

BOARD OF CEMETERY TRUSTEES
Lakeside Cemetery - City of Hancock

Rules and Regulations

April 11, 1985

Revised 2015

Article 1 GENERAL

Section 1.1 INTRODUCTIONS:

The City of Hancock maintains a cemetery known as Lakeside Cemetery for the purpose of sustaining a sacred place of beauty and harmony devoted for the repose and interment of deceased human beings. Anything which would mar this general beauty and harmony must be avoided; therefore, rules and regulations intended to permanently safeguard lots owners from detracting features in the Cemetery are hereby instituted and observance of these rules and regulations by all should aid in achieving the objective.

Section 1.2. EXCEPTIONS:

None of these rules and regulations are intended to violate the statutes of any another authority nor any burial custom of any religious affiliations. Where any contradictions exists exceptions to these rules and regulations shall be permitted by the Board if not in violation of any health statute.

Section 1.3. CITY RESPONSIBILITY:

Neither the City nor any individual subdivision nor agent or employee thereof, reference hereto as City, will accept responsibility for any loss, damage, or injury to the person or property sustained by any individual for any caused whatsoever.

Section 1.4. VIOLATION PENALTIES:

Every person who violates these Rules and Regulations shall be liable to arrest for said violation and shall be subject to a punishment, in the discretion of the Court, not to exceed ten-thousand dollars (\$10,000.00) in fine and/or imprisonment not to exceed one (1) year.

Section 1.5. BOARD OF TRUSTEES:

A Cemetery Board of Trustees having been created by Ordinance, reference here to as Board, shall extend those powers of such board and in addition to those powers already established shall adopt its own rules of order and procedure of business for its use and guidance in all meetings and shall have the authority to amend such rules from time to time within its discretion.

As not all persons have a sense for the fitness of things and the rights of others, the Board, for the collective benefit and protection of the lot owners, may enacted such rules and regulations to exercise reasonable control over individual lots, without which there would be mistakes and abuses. The Board may also reserve unto itself the right to perform all work for the care and upkeep of all lots in addition to the Cemetery as a whole.

Section 1.6. GENERAL ORDINANCES:

All ordinances of the City are likewise holding and binding within the limits of the Cemetery and its right-of-way and no other place within the City may the bodies of the dead be interred.

Section 1.7. CHAPEL / RECEIVING VAULT FACILITY:

The use of the Chapel / Receiving Vault Facility may only be permitted upon the evidence of a properly issued Burial Permit and Use Certificate issued by the City Clerk and then on a temporary rental basis only and with the remains in a hermetically sealed box as approved by a health office.

Under no circumstance shall a body be considered as interred or buried by reason of being placed therein and no visitations may be permitted.

Section 1.8. CEMETERY PLATTING AND RESTRICTIONS:

In accordance with State Statue the Board shall cause said Cemetery to be platted and/or re-platted and a map of the Cemetery to be published showing clearly the divisions, plats, etc. with any restrictions thereto affixed. Such map or maps shall be made available to the general public in addition to lot owners at the Office of the City Clerk, the Office of the Cemetery Superintendent, and the Office of the Sexton.

Article 2

Section 2.1. GENERAL:

A Cemetery lot is defined as a parcel of land or plot containing grave space for burial of one (1) or more persons. Lot owners have in fact only acquired the privilege to inter or bury human remains and erect memorials, markers, adornments, etc. subject to such rules and regulations adopted for said purpose.

Cemetery lots (or graves) are classified as personal property, not real estate, and as such are exempt from taxation and liability for debt by the lot owner. However; the City may impose specific charges against such lots.

Speculation in cemetery lots is disallowed and only one (1) lot may be purchased by any one (1) individual.

Section 2.2. TRANSFERS:

All transfers and assignments must be recorded with the City Clerk subject to all applicable rules, regulations, recording fees, etc. There will not be a new deed issued.

A transfer or assignment of any lot or interest therein may only be made back to the City, except for those transfers and assignment as are in the decision of the Court. Such transfers shall be by surrender of all cemetery property of the City subject to resale by its to others at such price as may be deemed by the Board to be equitable and consistent with then current rules, regulations, and rate schedules.

The transferee or assignee shall be entitled to reimbursement in the amount paid for such, less any indebtedness on any such lot due to the City.

In the case of transfer or assignment of only part of a lot, appropriated new cemetery certificates shall be issued subject to such rules, regulations, and fees thereon as may then exist and be deemed by the Board to be equitable and consistent

Article 3 LOT CARE

Section 3.1. GENERAL:

All lot owners are responsible to provide for the care and upkeep of their lots subject to such rules and regulations adopted for said purpose.

The Board reserves unto itself the right to require and to perform certain care and upkeep it deems necessary and to assess lot owners for such care and upkeep.

Section 3.2. PLANTINGS:

The Board may reserves unto itself the sole right to cultivate any and all vegetation within the Cemetery grounds and rights-of-way. **Promiscuous planting of seasonal, perennials, ornamentals, shrubs, trees, etc. shall not be permitted** and the Cemetery Management may remove and dispose of same as it see fit, without the incurrence of any liability. **No trees or invasive shrubs shall be planted in the cemetery.** However, certain plantings may be permitted in various spaces for memorials as may be permitted in the section. All such plantings so installed shall conform, in the opinion of the Management, to a prepared plan approved by the Board and such plantings shall become the property of the Cemetery. **Fencing or curbing of any kind are not allowed.**

Section 3.3. URNS, VASES, STATUTES, ETC:

Urns, vases, etc for cut flowers, seasonal and perennial plants; and statutes: etc. are generally allowed in those sections permitting such articles. However, in any case there may not be more than one (1) such article on lots of four (4) or less graves sites nor more than two (2) such articles on lots having five (5) or more grave sites.

Generally glass jars, metal cans, and earthen vessels or dishes will not be permitted for bouquet holders, etc.

Urns, vases, etc not properly cared for and such as are not filled appropriately with flowers, plants, etc. by forty-eight (48) hours before Memorial Day of any year and maintained through the time permitted, will be removed without any liability being incurred by the City.

Section 3.4. PERPETUAL CARE:

The term "perpetual care" shall mean the leveling of a grave site and the placing of sod or seed at the time of burial, the annual cleaning of the lot, seasonal fertilizing and weeding as may be established, the cutting of grass and pruning of cultivated ornamentals at reasonable intervals, and the straightening and resetting of monuments and markers as may from time to time be required as set forth in perpetual care agreements with individual lot owners. Said services to be paid for by the earned income from a perpetual care agreement, the amount of which shall be at the then established amount.

The term shall not mean, other than that specifically stated above: the placement of flowers, plants, shrubs', trees, or ornamentals of any kind; nor the construction, reconstruction, maintenance, repair, or replacement of any sort.

Article 4 MEMORIALS AND ADORNMENTS

Section 4.1. GENERAL:

For the purpose here the term memorial shall mean any marker, monument, etc. only of approved substances (usually cut stone or bronze) designed with reference to the topography and location to the surrounding area.

The term adornment shall mean any decoration, flower, plant, ornamental flag, etc. including its container (urn, vase, etc.) if any. No "man-made" or "everlasting" type adornment will be permitted except for approved flags and "winter wreath" type (November 1 to April 1 of each year) decorations.

The use of memorials and adornments shall only be permitted as is established by the Board for the individual subdivisions and all lot owners shall be responsible to provide for the care and upkeep of any all memorials and adornments on their lots, subject to such rules and regulations adopted by the Board for said purpose. No liability shall be incurred by the City for damage or loss to any and all such articles.

Generally wooden tablets, metal wreaths, baskets, tripods, boxes, easels, trellises, and miscellaneous objects shall not be placed upon graves or lots.

No adornment will be allowed during the months of April and October of each year and any such article left on lots at the time will be disposed of at the discretion of the Cemetery Management. Also; should any memorial or adornment become, in the opinion of the Management, unsightly or in a state of disrepair said item may be disposed of in a manner as may be deemed in the opinion of said Management to be fitting and proper. The disposal of any article by Management shall be without the incurrance of any liability whatsoever. Lot owners may be assessed, at the discretion of the Management, the cost for such disposal.

Funeral flowers will be disposed of by cemetery personnel when they become unsightly, usually three (3) to five (5) days.

Section 4.2. FOUNDATIONS:

All memorials shall be placed on a foundation of solid masonry of not less in length and width than the base of such memorial to be installed thereon, and then to a depth of not less than two (2) inches or as deep as possible. Foundations for upright memorials shall have at the top thereof a collar extending outward from the top of the foundation four (4) inches bordering the entire top of the foundation to be no less than two (2) inches from grade.

Section 4.3. MONUMENTS:

For the purposed here the term monument shall mean an approved structure, generally of cut granite or marble stone, bearing a family name.

The family name may only be on the back of a raised monument when the opposing lot also belongs to that same family.

Only one (1) raised (non flush) monument shall be allowed per platted lot containing two (2) or more graves sites and then only in those sections permitting such monuments.

Where such raised monuments are permitted they shall not exceed : 38 inches in length nor 14 inches in width for two (2) or three (3) grave lots, 46 inches in length nor 14 inches in width for four (4) to six (6) grave lots, and six percent (6.0%) of the total lot for the base for lots of more than six (6) graves.

Section 4.4. MARKERS:

For the purposes here the term marker shall mean an approved structure, usually of cut granite or marble stone, or bronze plaque bearing the name usually one (1) individual.

No more than one (1) marker may be allowed per grave site and then only in the manner as is permitted in the section. Exception: The Military Bronze.

Article 5. INTERMENTS (BURIALS)

Section 5.1. BURIAL RITES:

Generally graveside rites are permitted prior to any interment except for those interments being performed on the remains being temporarily kept in a Receiving Vault. Workers in the vicinity are expected to suspend their labor during such rites or perform work in another location.

Section 5.2 GENERAL:

All interments shall be ground interments in an approved vault (steel, concrete, or fiberglass) and all interments equipment shall be as approved by Cemetery Management. Management shall also oversee all interments as to compliance with all applicable rules, regulations, and strict priorities.

Raised mounds, crypts, mausoleums, and above ground vaults and similar structures as well as any corner posts. or similarly raised lot defining structures shall not be permitted.

No interment shall take place without an appropriate Burial Permit nor on Sundays or Holidays. A Burial Permit shall only be issued by the City Clerk upon the written approval of the lot owner or heir and then when all applicable rules and regulations have been complied with and all applicable charges have been paid-in-full.

The City shall exercise due care in making interments but it shall assume no liability for any improper interment, etc. Orders from a funeral director shall be construed as an order from a lot owner or heir.

Deliveries of vaults and other materials shall only be accepted on weekdays (Monday thru Friday, except Holidays) and then only when additional work needed can be accomplished before 3:30 p.m.

Article 6 DISINTERMENT (REMOVAL)

Section 6.1 GENERAL:

After the close of any graveside rite it shall be unlawful for anyone to open the casket or to touch the remains therein without the written consent of the legal representative of the deceased or by Court Order.

No disinterment shall take place without an appropriate Disinterment Order nor on Sundays or Holidays. A Disinterment Order shall only be issued by the City Clerk upon the written approval on the lot owner or heir and when all applicable rules and regulations have been complied with and all applicable charges have been paid-in-full. All disinterment

equipment shall be as approved by Cemetery Management and the Management shall oversee all disinterment as to compliance with all applicable rules, regulations, and strict priorities.

The City shall exercise due care in make disinterment but shall not any liability for damage or loss to any vault, casket, etc. or for any improper disinterment, removal, etc.

Article 7 GENERAL CONDUCT

Section 7.1. GENERAL:

Neither lot owners nor visitors may give instructions to any cemetery personnel except to the Cemetery Superintendent or the Sexton; and in no case may any instructions violate any rule or regulation. Any complaint should be directed to the Superintendent.

Section 7.2 VISITATIONS:

The cemetery is generally open for visitations each day between the hours of 7 a.m. and ½ hour after sunset or 9:00pm. The Sexton's hours are from 7:00am to 3:00pm daily. No person may be permitted in the Cemetery during hours other than those of regular visitation except Cemetery personnel in the course of employment or upon special written permission of the Cemetery Superintendent.

Section 7.3 TRAFFIC:

All traffic laws of the City, not inconsistent herein, are likewise applicable within the Cemetery and shall be strictly observed and enforced. Owners and/or operations of vehicles operated within the Cemetery shall be liable for any damage or injury caused by such operation and in addition, no person shall:

- a. Operate a vehicle in excess of twenty(20) miles per hour.
- b. use a cemetery road as a public thoroughfare.
- c. park a vehicle or come to a full stop in front of an open grave unless a part of a burial service.
- d. operate a powered cycle within the Cemetery unless on official business.
- e. operate any vehicle or other than a designed road, except for Cemetery personnel in the course of employment; and
- f. operate any vehicle in other than a prudent manner.

Section 7.4. PERSONAL CONDUCT:

All persons are to keep in mind that the Cemetery is devoted to the sacred interment of the dead and conduct of the highest decorum is to be strictly observed. No person shall breach the peace or engage in any annoying or disturbing activity whatsoever; to include but not limited to:

- a. entering the Cemetery except through an established entrance;
- b. erecting or posting any advertisement, notice, or sign of any kind without the expressed approval of Cemetery Management;
- c. conducting any business whatsoever, except for persons so authorized;
- d. permitting any domesticated animal to enter, run free, or remain in the Cemetery, except for blind persons with seeing-eye dogs;
- e. depositing any debris, rubbish, trash, etc.;
- f. discharging or bring in any firearm, firecracker, rocket, or any other fireworks whatsoever, except in the observance of an approved services or person so legally authorized;
- g. using any audio amplification devices whatsoever, except during an approved service;
- h. consuming or bring in any food or refreshment of any kind, except for workers in the course of work and then only in an area so designated;
- i. picking, injuring, mutilating, or otherwise damaging, destroying or disposing of any wild or cultivated flower, plant, shrub, tree, etc. except workers in the course of work;
- j. defacing, injuring, mutilating, or otherwise damaging, destroying, or disposing of any item or article, to include but not limited to, signs, ornamentals, and memorials, except for workers in the course of work;
- k. feeding, trapping, wounding, killing, or otherwise disturbing, damaging, or destroying any animal whatsoever, except workers in the course of work; and
- l. disposing of any debris in other than a container or area so designated.

Cemetery Board of Trustees
Adopted 10-13-15