

ORDINANCE NO.: 2023 - 51

FIRST READING SEPTEMBER 11, 2023

INTRODUCED BY: RUTH CAVANAGH

SECOND READING WAIVED

THIRD READING WAIVED

**ORDINANCE AMENDING AND RESTATING THE RULES AND REGULATIONS OF THE CEMETERIES OF THE VILLAGE OF SOUTH RUSSELL AND DECLARING AN EMERGENCY.**

**WHEREAS**, in 2015, Council adopted Rules and Regulations of the South Russell Village Cemetery located on Chillicothe Road;

**WHEREAS**, Council desires to create Rules and Regulations for the Rarick Cemetery located on Bell Road similar to those adopted in 2015; and

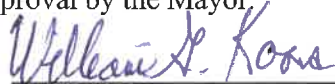
**WHEREAS**, Council desires to amend and restate the Rules and Regulations of the South Russell Village Cemetery to include provisions applicable to Rarick Cemetery, including but not limited to the maintenance of head stones and markers in disrepair there, as well as update certain provisions in an updated Rules and Regulations of The Cemeteries of the Village of South Russell, which are attached hereto and incorporated herein by reference as **Attachment 1**.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Village of South Russell, Geauga County, Ohio that:

**SECTION 1.** Council hereby approves the amended and restated Rules and Regulations of The Cemeteries of the Village of South Russell, which are attached hereto and incorporated herein by reference as **Attachment 1**.

**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

**SECTION 3.** That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason to allow for the immediate application of consistent rules and regulations for the cemeteries of the Village; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor.

  
\_\_\_\_\_  
Mayor - President of Council

ATTEST:

  
\_\_\_\_\_  
Fiscal Officer

I certify that Ordinance No. 2023 - 51 was duly enacted on the 11<sup>TH</sup> day of SEPTEMBER, 2023, by the Council of the Village of South Russell, and published in accordance with the Ordinances of the Village.

Danille Romanowski  
Fiscal Officer

# Rules and Regulations of The Cemeteries of the Village of South Russell

## 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 cemeteries of the Village of South Russell and create and preserve their beauty. These Rules and Regulations are hereby adopted as the Rules and Regulations of the cemeteries of the Village of South Russell, and all owners of interment or inurnment rights, visitors and contractors performing work within the cemeteries, shall be subject to said Rules and Regulations, amendments or alterations as shall be adopted by Council of the Village of South Russell from time to time, hereby superseding any and all previous Rules and Regulations.

## DEFINITIONS

"Rarick Cemetery" shall mean the cemetery, land, and improvements thereon and thereunder constituting Rarick Cemetery, located at 1070 Bell Road, in the Village of South Russell, Geauga County, Ohio, bearing permanent parcel numbers 29-064431 and 29-706403 and owned by the Village of South Russell.

"South Russell Village Cemetery" shall mean the cemetery, land, and improvements thereon and thereunder constituting South Russell Cemetery, located at 5230 Chillicothe Road, in the Village of South Russell, Geauga County, Ohio, bearing permanent parcel number 29-706407 and owned by the Village of South Russell.

"Cemeteries" shall mean, collectively, Rarick Cemetery and South Russell Village Cemetery.

"Village" shall mean the Village of South Russell, its employees and duly authorized representatives, and Council.

"Owner" shall mean the owner of rights of Interment or Inurnment.

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

"Disinterment" shall mean the removal of the remains of a deceased human being from a Grave.

"Inurnment" shall mean the burial or placement of cremated human remains in a Grave.

"Disinurnment" shall mean the removal of cremated remains from a Grave.

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

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

"Burial Vault" shall mean an outside burial container as specified by the Village to encase human or cremated remains.

"Contractor" shall mean any person, firm or corporation or anyone other than an employee of the Village engaged in placing, erecting, or repairing any Memorial or Monument and performing any work on the grounds of the Cemeteries.

"Rules and Regulations" shall mean the Rules and Regulations of the Cemeteries of the Village of South Russell, as may be amended from time to time.

### **HOURS OF THE CEMETERIES**

The Cemeteries are open from 8:00 a.m. until dusk daily.

### **OWNERSHIP**

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

The deed to a Grave conveys only the right of burial, not land ownership.

Upon refusal of the Village to permit Interment or Inurnment because of its requirements, the Village may, at its discretion, refuse to allow anything to be done in violation of its said requirements and Rules and Regulations.

### **SUPERVISION OF THE CEMETERIES**

The Village reserves the right to compel all persons coming into the Cemeteries to obey all Rules and Regulations adopted by the Village.

These Rules and Regulations may be changed by the Village at any time.

The Village shall take reasonable responsible precaution to protect Owners and the property rights of Owners within the Cemeteries from loss or damage but the Village expressly disclaims all responsibility for loss or damage from causes beyond its reasonable control. The Village 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 Village reserves the right to correct any errors that may be made by it either in making Interments, Disinterments, Inurnments, Disinurnments 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 Village or, at

the sole discretion of the Village, by refunding the amount of money paid on account of any purchase of a Grave or Burial Vault. In the event such error shall involve the Interment or Inurnment of the remains of any person in such property, the Village 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 Village 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 Village.

The right to enlarge, reduce, replant, or change the boundaries or grading of the Cemeteries or of a 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 Village. The Village reserves to itself and to those acting on behalf or permitted by the Village 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 the Village and/or purposes of the Cemeteries, including the interring and preparing for Interment of human remains, or for anything necessary, incidental or convenient thereto. The Village reserves to itself, and to those lawfully entitled thereto and those permitted by the Village to do so, a perpetual right of ingress and egress over Graves for the purpose of passage to and from other Graves.

**SALE AND PURCHASE OF INTERMENT/INURNMENT  
RIGHTS AT THE SOUTH RUSSELL VILLAGE CEMETERY**

The sale of Graves at the South Russell Village Cemetery is exclusive to current and former Village residents. All sales or transfers are final and non-exchangeable. Proof of residency shall include any of the following:

- 1) Ownership of real property within the Village;
- 2) Being a registered voter and/or voting in a precinct within the Village;
- 3) Address appearing on driver's license or State ID;
- 4) Address appearing on Federal, State and Local Income Tax Returns;
- 5) Address appearing on Motor Vehicle Titles; and/or
- 6) Receipt of mail within the Village.

A maximum of six Graves may be purchased by one family. The sale or transfer of any Interment or Inurnment right by any Owner shall not be binding upon the Village unless such sale or transfer is first approved in writing by the Village. The Village shall issue a "Warranty Deed" or "Certificate of Ownership" 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 the Rules and Regulations, 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 Village and no one shall be buried in any Grave who does not have an interest therein, except by written consent of the Village.

No Interment or Inurnment right can be sold, assigned, transferred, pledged, or hypothecated without the written approval of the Village.

The Village 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 Village before any change is affected. The right to purchase unused Graves is limited to the Village at 75% of the original purchase price.

Each Ois vested with the ownership of his or her Interment or Inurnment right for the sole purpose of Interment or Inurnment of human remains. Under these Rules and Regulations, the Interment and Inurnment rights cannot be conveyed without the consent of the Village, nor may any use, division, or improvements of them be made when prohibited by the Village. The Owner of Interment or Inurnment rights may dispose of same by will, subject to the foregoing conditions; if the Owner dies intestate, the Interment or Inurnment rights will descend to his or her heirs according to law.

The Village cannot and will not be responsible for the carrying out of the intent of the Owner.

The sale and placement of benches in the South Russell Village Cemetery is at the discretion of the Village and may require the purchase of additional interment or inurnment rights for the placement of such.

**NO FURTHER INTERMENTS OR INURNMENTS  
PERMITTED IN THE RARICK CEMETERY**

Pursuant to Section 1058.01 of the Village's Codified Ordinances, no further Interments or Inurnments shall be permitted in Rarick Cemetery.

**MAINTENANCE OF THE CEMETERIES**

All grading, landscaping work, and improvements of any kind, and care of all plantings, trimmings, removals of trees, shrubs, and herbage of any kind and all Interments, Inurnments, Disinterments, Disinurnments, and removals at the Cemeteries shall be made under the direction of the Village.

No enclosure of any kind, such as a fence, coping, hedge, shrub, bush, or ditch, shall be permitted around any Grave. Grave mounds shall not be allowed and no Grave shall be raised above the established grade.

The general care of the entire grounds and Graves of the Cemeteries is assumed by the Village. The Village may assign the oversight and management of the general care of its Cemeteries to any of its employees and/or agents ("Designee").

The Village or its Designee shall direct all improvements within the grounds and upon all Graves before, as well as after, Interments have been made therein. The Village or its Designee

shall direct all planting, sodding, surveying, and general improvements.

No person other than the Designee or the authorized personnel of the Village shall be allowed to perform any work within the Cemeteries without a written permit from the Village.

If any inscription or object is placed on any Memorial, Monument, or other structure, and it is determined by the Village to be offensive, the Village shall have the right to enter upon such Grave to remove, change or correct the offensive inscription or object at the expense of the Owner.

No glass objects are permitted on the grounds of the Cemeteries.

If any tree, shrub or plant standing upon any Grave, by means of its roots, branches, or otherwise, becomes detrimental to adjacent Graves or avenues, or if for any other reason its removal is deemed necessary, the Village shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing in its sole and absolute discretion.

No person shall pluck or remove any plant or flower, either wild or cultivated from any part of the Cemeteries.

**BURIAL REGULATIONS FOR**  
**SOUTH RUSSELL VILLAGE CEMETERY**

No Interment or Inurnment shall be made at the South Russell Village Cemetery unless the Internment or Inurnment right and the opening and closing fees for such Grave have been paid in full to the Village by 4 p.m. the prior business day of a burial.

All Interments, Inurnments, Disinterments, and Disinurnments shall be done only by authorized Village personnel.

The Village reserves the right to compel all persons authorized to order the opening and closing of a Grave to appear at the South Russell Village Cemetery more than two (2) business days in advance of such Interment, entombment, or Inurnment to select the desired Grave to be opened. In addition, the completion and execution of the Village's Interment, Inurnment Authorization form may be required. All burial related and Disinterment fees must be paid in full to the Village by 4 p.m. the prior business day of a burial.

Funeral processions, upon entering the grounds of the South Russell Village Cemetery, shall be subject to the direction of the Village or its authorized personnel.

The Village must be notified of an impending Interment, Inurnment, or scattering service no later than two (2) business days prior to the service.

The Village reserves the right to schedule Interment or Inurnment services according to the Village's availability of service times and needs.

The Village shall have the right to have the Interment or Inurnment service at the Grave according to the Village's schedule and current weather conditions.

The hours for funerals at the South Russell Village Cemetery are 9:00 a.m. to 4:00 p.m. Monday through Friday and 9:00 a.m. to 12:00 noon on Saturdays. Funerals entering the South Russell Village Cemetery between 3:00 p.m. and 4:00 p.m. Monday through Friday and between 11:00 a.m. and 12:00 p.m. on Saturdays will be charged additional late arrival fees. Funerals will not be conducted in the South Russell Village Cemetery on New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or any other Village designated holidays.

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.

Application for Disinterment or Disinurnment 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 Village Fiscal Officer. No such removal shall be made without the written consent of the Village.

No cremation Grave space may contain more than two cremated remains.

No full Grave space may contain more than two cremated remains or one cremated remains and one vault. A full Grave space may contain one infant casket not to exceed 24" in length and one concrete or steel Burial Vault.

All human remains not cremated must be contained in a concrete or steel Burial Vault prior to burial.

All cremated remains must be contained in a Burial Vault prior to Inurnment.

The remains of any person who died of a contagious disease will not be permitted in or on the South Russell Village Cemetery grounds, except when placed in a hermetically sealed casket. In case of doubt on the part of the Village as to the nature of the disease, satisfactory evidence from the attending physician or otherwise will be required.

### **INDIGENT BURIALS**

In the case of an indigent burial, the Village requires proof that the indigent does not have the funding available for burial. The Village requires all indigents to be cremated and will cover the open/close cost of such cremation burial. The burial will be in the lot in the South Russell Village Cemetery, chosen by the Village, and a plaque will be placed at this lot including the name of deceased, date of birth and date of death.

### **SCATTERING/MEMORIAL GARDEN**



The scattering/memorial garden at the South Russell Village Cemetery is a place where loved ones can scatter cremated remains amongst a collection of trees, plants, and flowers. The Village personnel shall maintain the garden for the benefit of all families and visitors of the South Russell Village Cemetery. During the scattering ceremony, the cremation ashes are poured evenly on loose soil and raked into the ground from the cremation urn. At the conclusion of the ceremony, Village personnel will make sure that adequate soil is placed over the area.

The pavers in the middle of the garden act as a memorialization and are made available whether or not the individual is scattered in the garden. Each paver will only list one name, date of birth and date of death. Once the stone is placed in the scattering garden, it will not be removed for further engraving.

The scattering garden fees include scattering of the cremated human remains and engraving a name on a paver in the memorial garden. No decorations, artificial flowers, glass, metal containers, metal stands, or plantings will be permitted in the scattering garden at any time. Any items left in this area will be discarded.

### **MEMORIALIZATION REGULATIONS**

All markers or Monuments shall be placed on a concrete foundation installed by the Village at a cost determined by the Village. Foundations will be poured/prepared by Village personnel twice per year; early spring and early fall.

All markers and Monuments shall be placed as designated on the Village's layout plan for the South Russell Village Cemetery, or in the case of Rarick Cemetery, in the layout plan approved by Council. All headstones will be placed at the head of the body with the writing on the east side of the stone for Graves going east/west and on the south side of the stone for Graves going north/south.

No natural boulders, sandstone, limestone, or marble headstones will be permitted. All headstone design and material make up must be approved by the Village prior to installation. Exceptions, due to individual circumstances, will be determined by the Village. All Monuments in the cremation lot section will be level with the ground.

No glass objects are permitted on the grounds of the Cemeteries.

No Interment or Inurnment right Owner shall erect or place, or cause to be erected or placed, on any Grave in the Cemeteries any markers or Monuments until it is first approved by the Village.

The Village is not responsible for damage to any markers, Monuments or vase or the future restoration of such that may occur to other than an approved marker or Monument; provided however, that the Village may repair or replace broken headstones or falling down headstones at Rarick Cemetery at the Village's expense if, after reasonable efforts to locate the Owner, no Owner is found.

One marker or Monument up to a maximum of 30" wide for a single Grave and 60" wide for two side by side adjoining Graves is permitted. A second flush marker not exceeding 24" x 12"

in size, may be set in front of the Grave marker or Monument on a single Grave.

Markers or Monuments shall not exceed 36" in height without prior approval of the Village.

While the Village will exercise all possible care to protect raised lettering, carving or ornaments on any marker, Monument, or other structure, on any Grave, it disclaims responsibility for any damage or injury thereto.

No coping, curbing, fencing, ground cover or other plantings, grave blankets, hedging, shrubs, bushes, grave mounds, borders, walks, field stones, rocks, or enclosures of any kind, shall be allowed around any Grave. The Village reserves the right to remove the same if so erected, planted or placed. The following decorations are not permitted in the Cemeteries: (a) hanging baskets; (b) wind chimes; (c) breakable pottery; (d) bird houses and items hanging from trees; (e) statues; (f) plastic or wood signs; (g) stuffed animals; (h) glass; or (i) vases or any kind and like objects. Any planting, decoration or other item listed herein and not permitted shall be removed and discarded by the Village.

Temporary Grave markers will be removed by the Village and discarded after six (6) months.

Graves designated for cremated remains are only permitted to have one marker that is flush to the ground.

### **GENERAL REGULATIONS**

No children under the age of 16 are permitted within the Cemeteries without adult supervision. All children must display appropriate behavior while on the grounds of the Cemeteries.

No pets shall be permitted in the Cemeteries.

Bringing lunches, food, beverages, or illegal substances for consumption within the Cemeteries is strictly forbidden.

No article of any kind will be permitted on any Grave, or tree, except decorations, in compliance with these Rules and Regulations.

Sitting or leaning on Monuments or walls is not permitted.

The Village is not responsible for theft or damage to anything placed on Graves or grounds of the Cemeteries.

No unauthorized bench, chair, or trellis shall be permitted upon the grounds of the Cemeteries.

The Village shall have the right to remove any dead or damaged tree, shrub, or other plantings.

No touching, scraping, rubbing, or spraying of liquids on Memorials or Monuments is permitted for any purpose.

No artificial flowers, plants, greens, etc. are allowed. Natural flowers will be removed as soon as the natural flowers fade and wither, and the right is reserved by the Village to make such removal. Also, natural wreaths placed on Graves or on a metal stand will be removed at such time as is specified by the Village and the Owner forfeits all rights, title, and interest to the same. The Village may dispose of them in any way deemed best.

No person shall use profane or boisterous language or in any way disturb the quiet and good order of the Cemeteries.

All persons are forbidden to hunt fowls or other animals in or around the Cemeteries.

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 Cemeteries.

All orders, inquiries and complaints must be directed to the Village Fiscal Office.

No person or persons other than an employee of the Village so authorized shall be permitted to bring or carry firearms within the Cemeteries, except a Military Guard of Honor, and then only when in the charge of an officer and during a military service.

All work and planting of any kind on all Graves is strictly prohibited.

Placing American flags, natural potted flowers, plants, wreaths, or baskets on Graves is not permitted except on Easter, Mother's Day, Father's Day, Memorial Day, Independence Day, Armistice Day, Thanksgiving Day, and Christmas Day. They shall be removed by the Owners within five (5) days from placing on Graves on the special days herein set forth. 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 and the Village's Codified Ordinances, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules and the laws of the State of Ohio and/or the Village.

### **MODIFICATIONS AND AMENDMENTS**

The Village may, and it hereby expressly reserves the right to at any and all times, adopt

new Rules and Regulations or 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 Village, therefore, reserves the right, to make exceptions, suspensions, or modifications of any of the Rules and Regulations, at its sole and absolute discretion; 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.

Adopted: July 13, 2015; Amended SEPTEMBER 11, 2023