



City of Westerville, Ohio

Cemetery Rules and Regulations

Effective 8/10/2011

TABLE OF CONTENTS

INTRODUCTION:	3
GENERAL REGULATIONS	3
Conduct in the Cemeteries	3
Admittance of Children to the Cemeteries	3
Traffic Regulations	3
LOT REGULATIONS	3
Lot Information	3
Conditions of Lot Purchases	4
Purchase of Lots	4
Transfer of Lots	5
MAINTENANCE	5
General Maintenance	5
Lot Care	5
Vegetation Removal or Addition	6
HEADSTONES, MONUMENTS, MARKERS REGULATIONS	6
Monuments, Size, Materials	6
FOUNDATIONS	7
Foundation Information	7
FOUNDATION RATES/CHARGES	7
Rates/Charges	7
INTERMENTS AND FUNERAL INFORMATION	8
General Information	8
Funerals	8
Entombments in Columbarium.....	9
Disinterments	10
Interment and Disinterment Rates	10

1.0 INTRODUCTION:

For the operation and use of the Westerville Municipal Cemeteries. Throughout this document references to the Director of Public Service indicate the Director or his designee.

2.0 GENERAL REGULATIONS

A. Conduct in the Cemeteries

1. Entry to the City of Westerville cemeteries shall be made through the designated entry points.
2. Rubbish and debris shall be deposited in trash receptacles provided.
3. No one shall pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material without the expressed permission from the Director of Public Service.
4. Alcoholic beverages in the City of Westerville cemeteries are prohibited.
5. The use of any form of advertising on cemetery premises is prohibited.
6. The Director reserves the right to do all work in the cemetery.

B. Admittance of Children to the Cemeteries

1. No person or persons under the age of 16 shall enter a cemetery unless attended by an adult(s) responsible for their conduct or until permission to enter has been obtained from the cemetery office at 370 Park Meadow Road.

C. Traffic Regulations

1. All traffic laws of the City of Westerville shall be strictly observed.
2. Person(s) driving in a cemetery shall be responsible for any damages incurred from the vehicle in the driver's charge and shall be permitted only on the roadways observing a maximum 5 MPH speed limit.

3.0 LOT REGULATIONS

A. Lot Information

1. Under the statutes of the regulations, lots cannot be conveyed without the consent of the Director.
2. Nor shall any use, division, improvement or adornment of them be made which regulations prohibit or may be deemed improper.
3. The proprietor of a lot can only sell the lot back to the City of Westerville with the original deed, and will be sold at the price paid by the original owner.. The lot can be transferred with the Service Department Director's approval with the original deed. If a transfer does occur no refund will be made to the original owner

4. As a husband is not always an heir-at-law of his wife, nor a wife of her husband, neither will necessarily inherit the lot from each other.
5. To assure the survivor an interest in the lot, both names should be embraced on the deed.
6. If the proprietor dies intestate, the lot will descend to his/her heirs jointly and in equal undivided shares, subject to the same conditions.
7. The proper heirs will be determined by the statutes of Ohio in force at the time of death.
8. Upon the death of an owner or part-owner of a lot, the heir or devisees of such decedent are required to file in the office of the Director full proof of their heirship or proprietorship, for the purpose of being recorded in the books of the Cemetery. Without such proof and record, the right of ownership or burial of such person cannot be recognized.
9. As the deed to a lot conveys only the right of burial therein, the City of Westerville retains control and supervision of all lots which have been sold.

B. Conditions of Lot Purchases

1. All lots shall be sold subject to these rules and regulations or those thereafter adopted and the muniment of title shall so state.
2. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials.
3. Interment of the remains of any person other than the owner of a lot or any member of the immediate family will be permitted only after written consent by the owner(s) or authorized agent and such request has been obtained from the Director of Public Service.
4. In the case of a minor holding ownership, the guardian or authorized agent thereof shall give such consent upon proof of authority to act.
5. Burial lots are exempt from ordinary taxes and cannot be seized on execution.
6. No mortgage or other encumbrance shall be given on any lot.
7. An interment once properly made shall not be disturbed, except upon written consent of the original owner(s), their heirs and/or upon court order and then only with the permission of the Director.

C. Purchase of Lots

1. Purchase of burial space(s) shall be evidenced by the execution of a deed furnished by the City of Westerville, describing the burial space and stating the purchase price, amount paid and terms for payment of the balance.
2. Such deeds are subject to approval of the City Manager and the associated costs are listed in the Interment and Disinterment Rates.

D. Transfer of Lots

1. The transfer of lots or parts of lots to another party shall be recorded in the office of the Director of Public Service.
2. No person shall be recognized as owner or part owner unless so recorded in the office of the Director of Public Service and/or original deed presented.
3. All transfers of parts of lots less than the conveyed from the City to the lot owner must be approved by the City Manager.

4.0 MAINTENANCE

A. General Maintenance

1. The term "general maintenance" shall mean cutting/trimming of the turf grasses at reasonable intervals.
2. This includes other turf care as may be deemed necessary to maintain uniformity for all of the Westerville Cemeteries.
3. The Director of Public Service assumes the responsibility for establishing the level of general maintenance which may vary depending upon funds appropriated.

B. Lot Care

1. Fences, curbs, hedges, structures of wood or other equally perishable materials are prohibited.
2. Those structures or enclosures established on any lot previous to the adoption of these regulations which have, in the judgment of the Director, become unsightly by reason of neglect and/or age shall be removed.
3. No elevated mounds shall be built over graves and no lot shall be filled above the grade level established by the City.
4. Receptacles for fresh cut flowers will be permitted if installed flush with the surface of the lawn or affixed to monument.
5. Artificial flowers, wreaths, grave blankets, vigil lights and vases may be placed on graves beginning November 15th of each year and can be left until March 15th of the following year.
6. After March 15th, such decorations, except tombstone saddles, are not permitted during the mowing season.
7. Artificial flowers, wreaths, grave blankets, vigil lights and potted plants can be placed on graves for Easter, Memorial Day, Mother's and Father's Day for a period of ten (10) days.
 - a. After the tenth (10) day, such decorations still remaining will be removed.
 - b. The City of Westerville will not be responsible for the loss of any decorations.

C. Vegetation Removal or Addition

1. Funeral designs and floral pieces will be removed when unsightly.
2. Flowers are removed the first of March to allow for spring clean-up, mowing and the placement of top soil on the settled graves.
3. All planting of shrubs and/or trees must be accompanied by approval from the Director.
4. It shall be the duty of the Director to enter upon any lot and prohibit, modify or remove any structure, object, improvement or adornment on such lot which may have been placed thereon in violation of the rules or may be considered objectionable or injurious to the lot or adjoining lot and appearance of the Cemetery.
5. If any tree/shrub standing on any lot shall, by means of its root system, branches, or otherwise, become detrimental, dangerous or inconvenient to adjacent lots or avenues, become unsightly, or for other reasons removal is necessary, the Director shall have the right and shall be his duty to remove said vegetation or any part of as his judgment may seem best.

5.0 HEADSTONES, MONUMENTS, MARKERS REGULATIONS

A. Monuments, Size, Materials

1. Monuments shall be placed in the center of a lot except where alignment with existing nearby monuments justifies another location.
2. Approval of the location in any case must be obtained from the Director before the monument is set.
3. Not more than one monument shall be erected on any lot containing less than three (3) grave spaces. One full grave space must be reserved for each monument unless otherwise approved by the Director.
4. The size of the marker shall be of one piece and shall not extend past a grave unless to mark two (2) graves.
5. All inscriptions/designs on granite markers shall be either indented or raised at least three-sixteenths (3/16) of an inch from the surface.
6. Markers with raised letters shall be protected with a raised panel at least one (1) inch in width.
7. No material except granite, a good grade of white marble, cut stone from recognized monument quarries or standard bronze shall be used for markers or monuments.
8. Bronze may be used for markers extending above the grade only if attached to a granite base.
9. The use of two or more kinds of material varying in color/texture shall not be permitted.
10. No materials except granite or standard bronze shall be used for flush markers.

6.0 FOUNDATIONS

A. Foundation Information

1. All foundations will be installed the same size as the base dimension of the memorial and so ordered.
2. The charge for the foundation will be levied for the size actually installed and the size/depth shall be what is deemed proper by the Director.
3. Intermediate size not shown on this schedule shall be computed at the nearest larger size.
4. Larger size headstones and monuments have a higher price for the foundations.
5. Foundations for a "Colonial Tablet" memorial shall be at least 12" wide and 4" longer than the base for stability.
6. All flush monuments shall be set by the city staff and be delivered when desired.
7. All other memorials must be set by the firm or person ordering the foundation and may not be delivered until notified foundation has been completed.
8. When ordering foundations, length and width dimensions of the monument must be given.
9. Headstones with porcelain or other photographs inserted are not permitted nor any grotesque, freakish or unusual in size, form or ornamentation. Any exceptions must receive approval from the Director.
10. Headstones must be cut to set fairly level on foundations.
11. Crating, boxes and packing materials along with other debris brought for installation must be removed by the contractor and the monument properly cleaned before vacating the cemetery.

7.0 FOUNDATION RATES/CHARGES

A. Rates/Charges

1. All headstones must have a foundation and all foundations will be constructed by the Department of Public Service.
2. Grave marker foundation for a "resident" of Westerville will be billed at the **cost of \$.50 per square inch of surface**.- Need to update pricing
3. Grave marker foundation for a "non-resident" of Westerville will be billed at the **cost of \$.65 per square inch of surface**.- Need to update pricing
4. Foundations will be poured once prior to Memorial Day and once prior to Labor Day.
5. Foundation and installation for Veteran's Memorials shall be the same as any 24" X 12" memorial (only level memorials permitted) and foundation orders will be billed to the Veteran's Memorial Building in Columbus, Ohio at the rate of \$25.00 with no charge to the deceased Veteran.

6. All payments must be in cash or check. Credit cards are not accepted. All graves or plots are to be paid by one person or corporation. Bill for services will not be divided and checks must be made payable to the City of Westerville.

8.0 INTERMENTS AND FUNERAL INFORMATION

A. General Information

1. Interments in crypts shall be made in hermetically sealed caskets or boxes.
2. Duplicate keys for the mausoleum can be found in the office of the Director.
3. Only one full burial and one cremated remains or a total of 2 cremated remains shall occupy each grave. Only one full burial and one cremated remains (if space allows) or a total of 4 cremated remains shall occupy each crypt in the mausoleum.
4. Cremated remains may be buried above another grave.
5. The City shall not be held responsible for errors in location of graves on lots arising from improper instructions from lot owners.
6. Orders from undertakers shall be construed as orders from owners.
7. Under no circumstance shall the City assume responsibility for error in opening graves when orders are given by telephone.
8. No graves shall be opened except by employees of the City of Westerville Service Department.
9. Wooden boxes are not permitted. No vaults or other materials shall be delivered to cemeteries on Sunday.
10. Green burials are not permitted.
11. Undertakers are to arrange the time of the funeral so that cemetery workers can complete interment by 3:00 P.M.

B. Funerals

1. All funerals held in the City of Westerville cemeteries shall be under the direction of the Director of Public Service.
2. No burials shall be made on Sundays or legal holidays except by order of the proper health officials or the Director of Public Service.
3. No interment equipment except that provided by the City shall be used unless the use of said equipment is approved by the Director.
4. Work being performed in the vicinity of a funeral service shall be suspended during services.
5. No interments shall take place without a Burial Permit, nor until all laws, ordinances and rules/regulations relative to burials have been complied with.
6. No grave shall be opened unless the grave space has been paid for, with the exception of indigent cases, or unless the undertaker assumes the responsibility for the payment of said grave space.

7. Undertakers making arrangements for burials shall be responsible for the interment charges if not paid by the owner or his agent.
8. If the deceased to be interred is not the owner or is not a member of the lot owner's immediate family, written consent of the owner(s), or authorized agent must be filed with the Director before interment may be permitted.
9. When an interment is to be made on a lot in any other than a recorded grave space, a written request will be filed requesting such location with the Director.
10. The remains of any person dying of a contagious disease will not be permitted in the Mausoleum
11. The Director will refuse to admit to the mausoleum any casket which leaks either fluids and/or odorous gasses.
12. During inclement weather, funeral services can be held inside the Otterbein Cemetery Mausoleum. Approval for the use of the mausoleum must be made in advance by the Director.
13. Final closure of the grave will not occur until after the attendees have left the said premise to insure the safety of all personnel.

C. ENTOMBMENTS IN THE COLUMBARIUM:

No entombments will be accepted at the Columbarium on Sundays, or the following days: (This rule applies to all funeral service)

- a) New Years Day
- b) Martin Luther King Day
- c) Memorial Day
- d) Fourth of July
- e) Labor Day
- f) Thanksgiving Day (including day after)
- g) Christmas Day

1. COLUMBARIUM COSTS:

- a) Cost per Niche is \$900 for Westerville residents and \$1125 for non-residents. Each unit will hold 2 sets of ashes.
- b) Opening and Closing fees vary. (see rates pg 10-11)

2. ENTOMBMENT COSTS:

- a) There will be an extra fee for entombments for Saturday morning. (see rates pg 10-11)
- b) Services must be completed by 3:00 P.M.

MEMORIALIZATION:

- a) All Columbarium inscriptions will be uniform in style and layout.
- b) Inscriptions will be limited to full name, birth and death dates.
- c) The cost of engraving will be included in the entombment fee.

3. ORNAMENTATION:

- a) Ornamentation or decorations of any kind will not be permitted on the Columbarium. This includes flowers, pictures, cards, flags or attachments or any kind. Exceptions will be made for military emblems.

4. OWNERSHIP:
 - a) The deed holder may return ownership of any unused columbarium for the purchase price, minus the cost of sandblasting, if stone has been lettered. They cannot be sold outright, and must be returned to the City of Westerville.
 - b) No fee will be charged for this service.
5. VETERAN MARKERS:
 - a) An alternative to the standard military marker will be sandblasted in the granite only at the request and cost to the family.
6. TYPES OF URNS:
 - a) Due to the nature of the type of burial, wood containers cannot be used in the columbarium.
7. PAYMENT:
 - a) All checks and money orders for columbarium spaces should be made payable to the City of Westerville.
 - b) Monies will be deposited into the cemetery fund for the care and maintenance of the Westerville cemeteries, Mausoleum and Columbarium.
 - c) We cannot accept partial payments, deposits or credit card payments.

D. Disinterment

1. Permits to make a disinterment will be issued only upon written consent of the owner of the lot, surviving husband or wife, children, if of legal age or parents of deceased and Director (in the order stated), and/or by court Order.
2. Graves shall not be opened for inspection except for official investigation.
3. No disinterment shall be made between October 1st and May 1st of any calendar year unless by court order.

E. Interment and Disinterment Rates

Grave (Westerville residents)	\$420.00
Grave (Non Westerville residents)	\$1050.00
Funeral Service (Westerville residents)	\$630.00
Funeral Service (Non Westerville residents)	\$787.50
Funeral Service WEEKEND (Westerville residents)	\$850.50
Funeral Service WEEKEND (Non Westerville residents)	\$1,065.75

Cremation Opening with/without Service (Westerville residents)	\$315.00
Cremation Opening with/without Service (Non Westerville residents)	\$393.75
Cremation Opening WEEKEND with/without Service (Westerville residents)	\$472.50
Cremation Opening WEEKEND with/without Service (Non Westerville residents)	\$593.25
Crypt (Westerville residents)	\$3,150.00
Crypt (Non Westerville residents)	\$5,250.00
Entombment (Westerville residents)	\$630.00
Entombment (Non Westerville residents)	\$787.50
Funeral Service INFANT (Westerville residents)	\$420.00
Funeral Service INFANT (Non Westerville residents)	\$525.00
Funeral Service INFANT WEEKEND (Westerville residents)	\$551.25
Funeral Service INFANT WEEKEND (Non Westerville residents)	\$693.00
Disinterment with removal of the body from the City of Westerville Cemeteries	\$840.00
Disinterment with removal of the body relocated to a different location within a City of Westerville Cemetery	\$1,365.00
Disinterment \$315.00- REMOVE	
Disinterment WEEKENDS \$525.00-REMOVE	
Disentombment with removal of the body from the City of Westerville Cemeteries	\$735.00
Disentombment with interment within the City of Westerville Cemeteries	\$1,575.00
Columbarium Pricing per Niche (Each Niche will hold 2 sets of ashes)	
Residential (Westerville residents)	\$ 900.00
Non- Residential (Non-Westerville residents)	\$1125.00
Opening and Closing cost during normal business hours	\$ 400.00
Opening and Closing cost for weekend (Saturday only)	\$ 650.00

OFFICE OF THE CITY MANAGER CITY OF
WESTERVILLE, OHIO

**AMENDED EXECUTIVE ORDER 05-01
BURIAL OR CREMATION OF BODY OF UNCLAIMED INDIGENT RESIDENT**

When the body of a deceased person is found in the City, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with Revised Code Section 1713.34, the following procedure shall apply:

- 1) Written documentation shall be provided by an informant of the facts leading to the conclusion that:
 - a. The deceased person was indigent as defined in Revised Code Section 9.15;
("indigent person " means a person whose income does not exceed one hundred fifty percent of the federal poverty line, as revised annually by the U.S. Department of Health and Human Services in accordance with applicable federal laws and regulations, for a family size equal to the size of the person 's family)
 - b. The body of the deceased person has not been and will not be claimed for private internment or cremation at the person's expense;
 - c. That the deceased person had a legal residence, as defined in Revised Code section 9.15, in the City;
("legal residence" means a permanent place of abode used or occupied as living quarters at the time of a person 's death, including a nursing home, hospital, or other care facility)
 - d. That the deceased person was not an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county;
 - e. That notice has been provided for in accordance with Revised Code 1713.34 and the required 36 hour period has expired without application.
- 2) If such documentation is verified to the satisfaction of the City Manager or his designee then then such body shall be disposed of as follows:
 - a. The body shall be cremated at a funeral home selected by the City Manager or his designee at a cost not to exceed \$850.00.
 - b. The ashes shall be buried in the plotters portion of Otterbein Cemetery
 - c. A stone or concrete grave marker shall be provided in compliance with Revised Code Section 9.15 on which the person's name and age, if known, and date of death shall be inscribed.
- 3) If the body is claimed by a person after the City has incurred costs of disposal in accordance with Section 2 above, the person shall pay all such costs, including any additional costs to retrieve the body. If the person claiming the body is an indigent person, the City may, but shall not be required to provide the body. The City Manager or his designee shall be authorized to execute any documents necessary to authorize the cremation

Pursuant to Ohio Revised Code Section 9.15, the City's obligation shall be in effect only if the above conditions are met.

This Amended Executive Order is issued this 19th day of Aug, 2019.
PRIOR ORDER ISSUED: 2-11-05

IT IS SO ORDERED.



David A. Collinsworth
City Manager