

Ordinance No. 45 - 2022

Offered by Jeff Stoppenhagen

AN ORDINANCE AMENDING CHAPTER 945 OF THE CODIFIED ORDINANCES TITLED "CEMETERIES", AND DECLARING AN EMERGENCY

WHEREAS, the Village Cemetery Board has recommended to Council proposed revisions and amendments to the rules and regulations for Village cemeteries as found in Chapter 945 of the Codified Ordinances.

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, titled "Cemeteries" is amended as set forth in Exhibit "A" that is attached hereto and expressly incorporated herein by reference.

SECTION 2. All ordinances or parts thereof in effect at the time of passage of this ordinance that are in conflict with the foregoing provisions are hereby repealed to the extent of the conflict.

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 any of its committees 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 take effect and be in force from and after the earliest period allowed by law.

PASSED: 12-14-2022

Bobbie Bestman
President of Council

ATTEST:

Michael W. ...
Mayor

Jeff ...
Clerk of Council

Dated: 12-14-2022

EXHIBIT "A"

(Bold/Yellow = Proposed Revisions and Additions)
(Strikethrough = Proposed Deletions)

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:

- (1) Burial Space means one or more graves, lots, plots, mausoleum crypts, or columbarium niches.
- (2) Burial Permit means a burial permit issued pursuant to Section 3705.17 of the Ohio Revised Code.
- (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, to disinter.
- (6) Grantee means a person to whom a grant or conveyance is made.
- (7) Headstone means a monument or marker marking the head of a grave.
- (8) Interment means a burial.
- ~~(9) Lot means an area that contains multiple graves.~~
- ~~(10)~~(9) Marker means a stone or bronze marker flush or slightly raised from the ground.
- ~~(11)~~(10) Mausoleum means a large above ground structure containing multiple burial spaces.
- ~~(12)~~(11) Monument means a raised headstone flush marker marking two (2) or more burial spaces.
- ~~(13)~~(12) Niche means a space in a columbarium, mausoleum or niche wall to hold an urn.

(Ord. 62-2021. Passed 6-15-21.)

945.02 RULES FOR LOT SALE OF BURIAL SPACES AND INTERMENT.

- (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 to purchase of a burial space.

- (b) The following persons may be buried in any cemetery 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~~ **The parents or grandparents of an owner of record or qualified grantee of a burial space.**
 - (3) ~~His or her~~ **The children and grandchildren of an owner of record or qualified grantee of a burial space.**
 - (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~~ **their sole** discretion, may refuse to permit further burials in such burial **space** 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.
- (e) The owner of record of any burial space may at any time convey the rights to any burial space to the Village and shall receive the original purchase price paid for the burial space or may gift or bequeath, the use of any burial space, but shall not sell or offer for sale any burial space. When the authorized transfer or assignment of a burial space is made, a notarized letter from the original owner of record shall be provided to the Director of Public Service, who shall give a deed conveying only the burial rights provided for by this Chapter and not ownership of the burial space.
- (f) For all locations in this Chapter the singular may be interchanged with the plural for any reference to a burial space.
- (g) The terms of sale and any deed to any burial space in any Village cemetery executed after the effective date of this subsection, may include the following requirements:
 - (1) The grantee shall provide to the Director of Public Service, in writing, a list of the names and addresses of the persons to whom the grantee's property would pass by interstate succession.

- (2) The grantee shall notify the Director of Public Service in writing of any subsequent changes in the name or address of any persons to whom property would descend.
- (3) Any person who receives a deed to a burial space in any Village cemetery by gift, inheritance, or any other means other than the original conveyance shall, within one year after receiving the interest, give written notice of the person's name and address to the Director of Public Service, and shall notify the ~~board~~ **the Director of Public Service** of any subsequent changes in the person's name or address.
- (4) The terms of sale and any deed to any burial space in any Village cemetery executed in compliance with the notification requirements set forth in subsection (g)(1), (2), and (3) of this section shall state that the Director of Public Service shall have right of reentry to the burial space if the notification requirements are not met. At least ninety days (90) before establishing reentry, the Director of Public Service shall publish a notice on the Village's internet website, if applicable, and shall send a notice by certified mail to the last known owner at the owner's last known address to inform the owner that the owner's interest in the burial space will cease unless the notification requirements are met. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county. In order to establish reentry, Council shall pass a resolution stating that the conditions of the sale or of the deed have not been fulfilled, and that the Village reclaims its interest in the lot or right.
- (5) Council may limit the terms of sale or the deed for any burial space in any Village cemetery by specifying that the owner, a member of the owner's family, or an owner's descendant must use the burial space, or at least a portion of the burial space, within a specified time-period. Council may specify this time-period to be at least twenty but not more than fifty years, with right of renewal provided at no cost. At least ninety (90) days before the termination date for use of the burial space, the Director of Public Service shall publish a notice on the Village's internet web site and shall send a notice to the owner to inform the owner that the owner's interest in the lot or right will cease on the termination date unless the owner contracts for renewal by that date. The Director of Public Service shall send the notice by certified mail to the owner if the owner is a resident of the township or is a nonresident whose address is known. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county.
- (6) The terms of sale and any deed for any burial space in any Village cemetery with a termination date shall state that the Director of Public Service shall have right of reentry to the burial space at the end of the specified time period if the burial space, is not used within this time period or renewed for an extended period. In order to establish reentry, the Council shall pass a resolution stating that the conditions of the sale or of the deed have not been fulfilled, and that the Village reclaims its interest in the lot or right. The Village shall compensate owners of unused lots or rights who do not renew the terms of sale or the deed by offering to pay the owner

eighty per cent of the purchase price or to provide another available lot or right, as applicable, at no additional cost. The Village may repurchase any cemetery lot or right from its owner at any time at a price that is mutually agreed upon by the Village and the owner. (Ord. 62-2021. Passed 6-15-21.)

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
Richfield Veterans	\$450	\$225	\$1,400	\$300
Richfield Village Resident	\$550	\$300	\$1,500	\$300
Richfield Township and Former Residents	\$725	\$360	\$1,625	\$350

- (b) A cremation **grave burial space**, which is sized at 3' x 5', may contain no more than two (2) cremation urns placed one above the other top to bottom of the grave.
- (c) After the effective date of this subsection, two (2) cremation urns shall be permitted to be placed in the same **grave burial space** with one (1) casket. The casket shall be placed first, at the bottom of the **grave burial space**, with the cremation urns placed on top of the casket.
- (d) A mausoleum cremation niche may contain no more than two (2) cremation urns.
- (e) A ~~Full full sized~~ **graves burial space** may contain no more than four (4) cremation urns in lieu of containing a casket.
(Ord. 62-2021. Passed 6-15-21.)

945.04 GRADES AND PLANTING.

- (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) No fences, walls, hedges, posts, chains, curbing, edging, or enclosures of any kind around any burial space shall 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 ~~his or her~~ **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 ten inches (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 have not been maintained by an owner.

(Ord. 62-2021. Passed 6-15-21.)

945.05 INTERMENTS; RULES AND CHARGES.

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

INTERMENT CHARGES	RICHFIELD VETERANS	RICHFIELD VILLAGE RESIDENTS	RICHFIELD TOWNSHIP RESIDENTS AND FORMER RESIDENTS
Interment-Full Burial	\$335.00	\$500.00	\$600.00
Interment-Cremains or Infant Burial	\$150.00	\$150.00	\$200.00
Mausoleum Interment-Crypt	\$200.00	\$200.00	\$325.00
Mausoleum Interment-Niche	\$100.00	\$100.00	\$150.00
Additional Fees			
Late Burial Fee (after 3 p.m.)	\$150.00	\$150.00	\$150.00
Saturday Burial Fee	\$200.00	\$300.00	\$300.00
Exhumation-Full Burial	\$1,500.00	\$1,500.00	\$1,500.00
Exhumation-Cremains	\$200.00	\$200.00	\$200.00

Foundation Removal	\$500.00-\$1000.00	\$500.00-\$1000.00	\$500.00-\$1000.00
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- (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 **urns**. All in-ground burial cremation urns shall be **non-biodegradable** 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.~~ **The owner and/or family of owner must provide at least two (2) business days' notice for the preparation of a burial space in any Village cemetery, unless the Director of Public Service, in their sole discretion, waives the notice requirement.**
- (d) Interments on Sundays or holidays are not permitted, unless Director of Public Services, in the Director's sole discretion, waives such restriction.
- (e) A wooden ~~marker~~ **monument**, the size and location of which must be approved by the Director of Public Service, is permitted as a temporary ~~marker~~ **monument** for a period not to exceed one (1) year from the date of burial.
- (f) No interment shall be permitted in any Village cemetery until all burial space purchase and interment fees have been paid and the body or cremains to be interred is accompanied by a burial permit issued under Section 3705.17 of the Ohio Revised Code.
- (g) 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.
(Ord. 62-2021. Passed 6-15-21.)

945.06 EXHUMATION.

- (a) Any person desiring to exhume a body or other remains from **any Village cemeteries cemetery** 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.
- (Ord. 62-2021. Passed 6-15-21.)

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, in writing, 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.
- (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.
- (~~d~~)(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.
- (~~f~~)(g) The foundation for all monuments, headstones or markers shall be of like construction and built under the direction of the Director of Public Service. The cemetery lot or grave owner shall pay for the construction of the foundation at the rate of thirty-five dollars (\$35.00) per square foot, with a minimum charge of seventy dollars (\$70.00). Payment shall be made at the time the request for service, and made to the Village.

- (g) All mausoleum crypts and columbarium niche plaques shall be of uniform design as determined by the Director of Public Service.
(Ord. 62-2021, Passed 6-15-21.)

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.
- (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 Section 945.99(b).
- (d)(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.
- (e)(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 Section 945.99(a).
- (f)(j) The Director of Public Service in his ~~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 shall only adorn graves with expressed written permission of the Director of Public Service.

(Ord. 62-2021, Passed 6-15-21.)

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 ~~graves~~ **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~~ **burial space** lot line except when monuments, headstones, or flush marker are placed side by side. **The Director of Public Service may permit a monument, headstone, or flush marker to be centered over more than one burial space only if the burial spaces are owned by the same owner of record.** ~~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~~ **burial space**. No monument, headstone or marker shall exceed seventy-two (72) inches in height and shall be four (4) to twelve (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 **already** exists **at a burial space**, 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) and (f) of this section.

(Ord. 62-2021. Passed 6-15-21.)

945.99 PENALTY.

- (a) Whoever violates Section 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.

