteration at the expense of the lot owner, or, in any event at any time when its judgement the become unsightly to the eye.

## **DECORATION OF LOTS**

### **10-A FLORAL REGULATIONS**

The ground planting of flowers by the lot owner is not permitted. The City shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgement of the cemetery officials, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standards maintained. The City shall not be liable for floral pieces, baskets, or frames in which or to which floral pieces are attached. The City shall not be liable for lost, misplaced, or broken flower vases. The City shall not be responsible for plants, herbage, or plantings of any kind damaged by the elements, thieves, vandals, or by other causes beyond its control. The City reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs or plants, or herbage of any kind, unless it gives its consent.

### **10-B REMOVAL OF FLORAL FRAMES**

Floral frames, when removed from the lot site, unless called for within five days by those lawfully entitled to them, may be disposed of by the City in any manner it sees fit.

### **10-C CERTAIN ORNAMENTS PROHIBITED**

The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass, wood or iron cases, and similar articles upon lots shall not be permitted, and if so placed, the City may remove the same.

All objects not described above (including balloons, banners, food and beverages, knick-knacks, shepherds hooks, solar lights and lanterns, stuffed animals, wind chimes, windmills, windsocks, and statuary not incorporated into a monument) are prohibited and subject to immediate removal.

## **ROADWAYS AND REPLATTING**

### **11-A RIGHT TO REPLAT, REGRADE, AND USE PROPERTY**

The right and privilege is hereby expressly reserved at any time and from time to time to resurvey, enlarge, diminish, replat, alter in shape or size, or otherwise to change all or any part, portion or subdivision of the property hereby mapped and platted (including the right to lay out, establish, close, eliminate, or otherwise modify or change the location of roads, walks, or drives) and to file amended maps or plats thereof, and to use the same for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for the care, preservation or preparation for the disposal or interment of human remains or other cemetery purposes, together

with easements and rights of way over or through said premises; and the right and privilege of installing, maintaining, and operating pipelines, conduits or drains for sprinklers, drainage, electric or communication lines, or for any other purposes is also expressly reserved.

#### **11-B NO RIGHT GRANTED IN ALLEYWAYS**

No easement or right of interment is granted to any lot owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley, or walk may be used as a means of access to the cemetery or buildings as long as the City devotes it to that purpose.

### **CONDUCT OF PERSONS WITHIN THE CEMETERY**

#### **12-A MUST USE WALKS**

Persons within the cemetery grounds shall use only the avenues, walks, alleys, and roads, and any person injured while walking on the grass, except that be the only way to reach his lot, or while on any portion of the cemetery other than the avenues, walks, alleys, roads, shall in no way hold the City liable for any injuries sustained.

#### **12-B TRESPASSERS ON CEMETERY LOTS**

Only the lot owner and his relatives shall be permitted on the cemetery lot. Lots are sacred and private property and must not be invaded. Any other person thereon shall be considered a trespasser. The City shall owe no duty to said trespasser to keep the property, or the memorial thereon, in a reasonable safe condition.

#### **12-C CHILDREN**

Children under fifteen years of age shall not be permitted within the cemetery, or its buildings, unless accompanied by proper persons to take care of them.

#### **12-D FLOWERS, ETC.**

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants, or feeding or disturbing birds or other animal life.

#### **12-E REFRESHMENTS**

No person shall be permitted to have refreshments within the cemetery except as authorized by the management.

#### **12-F LOITERING PROHIBITED**

Persons other than lot owners or relatives shall not be permitted to loiter in the cemetery, or in any of the buildings.

#### **12-G LOUD TALKING**

Boisterous or unseemly conduct shall not be permitted in the cemetery or in any of the buildings.

#### **12-H RUBBISH**

The throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings, is prohibited. Receptacles for waste materials are located at convenient places.

#### **12-I AUTOMOBILES**

Automobiles shall not be driven through the grounds at a speed greater than fifteen miles per hour, and must always be kept on the right side of the cemetery roadway. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in attendance at the funeral. Automobiles must stay on roadways and will not be allowed on the lawn areas at any time.

#### **12-J BICYCLES AND MOTORCYCLES**

No bicycles, motorcycles, snowmobiles, or ATVs shall be admitted to the cemetery except such as may be in attendance at funerals or on business.

#### **12-K PEDDLING OR SOLICITING**

Peddling of flowers or plants, or soliciting the sale of any commodity, is prohibited within the confines of the cemetery. Solicitation of any kind is strictly forbidden at any time in the cemetery without the approval of the City. Memorial dealers shall abide by all rules of the cemetery. Violation of this rule will result in immediate dismissal.

#### **12-L FIREARMS**

No firearms shall be permitted within the cemetery except on special permit from the management or duly constituted authorities, or at a military funeral.

#### **12-M NOTICES AND ADVERTISEMENTS**

No signs or notices or advertisements of any kind shall be allowed in the cemetery unless placed by the City.

## **12-N PETS**

Pets shall not be allowed on the cemetery grounds or in any of the buildings.

## **12-O GROUNDS HOURS**

The cemetery grounds shall be open from 8:00 a.m. to 5:00 p.m. Monday through Friday and at other times by special arrangements.

## **12-P IMPROPRIETIES**

It is of the utmost importance that there should be strict observance of all the proprieties of the cemetery, whether embraced in these rules or not, as no improprieties shall be allowed, and the management shall have power to prevent improper assemblages.

## **12-Q CITY OF HUTCHINSON TO ENFORCE RULES**

The cemetery employees are hereby empowered to enforce all rules and regulations, and to exclude from the property of the City any person violating the same. They shall have charge of the grounds and buildings, and at all times shall have supervision and control of all persons in the cemetery, including the conduct of funerals, traffic, employees, lot owners, and visitors.

## **FEES, GRATUITIES AND COMMISSIONS**

### **13-A GRATUITIES MAY NOT BE ACCEPTED BY EMPLOYEES**

No person, while employed by the City, shall receive any fee, gratuity, or commission, except from the City either directly or indirectly, under penalty of immediate dismissal.

## **PROTECTION AGAINST LOSS OR DAMAGE**

### **14-A USE OF GUARDS AND NON-RESPONSIBILITY**

The City shall have the right to maintain guards if in its discretion it deems necessary, but is under no legal obligation to do so.

Whether or not guards are used, the City distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damages caused by the elements, and act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions,

insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral.

### **14-B CITY MAY CHARGE FOR UNUSUAL REPAIRS NECESSITATED BY ACTS OF GOD, ETC.**

In the event that it becomes necessary to repair or reconstruct any marble, granite, or concrete work on any section or lot, or any portions thereof in the cemetery which has been damaged by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of military or civil authority, the City shall give a ten-day written notice of the necessity for such repair to the lot owner of record. The notice shall be given by depositing the same in the United States mail addressed to the lot owner of record at his or her address stated on the books of the City. In the event the lot owner fails to repair the damage within a reasonable time, the City may direct that the repairs be made and charge the expense against the lot and the lot owner of record.

## **CHANGE IN ADDRESS OF LOT OWNERS**

### **15-A LOT OWNER MUST NOTIFY CITY**

It shall be the duty of the lot owner to notify the City of any change in his post office address. Notice sent to a lot owner at the last address on file with the secretary of the City shall be considered sufficient and proper legal notification.

## **PERPETUAL CARE**

### **16-A PERPETUAL CARE ON LOTS**

Perpetual care is that care and maintenance necessary by natural growth and ordinary wear which can be provided at reasonable intervals with income from the perpetual care fund and cemetery budget funds, and includes the planting, cutting, watering, and care of lawns, trees, shrubs, the cleaning and upkeep of buildings, and the maintenance of utilities, walls, roadways and walks. The City may also use a portion of the income from such fund for such general care, maintenance, repairs, and embellishment as it in its sound discretion shall deem to be for the best interests of the cemetery to the end that the cemetery generally be kept in best condition possible within the limits of such income.

### **16-B PERPETUAL CARE EXCEPTIONS**

The term "Perpetual Care" shall not be construed as meaning the maintenance, repair, or replacement of any grave stones or monumental structures or memorials

placed or erected upon lots; not the planting of flowers or ornamental plants; not the maintenance or doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any marble, lot, or any portion or portions thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

#### **16-C INVESTMENT OF PERPETUAL CARE FUND**

The money received for Perpetual Care shall be held in trust and invested as provided by law. The City reserves the right, however, either to handle all investments itself, or to deposit said funds with any person, company or corporation qualified to act as trustee for such funds.

#### **16-D EXPENDITURE LIMITED TO INCOME**

Perpetual Care, whether applied to lots or to any space within the confines of the cemetery, shall be limited absolutely to the net income received from the investment of the care funds - no part of the principal being expended, except by City Council action.

#### **16-E FUNDS MAY BE DEPOSITED WITH OTHERS OF LIKE CHARACTER**

It is understood and agreed between the purchaser and the City that Perpetual Care funds may be deposited with others of like character and intent, to the end that the income from such accumulated funds shall be used for care as provided in the rules and regulations; but in no case shall their deposits be construed as a contract to care for any individual property or space in any way other than as defined in said rules and regulations; and the care of the grounds and buildings, and special care, shall be limited to the net income received from the investment of such funds.

#### **16-F CITY TO DIRECT EXPENDITURES**

The net income from the Perpetual Care fund shall be expended by the City in such manner as will, in its judgement, be most advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the laws of the State applicable to the expenditures of such funds. The City is hereby given the full power and authority to depose in what manner the net income from said funds shall be expended, and it shall expend the net income in such manner as, in its sole judgement, it may deem advisable for the care, reconstruction, repair, and maintenance of all or any portion of the cemetery grounds, and may include those items specifically excepted in Rule 16-B. It may also expend the income for attorney's fees and other costs necessary to the preservation of the legal rights of the City.

#### **16-G AMOUNT OF DEPOSIT FOR LOTS**

The amount to be collected from each purchaser of a cemetery lot at the time of payment of the purchase price and to be deposited in the Perpetual Care fund shall be determined by the City Council.

#### **16-H RECORD OF DEPOSITS**

A record book shall be kept by the City showing the name of each lot purchaser and the amount he has deposited with the perpetual care fund.

### **RULES FOR MEMORIAL WORK**

#### **17-A NUMBER OF MONUMENTS ALLOWED**

Only one central or family monument shall be allowed on a lot.

#### **17-B WHERE MONUMENT SHALL BE PLACED**

The monument shall be placed in the center of the lot, and in line with existing monuments.

#### **17-C FOUNDATIONS**

All foundations for monuments shall be installed by the company supplying the monument. Such company shall also be responsible for and guarantee the quality and strength of such foundation.

#### **17-D SETTING OF MARKERS**

All markers must be set flush with the ground.

#### **17-E ERRORS IN PLACING MEMORIALS**

The City reserves and shall have the right to correct any error that may be made by its employees or by any persons in the location or placing of a memorial in the cemetery.

#### **17-F SIZE OF MONUMENTS**

Monuments and above ground markers shall not exceed 50 percent of the width of the lot.

Monuments or their foundations shall not encroach into the space required for

interment of a full-size burial vault, which generally measures eight feet, six inches by forty-two inches.

Vertical surfaces of monument base pieces shall be rough cut or rock faced to a height of eight (8) inches above the foundation. Polished vertical surfaces will not be allowed within eight (8) inches of the foundation. See Section 20-A.

#### **17-G FLUSH MARKERS**

Only one flush marker per single grave lot will be allowed. Such markers shall not exceed thirty (30) inches in width and 30 by 16 inches maximum. Only flush markers will be allowed in the baby sections. Such markers shall not exceed eighteen (18) inches by twenty-eight (28) inches, including wash.

In areas designated for interment of cremations, only flush markers are allowed. Only one marker is allowed in each lot, and markers shall not exceed a maximum size of twelve inches by twenty-four inches.

Flush markers will not be permitted in which a flower vase is an integral part of the marker.

See Section 17-M for exceptions.

#### **17-H CEMENT WASHES TO BE REQUIRED**

Cement washes will be required on all markers and/or monuments with five inches being the minimum. All above ground monuments, K-markers, and hickey markers will be required to have a ten-inch end wash and a five-inch side wash.

#### **17-I BRONZE ON GRANITE**

In the case of a bronze marker on a granite slab, the bronze shall be recessed so as to be flush with the granite.

#### **17-J BRONZE MARKERS**

Bronze markers on cement shall protrude no more than one-quarter (1/4) inch above the cement (including lettering).

#### **17-K PERMIT REQUIRED**

A permit will be required to install markers and/or monuments. Permits will be required for each stone and must be purchased prior to installations. The City will fix, and from time to time revise, the permit fee. Any marker or monument installed without first obtaining a permit may be removed until such permit is obtained. An additional charge for equipment, labor, and storage may be assessed in such cases.

#### **17-L MONUMENT AND MARKER AREAS OF THE CEMETERY**

Certain sections of the cemetery or portions thereof, are reserved strictly for flush markers. Likewise, monuments will only be allowed in certain sections, or portions thereof. Lot owners or memorial dealers must check with cemetery officials to be sure a particular memorial will be allowed. A delineation of sections will be available from the cemetery management.

Large monuments, unusually shaped or oversized monuments, personal columbaria, or private mausoleums may be allowed in areas of the cemetery where adequate space may be purchased. Each request for monuments and markers not complying with regulations herein shall be reviewed independently with regard to required space and appropriate fit of the monument or marker.

#### **17-M SECTION 12 EXCEPTIONS**

Portions of Section 12 set aside as cremation grave spaces will be allowed an upright memorial or monument. Such memorials shall not exceed thirty (30) inches in width and thirty (30) inches by twenty (20) inches maximum size.

Portions of Section 12 set aside as cremation grave spaces and certain cremation properties in Schmidt's Addition will be allowed an upright memorial or monument. Such memorials shall not exceed thirty (30) inches in width and thirty (30) inches by fourteen (14) inches maximum size.

Only one memorial will be allowed on these properties regardless of how many remains are interred.

#### **MISCELLANEOUS**

**18-A** Workmen employed in placing or erecting monuments, or bringing in materials, shall, as to the City, operate as independent contractors, but must do so only with the permission of the City, and must be under the supervision of the City.

**18-B** Persons engaged in erecting monuments are prohibited from attaching ropes to monuments, trees, shrubs, or from scattering their material over adjoining lots, or from blocking avenues or pathways longer than is absolutely necessary. They must do as little injury to the grass, trees, and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition.

**18-C** Damage done to lots, walks, drives, trees, shrubs, or other's property by dealers or contractors or their agents shall be repaired by the City, and the

cost of such repairs shall be charged to the dealer or contractor or to his principal.

- 18-D** No material, machinery, or other thing for the construction of monuments, or monuments themselves, may be brought into the cemetery until required for immediate use; nor under any circumstances; when a funeral is in process, nor between Saturday noon and Monday morning; and no work shall be done during said time; nor shall such material be placed on lots adjoining the one in which such structure is to be erected without permission from the City.
- 18-E** Work shall proceed promptly until the erection of the memorial is completed.
- 18-F** While a funeral or interment is being conducted, all work of any description shall cease.
- 18-G** While the City will exercise all possible care to protect raised lettering, carving, or ornaments on any memorial or other structure, on any lot, it disclaims responsibility for any damage or injury thereto.
- 18-H** No coping, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind shall be allowed around any lot; and no walks of brick, cinders, tile, stone, marble, terra-cotta, sand, cement, gravel, or wood shall be allowed on any lot. The City reserves the right to remove the same if so erected, planted or placed.
- 18-I** Cemetery officials shall have the authority to reject any plan or design for any memorial which, on account of size, design, inscription, kind or quality of stone is, in the opinion of the City, unsuited to the lot which it is placed.
- 18-J** The City reserves the right to stop all work of any nature whenever, in its opinion, proper preparations therefore have not been made; or when tools and machinery are insufficient or defective; or when work is being executed in such manner as to threaten life or property; or when the monument dealer has been guilty of misrepresentation; or when any reasonable request on the part of the City is disregarded; or when the work is not being executed according to specifications; or when any person employed on the work violates any rule of the City.
- 18-K** The completed work is subject to the approval of the City.
- 18-L** All components and markers shall be constructed of natural stone from quarries approved by the cemetery. No artificial stone of any description shall be permitted.

- 18-M** Should any memorial become unsightly, dilapidated, or a menace to visitors, the cemetery shall have the right to either correct the condition or to remove the same, at the expense of the lot owner.

No monument or marker shall be placed on any lot or portion of lot not fully paid for.

- 18-N** No monument or marker shall be removed from the cemetery, except by the City, unless the written order of the lot owner is presented to the management and permission be granted by the City.

## **CERTIFICATE AND RULES AND REGULATIONS** **SOLE AGREEMENT**

### **19-A STATEMENT OF SALES AGENTS**

The certificate of ownership and these rules and regulations and any amendments thereto shall be the sole agreement between the City and the lot owner. The statement of any sales agent shall in no way bind the City.

## **MODIFICATIONS AND AMENDMENTS**

### **20-A EXCEPTIONS AND MODIFICATIONS**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these rules and regulations when, in its judgement, the same appear advisable; and such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rule.

### **20-B AMENDMENTS**

The City may, and it hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter, or repeal any rule, regulation, article, section, paragraph, or sentence in these rules and regulations.

## **GENERAL RULES AND REGULATIONS**

- 21-A** Cut flowers may be deposited on the graves only in approved vases or holders. Only one flower holder per lot will be allowed.

Glass containers will not be allowed.

Cut flowers and plastic flowers will be removed from the ground within 7 days after Memorial Day.

Unsightly flowers and wreaths will be removed.

Live plants will be allowed only in approved pots, urns, or holders.

Metal flower holders will be permitted with a 6-inch or larger shoe around the bottom of the vase holder. Cementing of such holders will not be allowed. Bottom of flower holder is to be a minimum of 18 inches from the ground.

Non-conforming holders will be tagged and subsequently removed.

Holders shall be placed in line with existing holders.

Wreaths will be permitted if they are attached to the monument or in approved holders.

All bronze cups will have to be turned down by November 1 to prevent damage.

The City shall not be responsible for plant stands, pots and vases damaged in the winter due to snow removal for funerals, or damage due to the necessary removal of such items.

Regulations will be posted in the office building. For information, consult the custodian or caretaker.

The location of a permitted plant stand may be altered by the Cemetery Supervisor or Designee.

Plant stands that are vacant for more than one year are subject to removal.

All unauthorized objects are subject to immediate removal.

### **REPURCHASE OF CEMETERY PROPERTY**

**22-A** It shall be the policy of Oakland Cemetery to offer to willing sellers the greater of one-half if the current price for properties or for the original purchase price of the properties.

**22-B** The Cemetery Supervisor may identify certain cemetery properties that represent a significant value to the cemetery. If necessary, more may be offered to obtain these specifically identified properties.

**22-C** The payments made for the repurchase of cemetery properties shall be made from the Perpetual Care Fund.

**22-D** Fees for documents relating to the sale shall be borne by the seller. The Public Works Director has the authority, as part of negotiations, to waive up to \$100.00 of fees should circumstance in his/her opinion warrant that action.

### **COLUMBARIA**

#### **23-A OWNERSHIP**

Ownership of burial space in a columbarium shall be considered the same as ownership of other cemetery property and shall descend according to state law.

**23-B** Purchase of a columbarium niche shall include a bronze niche front plaque, which shall be uniform in style and size on each columbarium.

**23-C** Flower holders, vases, or other fixtures will not be allowed to be attached to the columbarium.

**23-D** Only temporary placement of plants or flowers shall be allowed.

**23-E** Niches are designed for the inurnment of the remains of one body; however, the inurnment of the remains of more than one body provided there is adequate space. Multiple inurnments must be done at the same time. Only one bronze niche front plaque will be allowed regardless of how many remains are entombed. Any opening of a sealed niche shall be considered a disinterment and such charges will be levied.