

Chapter 6 CEMETERIES

6.01.00 City ownership and regulation of cemeteries

All cemeteries now owned or which may hereafter be acquired by the City of Sandusky, whether within or without its corporate limits, are hereby declared to be public burying ground; and no person, persons, church society or corporation, shall establish, locate, or maintain any other burying ground within the limits of said City.

6.02.00 Board of Cemetery Trustees

6.02.01 Appointment

The city cemetery shall be operated under the direction of a five member “Board of Cemetery Trustees” which members shall be appointed at the first annual meeting of the Common Council by the Mayor of the City of Sandusky with the consent of the Common Council. Said board shall serve without compensation.

6.02.02 Term of Office

The Trustees so appointed shall each hold their offices for a term of five years, except that at the first appointment one shall be appointed for one year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, and one for a term of five (5) years, from the first Monday in January of the year when appointed.

6.02.03 Removal

The Council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause.

6.02.04 Meetings

The Board of Cemetery Trustees shall meet at least twice annually,

- A) Within 30 days after the first annual meeting of the Common Council, at which time the members shall appoint one of their members as chairman of the board, and
- B) As convenient thereafter to conduct the necessary business.
- C) The City Clerk shall act, ex officio, as Secretary of the Cemetery Board.

6.02.05 Authority of the Board of Cemetery Trustees

A) Establish Policy

The Board of Cemetery Trustees shall establish cemetery administration policy and shall direct the Superintendent’s overall management of the cemetery.

B) Leasing of Lots

The Board of Cemetery Trustees shall provide for the leasing of lots, half lots and single graves by subdividing such lots as may be necessary for that purpose in such parts and portions of said cemeteries as they by resolution may determine.

C) Control of use

In the interest of cemetery management, the board of Trustees may exercise its best judgment and discretion by limiting and/or otherwise controlling the development of the cemetery. By resolution, the Board may, among other things,

- i) Reserve any lot or lots under its jurisdiction for any length of time and refrain from the leasing or transfer of such lot(s)
- ii) Set apart any portion of a cemetery, or any particular lot or lots therein, to be leased only with perpetual care and change the same from time to time.

D) Free Burial Ground (ie. "Potter's field")

The Board of Trustees may set off so much of said cemeteries as, in the exercise of its cumulative judgment, may be necessary for free burial of indigents.

E) Price of lots

- i) By annual resolution, the Board of trustees shall fix the price of all lots, half lots and single graves that are subject to lease; and may change the same from time to time.
- ii) No lots, half lots or single graves shall be leased for a less sum than thus fixed except by resolution of said Board of Trustees.

F) Rules and Regulations

The Board of Trustees may promulgate such rules and regulations as are consistent with this Chapter and are necessary for the orderly administration of the Cemetery.

6.02.00 Administrative Officer

6.03.01 DPW Superintendent as Administrative Officer

The DPW Superintendent shall act as administrative officer for the Board of Cemetery Trustees and it shall be his/her duty to carry out the policies established by the Board and to supervise the management and operation of the cemetery, subject to the directives of the Board.

6.03.02 Grave Site Preparation

The digging, refilling and trimming of graves, the opening of graves, the removal of bodies from one place to another in said cemetery and the construction of foundations for headstones and tablets, shall be done only by authorized personnel at the direction of the DPW Superintendent.

6.03.03 Maintenance

The Superintendent is authorized to direct authorized personnel to maintain cemetery lots, including increasing or decreasing the surface level, in order to beautify or improve the general appearance of the surrounding locality. In all such cases the Superintendent shall direct that the lot be restored to as good condition as before, as near as may be, and the raising or cutting down shall be without expense to such lot owner unless ordered or directed by him.

6.03.04 Cemetery Employees

The Superintendent may:

- A) Employ from time to time such help as may be necessary and fix the salaries therefore, and/or
- B) Contract with independent contractors for the necessary services, and/or
- C) Utilize City personnel (eg. DPW employees)

6.04.00 City Clerk

The City Clerk shall:

- 6.04.01** Maintain the cemetery plat book and burial plot register.
- 6.04.02** Enter and index all leases and burial permits issued thereunder.
- 6.04.03** Receive payments and account for revenues.
- 6.04.04** Serve as secretary of the Board
- 6.04.05** Provide monthly accounting to the Common Council.

6.05.00 Cemetery Records

6.05.01 Cemetery Plat Book

The Common Council shall furnish the City Clerk with a cemetery plat book; and it shall be the duty of the City Clerk to enter therein and index each lease issued and transfer thereof recorded.

6.05.02 Burial Register

A) Register Form

The Common Council shall furnish the Superintendent and the City Clerk with a burial register, properly ruled so as to show the following: Name, place of death, age, sex, date of burial, number of grave, lot and block and number of permit issued by the Board of Health.

B) File alphabetically – Preserve all forms

The City Clerk shall enter in said registers the information called for by each column and shall also index each name alphabetically.

6.06.00 Leases

6.06.01 Issuance of lease

All leases for lots shall be issued on behalf of the City of Sandusky, by the City Clerk, signed by the Clerk, countersigned by the Mayor and sealed with the

seal of the City of Sandusky, numbered in the order of issue and shall be in such form as the Common Council may prescribe.

6.06.02 Lost lease

In case of loss of original lease, a duplicate lease may be obtained from the City Clerk upon filing a proper affidavit of ownership and cause of loss.

6.06.03 Full price paid

No lease will be issued for any lot, half lot or single grave, nor any burial permitted thereon until the full price thereof is paid.

6.06.04 Lease Transfer Procedure

A) Whenever the owner of any lot dies, someone of his heirs shall file with the City Clerk an affidavit stating the name of the deceased, date of death, the interest he had in any lot, or lots, describing them, the names of his heirs at law and the interest each inherited by his death; or the adjudication of heirship by any competent court.

B) The City Clerk shall treat such affidavit or adjudication as an assignment or transfer from the deceased as lessor to his heir stated therein as lessees and upon securing the written approval of the Superintendent shall record the same in the abstract register showing the interest of each heir. He shall then stamp the date of record of such affidavit or adjudication, in the manner as all transfers and the same shall be attached to the original lease or duplicate thereof.

6.06.05 Interest or Right to Control

No person shall be recognized as having any interest in or right to control any lot in said cemeteries unless his interest or right appears upon the abstract register.

6.07.00 to 6.09.00 (Reserved)

6.10.00 Burial Permits

6.10.01 Burial and Transfer Permit – Greenwood Cemetery

All person desiring to bury any human remains, including ashes, in Greenwood Cemetery must secure from the Board of Health the burial and transfer permit form required by laws of this State.

6.10.02 Issuance of Permit

A burial permit shall be issued by the attending funeral director after the payment for digging and closing the grave and all charges for other services ordered. The completed permit shall show:

- A) The Board of Health permit number,
- B) The lot, block and grave number,
- C) The status of the lot (i.e., improved or unimproved)
- D) The full name and age of the deceased, (if an infant unnamed, the name of the parents),

- E) Vital data such as sex, color, cause of death, date of burial,
- F) Receipt for payment of charges.

In no case shall any permit be issued for the burial on any lot, half lot or single grave, until the full purchase price thereof has been paid and lease issued.

6.10.03 Burial Permit Required

The permit issued by the attending funeral director is furnished to and filed with the City Clerk, except as otherwise provided in the rules of the Board of Cemetery Trustees.

6.10.04 Numbering of Plots

The plot marker to be furnished by the cemetery department and set at the south east corner of each plot, flush with the surface of the ground, on the top of which shall appear the number of the plot.

6.10.05 Record of Burials

The City Clerk shall keep on file all burial permits for which there were interments during the proceeding month and enter therein a space provided therefore the date of burial.

6.10.06 Preservation of Records

The City Clerk shall file and preserve all burial forms in his/her office.

6.10.07 Interment of non-relatives

No person shall be interred in any lot, except the family and relatives (by blood or marriage) of the lessor(s) thereof, unless permission in writing is obtained from the lessor(s) and also from the Superintendent of the Cemeteries and filed with the City Clerk before a permit is issued.

6.10.08 Cremation remains (“Cremains”)

A receptacle containing the ashes of a human cremation may be placed on a burial plot only upon issuance of a burial permit.

6.11.00 Revenues

6.11.01 No money shall be received by the Superintendent or any employee of the cemetery for leases of lots, perpetual or annual care, or for any other purpose. All money therefore must be paid directly to the City Clerk.

6.11.02 Payments on Job Contracts shall be made only upon verification by the Superintendent and approval of the Council

6.12.00 Clerks Revenue Report

The City Clerk shall include the revenues belonging to the cemetery in the monthly report presented to the Common Council.

6.13.00 Cemetery Perpetual Care Fund

That there shall be and is hereby created a fund to be hereinafter designated as “the Cemetery Perpetual Care Fund”.

6.13.01 Duty to Provide Care

The Common Council shall be required and it is hereby made their duty to have each record kept of all lots for which said sum of money paid and to provide in such manner as shall be deemed advisable for their perpetual improvement of such lot or lots and to perpetually care for any improvements that may be placed upon said lot or lots by the owner thereof.

6.13.02 Funds for Perpetual Care

It shall be the duty of the City Clerk to deliver to the Finance Director , on an annual basis prior to the close of the fiscal year, 20% of cemetery lease payments, which said money shall be credited by the Finance Director to the “Cemetery Perpetual Care Fund”.

6.13.03 Investment of Funds

- A) It shall be the duty of the Common Council as often as it shall deem necessary and expedient, to cause the amount so paid into said fund to be invested in such manner and for such rate of interest as they shall deem advisable.
- B) All interest received on account of such investment shall be paid to the Finance Director and by him/her credited to such fund, and the amount of such interest shall be separated from the principal.
- C) Sums paid in for the purpose aforesaid and all sums of money expended by the Superintendent for the caring of lots under this chapter shall be paid out of the interest so levied and no part of the said principal sum shall be paid out for and on account of any such improvement.
- D) No money shall be paid out of said fund except by order of the Common Council, such sums to be ordered paid only after the Superintendent has certified to the Common Council the amounts necessary to be paid, identifying the lot(s) for which such cost were incurred.
- E) The Finance Director shall annually account and report to the Common Council:
 - i) The amount of money received as principal,
 - ii) Interest accrued on said invested principal,
 - iii) The amounts expended in caring for lots,
 - iv) All expenditures from the fund account,
 - v) The first and last annual balance and
 - vi) At other times, such other and further information requested by the Common Council.

6.14.00 Cemetery Regulations

6.14.01 Vaults required

In order to prevent collapse or “sinking” of a grave site, all caskets placed in any cemetery now or hereafter owned or operated by the City of Sandusky (whether within or without its corporate limits) shall be installed in vaults constructed of cement, metal, plastic, fiberglass or other approved material. In individual instances of extreme hardship, the Board of Cemetery Trustees may waive such requirement either temporarily or permanently.

6.14.02 Grave site preparation

The digging, refilling and trimming of graves, the opening of graves, the removal of bodies from one place to another in said cemetery and the construction of foundations for headstones and tablets, shall be done only at the direction of the DPW Superintendent by personnel so authorized.

6.14.03 Maintenance by Lot Owners or Agents

All lot owners or their regularly employed agents, may care for or maintain their own lots in accordance with the rules adopted by the Board of Trustees and under the direction and supervision of the Superintendent. The superintendent may stop such work whenever it is in violation of any rule of the Board or of this chapter.

6.14.04 Vegetation

A) No trees, shrubs, vines or other flora may be planted on the cemetery grounds other than annual type flowers and potted plants weighing less than 10 pounds.

B) Other than at the specific direction of the Superintendent, no person shall injure, cut or remove any tree, shrub, plant, vine or flower, wild or cultivated, growing or being within the limits of said cemetery whether on graves or on unimproved grounds.

6.14.05 Defacing monuments, etc.

No person shall cut, remove, injure, deface, write upon or besmear in any way, any vault, monument, marker, headstone, tablet, step, seat, chair, hose, walk, building or structure within, or any gate or fence enclosing said cemetery.

6.14.06 Removing chairs, vases, etc.

No person shall injure, deface or remove from one place to another any chair, seat, vase, flowerpot, or other thing placed upon any grave for holding flowers, or remove the flowers therefrom within said cemetery, unless by written permission of the owner thereof, or from the superintendent.

6.14.07 Vehicles in the Cemetery

No person in charge of a vehicle shall pass, or attempt to pass, another vehicle going in the same direction, or attempt to turn around on any of the roads, alleys or avenues, or drive upon or cross any lot, or ornamental ground, or through any

alley within said cemetery, or permit such vehicle to stand upon any road or avenue, so as to obstruct free passage along the same, except by express permission of the superintendent in charge.

6.14.08 Permits for Markers

No monument or headstone shall be removed from any lot, or shall any grave be opened, or body disinterred, or removed therefrom, or from one lot to another in said cemetery until a permit is obtained from the County Health Department for that purpose upon the direction of the County Health Department or the Circuit Court.

6.14.09 Trimming

If any tree, shrub, vine or plant, on any lot shall by means of its roots, branches, or otherwise, become in the judgment of the Board of Trustees detrimental to the adjacent lots, alleys or avenue, road or alley, they may remove the same or any part thereof without the consent of the lot owner.

6.15.00 Regulations

The board of Cemetery Trustees may recommend that the Common Council adopt such rules and regulations as they may deem necessary for the improvement, care, management and regulation of said cemetery and providing how, and in what manner, all work shall be done by lot owners therein, not inconsistent with law and the ordinances of the City of Sandusky.

6.16.00 Repairs and Special Assessments

6.16.01 Repairs over \$500

Whenever a majority of the membership of the Board of Cemetery Trustees determines it advisable to place repairs, improvements or betterments on Greenwood Cemetery, which shall exceed Five Hundred Dollars (\$500.00) in value, the Common Council of the City of Sandusky may specially assess properties in the cemetery in such an amount, as in the judgment of the Board of Cemetery Trustees, as will be sufficient to make such repairs, improvements and betterments.

6.16.02 Special Assessment Roll

Said levy shall be spread upon a special assessment roll, to be prepared by the City Clerk and entitled "Special Assessment Roll of Greenwood Cemetery, Year ____", and the Council shall specify the time in which the amount levied in the special roll shall be paid, or when the assessment shall be due and payable.

6.16.03 Special Assessment Notice and Payment

In the preparation of said Special Assessment Roll by the City Clerk, all the lots in said cemetery shall be listed thereon and their respective pro-rata share of the general levy shall be extended and assessed to each lot; that upon completion of said special assessment roll, the Clerk shall immediately notify the Lessor of each lot in the cemetery, by mail, addressed to him/her at the post-office address

appearing in the abstract register for Greenwood Cemetery, which said notification, shall advise such lot lessors of the levy of said special assessment and the time which they are required to pay the same.

6.16.04 Assessment Liens

Any and all assessments so levied by the Common Council of the City of Sandusky, shall immediately become a lien upon the respective lots upon which the same are levied, and unless said taxes are paid, together with interest at the rate of one percent (1%) per month from and after the due date thereof, to be specified in the chapter levying such tax. It shall be unlawful for the Clerk of the City of Sandusky to issue any permit for burial in such lot, upon which the said tax has not been paid.

6.17.00 Violation

All persons doing anything forbidden by this chapter or failing to do anything required of them by this chapter, or failing to obey the lawful directions and orders of the Superintendent in charge of said cemetery, while therein, provided for herein, or shall violate any rule or regulation adopted by the Common Council, shall be deemed to have violated this chapter and on conviction thereof shall be responsible for a Grade B civil infraction.