

AN ORDINANCE AMENDING CHAPTER 945 OF THE CODIFIED ORDINANCES TO REGULATE VILLAGE CEMETERIES

WHEREAS, Council desires to make certain amendments to Chapter 945 of the Codified Ordinance regulating Village cemeteries.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. Chapter 945 of the Codified Ordinances of the Village of Richfield is hereby amended as follows:

**“CHAPTER 945
Cemeteries**

945.01 DEFINITIONS.

(a) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise. **For all locations in the rules, the singular may be interchanged with the plural for any reference to a burial space. For all locations in the rules, burial space means casket or cremains.**

- (1) Burial Space means graves, lot, plot, crypt, or columbarium niche.
- (2) Burial Permit means a burial permit issued pursuant to Section 3705.17 of the Ohio Revised Code, **or a Certification of cremated remains from a cremation service.**
- (3) Columbarium means an above ground structure containing multiple cremation niches.
- (4) Crypt means space in a mausoleum for a full casket.
- (5) Exhume/Exhumation means to remove from a ~~grave-burial space~~, to disinter.
- (6) Grantee means a person to whom a grant or conveyance is made **of a burial space.**
- (7) Headstone **Monument** means a stone marking the head of a ~~grave-burial space~~.
- (8) Interment means a burial.
- (9) Lot means **the lot card showing 5 burial spaces numbered 1-5.**
- (10) Marker means a stone flush or slightly raised from the ground.
- (11) Mausoleum means a large above ground structure containing multiple burial spaces **or niches.**
- (12) Niche means a space in a columbarium, mausoleum or niche wall to hold an **cremation urn.**

(13) **Grade means the degree of surface inclination of the ground at a burial space.**

945.02 RULES FOR LOT SALE AND INTERNMENT.

(a) Cemetery burial spaces shall be sold only to residents of Richfield Village and of Richfield Township and to former residents who were residents of the Village or of the Township for a minimum of ten (10) years prior to the date of purchase. A notarized affidavit as proof of residence will be required for purchase of a burial space.

(b) The following persons may be buried in any cemeteries maintained by the Village:

(1) The owner of record of a burial space or a qualified grantee of a burial space.

(2) His or her parents or grandparents.

(3) His or her children and grandchildren.

(4) Any person who at the date of his or her death is the husband, wife, daughter-in-law, or son-in-law of the owner of record or qualified grantee of a burial space.

(c) Upon the death of an owner of record of a burial space, his or her heirs or devisees, shall file with the Director of Public Service competent proof of their right to the continued use and ownership of the burial space. The Director of Public Service, in his discretion, may refuse to permit further burials in such burial until such proof is presented to and accepted by the Director of Public Service.

(d) The Mayor, upon the approval of a majority of the members elected or appointed to Council, may waive the provisions of subsections (a) and/or (b) of this section upon the express finding of the existence of extenuating or mitigating circumstances that, in the sole discretion of the Mayor and Council, warrant the waiver of either or both of such subsections.

(1) The owner of record of any burial space is prohibited from selling or offering for sale any burial space, except the owner may sell or otherwise convey the owner's ownership rights to a burial space to the Village. When the owner conveys the ownership rights to a burial space to the Village, the original purchase price shall be returned to the owner and the space shall be made available for purchase to any eligible person.

(2) An owner of a burial space who wishes to gift or bequest the right to use a burial space to another may only do so when such gift or bequest is permitted by these rules. When the rules permit such gift or bequest, the owner of a burial space shall provide to the director of Public Service a notarized letter stating the owner's desire to make a gift or bequest of the right to use a burial space to the specified recipient. Upon receipt of said notarized letter, the Director of Public Service shall determine whether the gift or bequest is permitted by these Rules. If the gift or bequest is permitted by these rules, then

the Director of Public Service shall provide the recipient of such gift or bequest with a limited deed conveying only the right to use the burial space as set forth in the gift or bequest. Said deed shall clearly indicate that the recipient of such gift or bequest only possesses the right to use that burial space and does not own the burial space.

- (e) For all locations in this Chapter the singular may be interchanged with the plural for any reference to a burial space.

945.03 BURIAL SPACE PRICING AND RESTRICTIONS.

- (a) All burial spaces shall be paid for at the time of purchase. The charge for a burial space shall be as follows:

BURIAL SPACE PRICING	Full Burial Space		Cremation Burial Space		Mausoleum Crypt	Mausoleum Niche	
						1 st	2 nd
Richfield Veterans	\$450	\$ 750	\$225	\$375	\$1,400	\$300	\$750 \$750
Richfield Village Resident	\$550	\$1,000	\$300	\$500	\$1,500	\$300	\$1,100 \$750
Richfield Township and Former Resident	\$725	\$1,500	\$360	\$750	\$1,625	\$350	\$1,700 \$1,000

~~*(Newly proposed rules regarding who can purchase a burial space)~~

~~A resident of either Richfield Village or Richfield Township with proof of residency linked to one or more of the following records, utility bills, county records, tax records, Ohio law, voting records PLUS a signed affidavit will then allow the parents or children of the residents to be buried in one of our burial spaces.~~

~~The Mayor, upon the approval of a majority of members elected or appointed to Council, may waive the provisions of subsections (a) and/or (b) of this section upon the express finding of the existence of extenuating or mitigating circumstances that, in the sole discretion of the Mayor and Council, warrant the waiver of either or both of such subsections. (Can be found in (d) of 945.02)~~

- (a) A cremation grave, which is sized at ~~3' x 5'~~ **4' x 5'**, may contain no more than two (2) cremation urns placed one above the other top to bottom of the grave.
- (b) After the effective date of this subsection, two (2) cremation urns shall be permitted to be placed in the same grave with one (1) casket. The casket shall be placed first, at the bottom of the grave, with the cremation urns placed on top of the casket.
- (c) A mausoleum **and columbarium** cremation niche may contain no more than two (2) cremation urns.
- (d) Full sized ~~graves~~ **burial space** may contain no more than four (4) cremation urns in lieu of containing a casket.
- (e) Every ground interment of a casket shall be required to be placed in a burial vault.

- (f) **A wooden monument, the size and location of which must be approved by the Director of Public Service, is permitted as a temporary marker for a period not to exceed one (1) year from the date of burial.**

945.04 GRADES, PLANTING AND DECORATIONS.

- (a) An owner of any burial space shall not be permitted to change the grade of any burial space to conform to a raised marker, monument, or for any other purpose.
- (b) Fences, walls, hedges, posts, chains, curbing, edging, or enclosures of any kind around any burial space shall **not** be permitted.
- (c) No shrubs, trees, potted plants, benches, chairs or planters, trellises, candles/open flames, lighting of any kind, statues or other items shall be permitted on burial space, except with the approval of The Director of Public Service. The use of flower receptacles projecting above ground level are prohibited. Only flush in-ground flower vases will be installed by the Village, at the discretion of the Director of Public Service, and at the cost of the Owner.
- (d) The Village retains sole control and supervision of all burial spaces that have been sold. The Director of Public Service is authorized to enter upon any burial space to modify or remove any structure, object, planting, or adornment on such burial space that have been erected or placed in violation of this Chapter.
- (e) A deed to any burial space in any Village cemetery does not confer any right to do any planting or to erect any monument, headstone, mausoleum, monumental vase or any other structure, except in accordance with this Chapter.
- (f) The Director of Public Service may, in **their** sole discretion, remove any tree or shrub standing on or over any burial space that is diseased or decayed or has become detrimental to adjacent lots, walks or driveways.
- (g) All holiday decorations, religious symbols and wreaths may be placed no earlier than thirty (30) days prior to a national or religious holiday and must be removed within fifteen (15) days after such national or religious holiday.
- (h) The planting of annuals is permitted within 10" of a headstone or marker and only on the burial side of the headstone or marker. Owner is required to maintain the plantings. The Director of Public Service is authorized to enter upon a burial space and remove any planting that **has** not been maintained by an owner.
- (i) **Any decorations specifically designating a burial space as that of a veteran of the United States Armed Forces, such as a flag holder and/or designation of military branch, theater or service, may be permanently placed with the expressed written permission of the Director of Public Service without prior notice to burial space owner.**

945.05 INTERMENTS; RULES AND CHARGES.

- (a) The charges and fees for interment, opening and closing of a grave, final leveling and seeding of the grave site, and exhumation shall be as follows:

INTERMENT CHARGES	RICHFIELD VETERANS	RICHFIELD VILLAGE RESIDENT	RICHFIELD TOWNSHIP RESIDENT AND FORMER RESIDENTS
Interment – Full Burial	\$335	\$500.00 \$600	\$600.00 \$800
Interment – Cremains or Infant Burial Half Grave (4' x 5')	\$150.00 \$250	\$150.00 \$300	\$200.00 \$500
Mausoleum Interment – Crypt	\$200.00	\$200.00	\$325.00
Mausoleum Niche Conversion Interment	Interment and plaque is included in Burial Space prices listed in Section 945.03 above		
Mausoleum Interment – Niche	\$100.00	\$100.00	\$150.00
ADDITIONAL FEES			
Late Burial Fee (after 3 p.m.)	\$150.00 \$200.00	\$150.00 \$200.00	\$150.00 \$200.00
Saturday Burial Fee	\$200.00 \$300.00	\$300.00 \$300.00	\$300.00 \$300.00
Exhumation – Full Burial	Actual Cost of labor & equipment \$1,500.00	Actual Cost of labor & equipment \$1,500.00	Actual Cost of labor & equipment \$1,500.00
Exhumation – Cremains	\$250	\$300	\$500
Foundation Removal	\$500.00 - \$1,000.00	\$500.00 - \$1,000.00	\$500.00 - \$1,000.00

~~*(Newly proposed rules regarding who can purchase a burial space)~~

~~A resident of either Richfield Village or Richfield Township with proof of residency linked to one or more of the following records, utility bills, county records, tax records, Ohio law, voting records PLUS a signed affidavit will then allow the parents or children of the residents to be buried in one of our burial spaces.~~

~~The Mayor, upon the approval of a majority of the members elected or appointed to Council, may waive the provisions of subsections (a) and/or (b) of this section upon the express finding of the existence of extenuating or mitigating circumstances that, in the sole discretion of the Mayor and Council, warrant the waiver of either or both of such subsections. (Can be found in (d) of 945.02)~~

- (b) All burials shall be in graves equipped with concrete or metal vaults constructed in accordance with specifications on file in the office of the Director of Public Service and installed by persons skilled in such work. In the case of cremations, all burials shall be in air-tight and water-tight crematory. All in-ground burial cremation urns shall be cultured marble unless otherwise approved by the Director of Public Service.
- (c) Two (2) business days' notice is required for the preparation of a burial space, unless Director of Public, in the Director's sole discretion, waives the notice requirement.
- (d) Internments on Sundays or holidays are not permitted, unless Director of Public Service, in the Director's sole discretion, waives such restriction.

- (e) No interment shall be permitted in any Village cemetery until all burial space purchase and interment fees have been paid and body or cremains to be interred is accompanied by a burial permit issued under Section 3705.17 of the Ohio Revised Code.
- (f) All charges for interments or exhumation are due and payable when the request is made by personal check, money order, or credit card. No cash will be accepted.

945.06 EXHUMATION.

(a) Any person desiring to exhume a body or other remains from Village cemeteries shall provide at least two (2) business days' notice in writing of the desire to exhume a body or other remains to the Director of Public-Service. The date and time of any exhumation shall be determined at the discretion of the Director of Public Service.

(b) The exhumation of a body or other remains shall occur only if the Director of Public Service is first provided the appropriate written consent or authority to perform such exhumation in accordance with the following:

- (1) A court order from a court of competent jurisdiction ordering the exhumation of the deceased sought to be exhumed.
- (2) The duly appointed Administrator of the estate of the deceased sought to be exhumed.
- (3) The surviving spouse of the deceased sought to be exhumed.
- (4) All surviving adult children of the deceased sought to be exhumed if there is no surviving spouse.
- (5) All living parents of the deceased sought to be exhumed if there is no surviving spouse or surviving adult children.

(c) Individuals not listed in subsection (b)(1) through (5) shall **not** be entitled to exhume a body or other remains from any Village cemetery unless such person provides the Director of Public Service with a court order from a court of competent jurisdiction ordering the exhumation of the deceased sought to be exhumed **or unless those individuals identify another provision of state or local law entitling them to lawfully request exhumation.**

945.07 MONUMENTS AND HEADSTONES.

(a) No monument, headstone, or flush marker shall be erected or placed in any Village cemetery until its size and proposed location upon any burial space have been approved by the Director of Public Service.

(b) After the effective date of this subsection, an individual monument, headstone or flush marker shall contain the minimum information of the individual's name and dates of birth

and death. All monuments and headstones shall be placed at the West end of the grave, with the engraving facing East. **(engraving permitted on both sides)**

(c) No monuments, headstones or flush markers shall be set in any Village cemetery from May 20 through May 31 of each year. All markers to be installed in the fifth and sixth additions of the West Richfield Cemetery, and in Section D of the Fairview Cemetery, shall be granite or bronze and flush with the ground surface.

(d) Only single markers flush with the ground surface shall be permitted in any cremation burial space section of any Village Cemetery.

(e) Any person desiring to erect a monument must purchase, at a minimum, two (2) graves directly contiguous to each other. The length of the monument shall not exceed five (5) feet.

(f) A single, flush marker, or a pillow stone may be placed on a burial space with the individual's name and dates of birth and death if a monument previously erected contains only the last name of the family. A foot marker may be used for a Veteran if a headstone already exists.

(g) **The Director of Public Service shall respond to all requests for foundation pricing for all monuments, headstones, or markers.**

(h) All columbarium niche plaques shall be of uniform design as determined by the Director of Public Service.

945.08 RULES OF CONDUCT.

(a) Cemeteries are established for the burial of the dead and to perpetuate their memory. All visitors shall respect the solemnity of the Village cemeteries.

(b) No person shall discharge firearms within any Village cemetery, except at military funerals, Memorial Day exercises, or other occasions approved by the Director of Public Service. In no case shall live ammunition be utilized. No hunting of any kind is permitted within the limits of any Village cemetery.

(c) All persons are prohibited from cutting or removing any plants or flowers, whether wild or cultivated, in any Village cemetery and are further prohibited from cutting, trimming or injuring any tree or shrub or marring any monument or landmark or in any way defacing the cemetery grounds.

(d) No person shall deposit any debris or waste material of any kind at any place within the Village cemeteries except in receptacles provided by the Village. **Cremated remains will not be permitted to be scattered above or on ground of either cemetery.**

(e) The placing of any advertisement of any nature anywhere within a Village cemetery is prohibited.

(f) The use of bicycles in all Village cemeteries is limited to paved areas only.

(g) Dogs are permitted within a Village cemetery only if each such dog is leashed and under the control of the owner or person holding the leash. The owner of the dog shall be responsible for cleaning up after his or her dog. Any person found violating this subsection is guilty of a minor misdemeanor punishable in accordance with the § 945.99(b).

(h) Only vehicles of those people who are visiting or working in the municipal cemeteries are permitted. All vehicles shall be parked so that all tires of such vehicles shall be located on the hard surface of the cemetery roadway. The speed of all vehicles within all Village cemeteries shall not exceed ten (10) miles per hour.

(i) No person shall enter upon any Village cemetery grounds from sundown to sunup except upon written permission of the Director of Public Service. Any person found within any Village cemetery grounds during such hours without written permission of the Director of Public Service shall be prosecuted in accordance with § 945.99(a).

(j) The Director of Public Service in ~~his~~ their sole discretion, may decorate any veteran graves with a single United States of America flag on Memorial Day through the week following Veterans Day week. Other organizations or individuals shall only adorn graves with expressed written permission of the Director of Public Service.

945.09 DEPARTMENT OF PUBLIC SERVICE INFORMATION.

(a) The grade of all cemetery grounds shall be established by the Village. The Director of Public Service shall, as nearly as practicable, bring the surface of all cemetery lots, graves or burial spaces to the existing established grades.

(b) No interment may be made unless the body or remains is accompanied by a burial permit.

(c) The location of **burial spaces** upon a cemetery lot shall be designated by the Director of Public Service.

(d) Monuments, monumental urns, headstones and flush markers shall be set with reasonable uniformity of and as to line, grade and setting. To maintain such uniformity the Director of Public Service is authorized to enter upon any cemetery lot, grave, or burial space to reset any such structure at the expense of the Village.

(e) No monument, headstone or flush marker shall be placed nearer than three (3) inches to each grave lot line except when side by side, if contiguous ownership graves exist the stone will be centered over them.

(f) Only one (1) monument, headstone or flush marker, and one pillow stone may be placed upon any one (1) grave. No monument, headstone or marker shall exceed 72 inches in height and shall be 4 to 12 inches (from front to back). In the case of a military headstone the same guidelines will be followed as for all other headstones. If a headstone exists then a military foot stone may be added to the grave in lieu of a pillow stone. The location, size and inscription of any headstone or marker shall first be approved by the Director of Public Service.

(g) Raised or flush headstones or markers shall conform to the requirements of subsections (e - f) of this section.

945.99 PENALTY.

(a) Whoever violates § 945.08(i) of this Chapter shall be guilty of a misdemeanor of the first degree.

(b) Whoever violates any other provision of this Chapter shall be deemed guilty of a minor misdemeanor.

(c) Whoever commits any other crime or other type of offense within the boundaries of any Village cemetery not specifically mentioned in this Chapter shall be punished as may be provided in that applicable law."

SECTION 2. That any ordinances or resolutions in conflict with the foregoing are hereby repealed.

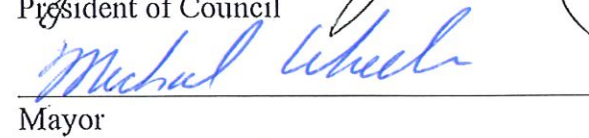
SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall be in full force and effect after the earliest period allowed by law.

PASSED: 6-4-2024



President of Council



Mayor

Dated: 7/15/2024

ATTEST: 

Clerk of Council

