

ORDINANCE NO. OR29-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING CURRENT CHAPTER 953 “CEDAR HILL AND EHRSTINE CEMETERY RULES AND REGULATIONS” OF THE TROTWOOD CODES OF ORDINANCES AND ENACTING NEW CHAPTER 953 “BEAR CREEK-HILLGROVE, CEDAR HILL, AND EHRSTINE CEMETERY RULES AND REGULATIONS” TO UPDATE REGULATIONS FOR CEMETERIES OPERATED BY THE CITY.

WHEREAS, the current Chapter 953 “Cedar Hill and Ehrstine Cemetery Rules and Regulations” of the Trotwood Codes of Ordinances is outdated and needs to be updated; and

WHEREAS, the City Manager recommends that Council repeal current Chapter 953 “Cedar Hill and Ehrstine Cemetery Rules and Regulations” and enact new Chapter 953 “Bear Creek-Hillgrove, Cedar Hill, and Ehrstine Cemetery Rules and Regulations”; and

WHEREAS, Council accepts the recommendation of the City Manager and, therefore, will repeal and replace Chapter 953 of the Trotwood Codes of Ordinances as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: Chapter 953 “Cedar Hill and Ehrstine Cemetery Rules and Regulations” of the Trotwood Codes of Ordinances is hereby repealed in its entirety.

SECTION II: New Chapter 953 “Bear Creek-Hillgrove, Cedar Hill, and Ehrstine Cemetery Rules and Regulations” is hereby enacted as set forth in Exhibit “A”, which is attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

SECTION IV: This Ordinance shall take effect at the earliest time allowed by law.

Passed this **2nd** day of **October, 2023**.

ATTEST:

APPROVED:



KARA B. LANDIS
CLERK OF COUNCIL



MARY A. MCDONALD
MAYOR



YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR29-23** adopted by the Trotwood City Council at a regular scheduled meeting held on the **2nd** day of **October, 2023**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

CHAPTER 953

Bear Creek-Hillgrove, Cedar Hill, and Ehrstine Cemetery Rules and Regulations

- 953.01 Purpose; applicability.
- 953.02 Definitions.
- 953.03 Care of cemetery.
- 953.04 Memorials.
- 953.05 Transfer of interment rights.
- 953.06 Use of cemetery.
- 953.07 Indigent burials.
- 953.08 Deed prices.
- 953.09 Cemetery maintenance.
- 953.10 Modifications and amendments.
- 953.11 Cemetery grave prices and burial service charges.

953.01 PURPOSE; APPLICABILITY.

Pursuant to established laws, traditions, and customs, these Rules and Regulations are adopted for the proper control **and use** of the **cemeteries described in this Chapter** ~~business of the Cemetery,~~ the safeguarding of the premises, the regulating of the conduct of persons, and the maintaining of the principles and ideals **upon which cemeteries were founded.** ~~the Cemetery was founded. They shall apply equally to all parties.~~

953.02 DEFINITIONS.

- (a) The term "**Cemetery**" or "Cemeteries" **as used herein includes** ~~means the ones identified as~~ **Bear Creek-Hillgrove, Cedar Hill, and/or Ehrstine Cemeteries.**
- (b) The term "City" means **the City of Trotwood.** ~~the owner of the Cemetery identified on the cover hereof.~~
- (c) The term "Owner" means **a person** ~~anyone~~ who **has acquired, by purchase, gift, or other conveyance,** ~~owns or is purchasing~~ any rights for the placing of the remains of a deceased person within **the a** Cemetery.
- (d) The term "Memorial" means any marker placed in ~~the a~~ Cemetery for identification or in memory of a person.
- (e) ~~The term "Interment" means any lawful disposition of the remains of a deceased person, including cremation, inurnment, entombment or burial.~~

953.03 CARE OF CEMETERY.

- (a) The general care of the ~~entire~~ Cemetery is undertaken by the City. The City will take reasonable precautions to protect the rights of each Owners, but disclaims responsibility for the loss or damage beyond its reasonable control, including but not limited to damages caused by the elements, acts of nature God, thieves, vandals, trespassers, riots, or public disturbances.
- (b) The City has a perpetual right of ingress and egress over lots and the ~~entire~~ each Cemetery for purposes of general care and passage to and from other lots.
- (c) The City may enlarge or reduce the boundaries of the cemetery, change the location of roadways and walks, replace or modify drainage and watering systems, and replot sections of ~~the~~ any Cemetery, so long as there is no encroachment upon the rights of any Owners.
- (d) All grading, planting, trimming, landscape work, improvements of any kind, and care of lots shall be done by the City or a contractor designated by it. All openings and closings of burial spaces and all interments, disinterments, and removals shall be performed by the City.
- (e) In the event of any errors made by the ~~The City reserves the right to correct any errors that may be made by it~~ in interments, disinterments or removals, or transfers or conveyances, the City shall make the necessary corrections as soon as practicable.

953.04 MEMORIALS.

- (a) All upright ~~m~~Memorials shall have a foundation installed by the City. Flat markers shall be on a precast foundation of concrete or granite.
- (b) All changes in connection with installation of ~~m~~Memorials shall be the same to all regardless of who furnishes the ~~m~~Memorial. A schedule of such charges is maintained subject to inspection and copy at the usual place for transacting the regular business of the Cemetery. Such charges shall be reasonable, and shall be in such amounts as may fixed by the City from time to time. No ~~m~~Memorial will be installed until such charges have been paid in full.
- (c) No Memorial shall be installed without the City's consent.
- (d) Cremation head stones must be flush to the ground in cremation sections.

953.05 TRANSFER OF INTERMENT RIGHTS.

- (a) In order that the City may at all times have a complete and accurate record of all ~~e~~Owners and purchasers, no transfer of any interment right or purchase agreement shall be binding upon the City, unless it is first approved in writing by an authorized representative of the City and recorded in the office of the Cemetery. All transfers shall be subject to a reasonable service charge, as fixed from time to time by the City.
- (b) The City and Owners may make an exchange of interment rights when desired by Owners and approved by the City. In such event the original rights of the Owners must be surrendered by proper conveyance or transfer, before any exchange is affected.

- (c) No conditional or partial transfer of interment rights and no sale of an undivided interest, except to a person who already is a part-owner, will be approved by the City.

953.06 USE OF CEMETERY.

- (a) The Cemetery hours are from dawn to dusk. No person/~~persons~~ shall enter, remain, or engage in any activity in the eCemetery after sunset to sunrise. Permission of the Public Works Operations Manager may be obtained to extend the period of time an individual may request to be in the Cemetery for a proper purpose. Whoever violates these rules and regulations is guilty of a minor misdemeanor. ~~pursuant to Section 517.12 O.R.C.~~
- (b) Notice of desired arrangements for an interment shall be given to the City at least ~~48 hours (work days)~~ **two business days** prior to the announced time of the funeral.
- (c) The City shall have authority to make an interment upon receipt of a written authorization of a person representing himself or herself to be the surviving spouse, child, parent or next of kin of the decedent; and there shall be no liability against the City for the making of an interment pursuant to such authorization. When there is ownership of more than one interment space, the space to be used for interment shall also be designated in writing by such person. If such designation is not obtained, the City in its discretion may select such space as it deems best and proper, so as not to delay the funeral.
- (d) Only vaults approved by the City may be used for burial.

953.07 INDIGENT BURIALS.

Indigent burials shall be cremations only, others not accepted.

953.08 DEED PRICES.

Deed Prices	Cost
New Purchase	Included - NC
Lost Deed	\$50.00
Deed Transfer	\$150.00

953.09 CEMETERY MAINTENANCE.

- (a) The entire grounds are ~~shall be~~ mowed ~~at least once a week and trimming around memorials takes place on about a three week cycle~~ and trimmed by the City in compliance Section 905.01 of this Code. **If inclement weather precludes scheduled maintenance, the City will mow and trim the grounds as soon as practicable.** ~~Please be aware that weather conditions can sometimes alter our ability to maintain these schedules.~~
- (b) Visitors and ~~o~~Owners are reminded **shall take notice** of the City's obligation to maintain the lawns and trimming of ~~the~~ grass around ~~m~~Memorials; **which maintenance shall** occur ~~once or twice weekly~~ throughout the grass mowing season. Digging the ground or placing of rods

or brackets to emplace pots and containers at places of interment is not ~~allowed~~ **permitted** at any time of the year, since this disturbs the turf and may damage expensive maintenance equipment.

- (c) Statuary, wrought iron, urns, ~~and~~ benches, vigil lights, flag poles, decorative pavers, glass, wire, wood chips, marble chips, **and other decorative materials** ~~ete.~~ are not permitted at any time and will be removed **by the City** without notice.
- (d) ~~No p~~Planting of ~~anything~~ is ~~not~~ permitted. All flowers **or acceptable** decorations shall be placed either on **the** marker, such as a saddle bouquet, or in vases on **the** side of **the** marker, so as not to interfere with the trimming and mowing of **the** grounds.
- (e) The ~~City Cemetery~~ assumes no responsibility for flowers and/or decorations not properly secured, especially during adverse weather conditions. **The City Cemetery** also assumes no responsibility for flowers and/or decorations not removed by posted disposal dates, or flowers/decorations removed from the premises without permission of Owners or Cemetery **or City** personnel.
- (f) Flags and flag holders will only be permitted on individual graves ~~during a~~ **for 7 days before and after the 10-day period over Memorial Day, Independence Day, and Veterans Day holidays.** **Any flags and flag holders not removed from the Cemetery by the 8th day following one of these holidays will be removed by the City.** ~~If you wish to retain your own flag holder for reuse, you must remove it before the aforementioned time periods expire. These flags and holders that remain will be removed and stored for general distribution at the next proper holiday.~~
- (g) No articles of any kind except those specifically authorized by these Rules and Regulations shall be permitted on any interment space, lot, or other part of the Cemetery. The City shall have full authority to remove immediately, from any type of interment space or any part of the Cemetery, anything that may have been placed thereon without such specific authorization.
- (h) ANY DAMAGE OR LOSS THAT IS A RESULT OF NOT OBSERVING THE ABOVE RULES AND REGULATIONS IS THE RESPONSIBILITY OF THE INTERMENT RIGHT OWNER.

953.10 MODIFICATIONS AND AMENDMENTS.

- (a) The City **may** ~~reserves the right to~~ amend or repeal these Rules and Regulations or any part thereof **as necessary** ~~at any time without notice~~. A copy of the current Rules and Regulations, including all amendments, shall be available **upon request**, ~~to anyone~~.
- (b) Special cases may arise in which the literal enforcement of a Rule or Regulation may impose unnecessary hardship. **In that event, the City may make exceptions to these Rules and Regulations as needed.** ~~Therefore, the City reserves the right to make an exception in such cases, if in its judgement such action is advisable, and t~~ **The granting of such limited exception(s)** shall in no way be construed as affecting the general application of the Rules and Regulations.

- (c) All prior Rules and Regulations shall be deemed to be amended and superseded by the foregoing.

953.11 CEMETERY GRAVE PRICES AND BURIAL SERVICE CHARGES.

Cemetery grave prices and burial service charges shall be as stated in the City of Trotwood Table of Fees established by Resolution of Council.