

**CHAPTER 1062  
Cemetery Regulations**

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**1062.01 SHORT TITLE.**

This Chapter shall be known, and may be cited as, the “City of Avon Ordinance Regulating Operations and Conduct in the Avon Cemetery.”

**1062.02 DEFINITIONS.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (a) Ash Grave – Land where cremated remains in an urn are buried
- (b) Burial – Disposition of human remains below ground, also called interment
- (c) Casket – A container manufactured of wood or metal designed for the viewing of a body in the funeral home. The casket then acts as storage and protection for the body during transportation to the cemetery for interment
- (d) Cemetery – The parcel of land designated as Avon Cemetery in the City of Avon
- (e) City – City of Avon
- (f) Deed for Cemetery Lot – The document by which the City conveys the sale of a lot described upon the plat of the Avon Cemetery. A Deed for Cemetery Lot is also a Deed for Interment Rights
- (g) Director – The Director of Public Services, which is the person immediately in charge of the cemetery and its operations
- (h) Disinterment – To remove a vault or urn from a grave site
- (i) Foundations – The base or footing on which a memorial is installed
- (j) Grave Site – A space of land reserved for the burial of an individual or where an individual is buried
- (k) Interment – To bury a vault below the surface of the ground in a grave space

- (l) Interment Rights – The particular right to place the remains of a deceased person in a specific interment space within a cemetery, subject to the limitations set forth by the cemetery
- (m) Inurnment – To bury cremated remains in an urn below the surface of the ground, in an ash grave
- (n) Lot – The section in the Cemetery as described upon the plat of said Cemetery purchased for the purpose of interment rights
- (o) Marker – A flat memorial quarried from granite or cast in bronze and placed at ground level at the head or foot of a grave
- (p) Memorial – A monument, grave marker, or headstone identifying a grave or graves
- (q) Opening and Closing – Digging and closing the grave for burial of a vault or urn
- (r) Owner – The person or persons to whom the City has conveyed interment right(s) or who hold such right(s) by inheritance
- (s) Person – Any individual, firm, partnership, association, corporation, company, or organization of any kind
- (t) Trustees – The City of Avon Trustee members who have been assigned to assist the Director of Public Services in making decisions and/or updates to the Rules & Regulations of the Avon Cemetery
- (u) Urn – A container for cremated remains. The urn must be of retrievable materials such as bronze, plastic or cultured marble
- (v) Vault – An outer container manufactured of concrete, fiberglass, or steel into which a casket is placed for burial. Its purpose is to prevent the ground from sinking after burial, as well as providing protection for the casket.
- (w) Vehicle – Any wheeled conveyance whether motor-powered or self-propelled. The term shall include any trailer in tow of any size, kind, or description. Exception is made for baby carriages and vehicles in the Service Department, Police Department or Fire Department

### **1062.03 CEMETERY PROPERTY.**

No Person in the Cemetery shall:

- (a) Disfiguration and Removal. Willfully mark, deface, disfigure, tamper with or displace or remove any headstones, grave markers, benches, fences, flags, paving materials, signs, notice of placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment facilities, grounds, graves, or cemetery property or, appurtenances whatsoever, either real or personal.
- (b) Removal of Natural Resources. Dig or remove any soil, rock, stones, trees, shrubs or plants, downed timber, or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, without the prior written consent of the Director.
- (c) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands without the prior written consent of the Director.

- (d) Trees, Shrubbery, Lawns. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, or attach any rope, wire or other contrivance to any tree or plant, or dig in or otherwise disturb the grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, without prior written consent of the Director.

#### **1062.04 GROUND MAINTENANCE.**

No person in the cemetery shall have brought into the cemetery or dump, deposit or leave in the cemetery any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the cemetery by the person responsible for its presence and properly disposed of elsewhere.

#### **1062.05 TRAFFIC.**

No person in the cemetery shall:

- (a) State Motor Vehicle Laws Apply. Fail to comply with all applicable provisions of the State and City motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.
- (b) Enforcement of Traffic Regulations. Fail to obey all law enforcement officers and city employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever, needed in or out of the cemetery and on the street immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.
- (c) Obey Traffic Signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all other posted for proper control and to safeguard life and property.
- (d) Speed of Vehicles. Ride or drive a vehicle at a rate of speed exceeding five miles an hour through the cemetery unless otherwise posted by the Director.
- (e) Operation Confined Roads. Drive any vehicle on any area except the cemetery drive, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.
- (f) Parking
  - (1) Designated Areas. Park a vehicle in other than established or designated parking area which is on the side of the drive.
  - (2) Full-Parking. Full-park on the drive at any time.
  - (3) Night Parking. Leave a vehicle standing or parked after sunset
  - (4) Emergency Procedure. Fail to immediately notify the Police Department of an emergency in the nature of a breakdown requiring assistance of a tow truck, mechanic or other person.

## **1062.06 BEHAVIOR.**

No person in the cemetery shall:

- (a) Intoxicating Beverages
  - (1) Prohibition. Bring intoxicating liquor, alcoholic beverages or beer into the cemetery nor shall any person have upon his person, in his possession or under his control, or buy or sell or drink, alcoholic beverages or beer at any time in the cemetery.
  - (2) Drunkenness. Enter the cemetery or be in the cemetery under the influence of intoxicating liquor or beer.
- (b) Fireworks and Explosives. Bring into the cemetery or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket or other fireworks or explosive of inflammable material, or discharge them or throw them into any such area from land or a highway adjacent thereto. This section shall not apply to persons to whom the Fire Chief has granted a permit for the discharge of fireworks.
- (c) Domestic Animals. Allow a dog or other domestic animal or pet in the cemetery.
- (d) Fires. Build or attempt to build a fire. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within the cemetery.
- (e) Remain in the Cemetery after Closing Hours. Enter, be in or remain in the cemetery after the designated closing hours of such cemetery.

## **1026.07 CEMETERY OPERATING POLICY.**

Except for unusual and unforeseen emergencies, the cemetery shall be open to the public every day of the year during the hours between dawn and dusk. The Director may allow the cemetery to be open during the hours the cemetery is normally closed, for person or groups designated in advance by such Director.

## **1026.08 CEMETERY LOTS.**

- (a) Sale of Lots. The cemetery has reached its capacity, so there will be no additional graves available for purchase. Person desiring information about graves shall call upon the Director who will furnish the requested information if available.
- (b) Deed for Cemetery Lot. A. Deed for Cemetery Lot, approved by the Director of Law, shall be issued by the Director of Public Service to each person(s) purchasing a lot.
- (c) Fees. The Director of Finance shall deposit all funds collected from the sale of lots and interment fees into a designated fund for perpetual care of the cemetery.
- (d) Lots and Interment rights. Lots and Interment rights cannot be transferred or sold to another person; however, the lot and interment rights do pass by inheritance. Lots may be transferred back to the City for the original purchase amount as approved by the Trustees.
- (e) Memorials. All new and replacement memorials and their location must be submitted to, and approved by the Director of Public Service.

- (f) Foundation. All memorials and markers shall be placed upon a foundation to be installed by the company providing such memorial or marker.
- (g) Structures. No person shall install or have installed vases, permanent military markers, or any type of permanent structure without the prior written consent of the Director.
- (h) Trees, Shrubbery, Plants and Flowers. No person shall plant or have planted trees, shrubbery, plants or flowers on any cemetery lot without the prior written consent of the Director.
- (i) Wreaths, Cut Flowers, and Seasonal Items. Wreaths, cut flowers, flags and seasonal items may be placed at any grave site for the period of time that the items remain healthy and in season. The Director may remove or have removed any items which are no longer applicable or need to be removed to complete mowing and maintenance.

#### **1062.09 INTERMENT AND BURIAL.**

- (a) Interments are not permitted on Sundays or New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Christmas Day or any other City Holiday, unless authorized by the Director.
- (b) The person requesting the order for interment shall provide to the Director the Burial Certificate from Vital Statistician, the time of the funeral and expected time to enter the cemetery, complete pre-payment of interment costs, including cemetery lot costs, if not already paid.
- (c) For burial, caskets must be placed in a vault or grave liner made of concrete or steel provided by the owner. Urns do not need a vault, but must be made of retrievable materials such as bronze, plastic, or cultured marble. The vault company shall be responsible to lower the vault.
- (d) The opening and closing shall be completed by the Director or the designated City employee(s).
- (e) All existing lots have been sold and are not available for new purchase.
- (f) Should a disinterment occur at a gravesite in the cemetery, the Trustees shall determine the future availability of the lot and if the gravesite is eligible for an interment or only an inurnment.
- (g) One gravesite designated for inurnment may hold two urns. One gravesite designated for a full interment may hold one adult vault or one adult vault plus one urn, or one adult vault plus one infant vault, or two urns, unless otherwise indicated in the deed for cemetery lot.

#### **1062.10 REMOVALS OR DISINTERMENTS.**

- (a) When remains are to be removed from the cemetery, or moved within the cemetery, a permit must be presented from the Board of Health, in accordance with the Statutes of Ohio governing the disinterment and removal of bodies.
- (b) When remains are to be removed from a grave, written consent must first be received from the person who paid for the interment, the gravesite owner, or the next of kin of the deceased; If none of these can be obtained, an order from a court of competent jurisdiction may be substituted.

### **1062.11 INTERMENT AND DISINTERMENT FEES.**

The body of an adult deceased may be buried in the Avon Cemetery upon payment to the Finance Director of Nine Hundred Dollars (\$900.00) for the opening and closing of a vault or urn. For the opening and closing of an infant vault or urn the charge shall be Three Hundred and Fifty Dollars (\$350.00). A charge of One Hundred Dollars (\$100.00) shall be paid to the Finance Director for the construction of a cement monument footer

### **1062.12 ENFORCEMENT.**

- (a) Officials. The Director, Service Department attendants and all other law enforcement officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- (b) Ejection. The Director, and any Service Department attendant or Police Officer shall have the authority to eject from the cemetery any person acting in violation of this chapter.

### **1062.13 TRUSTEES.**

Nothing in this chapter shall be deemed to abrogate, restrict, modify, alter or change the rights, duties or obligations of the Cemetery Trustees.

### **1062.14 DESIGNATION OF HISTORICAL AREA.**

Avon Cemetery is hereby designated as an historical area to be preserved, cared for and protected as set forth in this Chapter, dated September 30, 2019. More specifically, said area is described as permanent parcel number 0400015110054, which is approximately 2.25 acres.

### **1062.15 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the Fourth Degree and shall be punished as set forth in ACO Chapter 698.