

JOINT RESOLUTION NO. 2013- 04

A JOINT RESOLUTION ADOPTING RULES AND REGULATIONS FOR THE USE AND MANAGEMENT OF THE STANDING ROCK CEMETERY.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio and the board of Trustees of Franklin Township, Ohio, meeting jointly, at least a majority of all members elected thereto concurring:

SECTION 1. That Rules and Regulations be adopted to serve as a guide to the use and management of the Standing Rock Cemetery, in substantial conformity with a copy of which is marked as Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That any resolution or part thereof in conflict herewith is hereby repealed.

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

SECTION 4. That this Joint Resolution shall take effect and be in force from and after the earliest date allowed by law.

Mr. DeLeone moved the adoption of this Joint Resolution, seconded by Ms. Shafffer.

Roll call vote as follows:

Mr. Amrhein	<u>Aye</u>	Mr. Sidoti	<u>Aye</u>
Mr. DeLeone	<u>Aye</u>	Ms. Wallach	<u>Aye</u>
Mr. Ferrara	<u>Aye</u>	Mr. Wilson	<u>Aye</u>
Mr. Flynn	<u>Aye</u>	Mr. Beckwith	<u>Absent</u>
Mr. Kuhar	<u>Aye</u>	Mr. Benjamin	<u>Aye</u>
Ms. Shafffer	<u>Aye</u>	Mr. Falstad	<u>Aye</u>

PASSED: 10/16/2013
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Joint Resolution No. 2013-04 was duly enacted on this 16th day of October, 2013 by the Council of the City of Kent, Ohio.

Clerk of Council

A. GENERAL -CONT.

6. The Cemetery Board shall not be responsible for damages to vaults or other structures caused by forces over which it has no control. Cemetery personnel will take all reasonable precautions to protect lot owners and their property within the cemetery from loss, damage or injury but shall not be responsible for any loss, damage or injury.

7. The Superintendent shall direct all improvements within the grounds and upon all lots before and after interments have been made herein.

8. No person, other than employees of the cemetery, shall be allowed to perform any work within the cemetery without permission from the Cemetery Board.

9. All rubbish, unsightly material or debris accumulation from any work or any cause must be removed at once by the person causing its accumulation. All derricks, tools, etc., must be removed immediately upon completion of any work necessitating their use, and the grounds left in as good condition as found.

10. The Trustees and Superintendent shall have the right to enter upon or use any adjoining lot or lots to carry out its duties as to interments, erection of monuments or markers, etc., without prior notice to the lot owner.

11. No person shall discharge any firearms or have possession of any firearm within the cemetery grounds, except in case of military funerals and on Memorial Day, without the written permission of the Superintendent.

12. City of Kent's Dog Leash Ordinance, Section 505.01 (as posted at the front entrance of the cemetery). This ordinance requires the owner, keeper, or person having charge of a dog, cat or other animal to remove all matter excreted by such animal upon any property not belonging to the owner, keeper or person having charge of such animal. Whoever violates this section shall be guilty of a minor misdemeanor.

The Superintendent is authorized by the Cemetery Board of Trustees to enter upon any lot to make improvements deemed necessary by the Superintendent. Lot owners shall not change the grade of any lot or interfere in any way with the general plan of the improvement of the cemetery. No fences, enclosures, OR STRUCTURES* of any description shall be permitted within the cemetery

B. LOTS AND PURCHASE

1. Lots must be paid in full before a burial is made.

2. The Board of Trustees authorizes issuance to each owner of the rights of burial for its lots, crypts or niches a Deed describing the location and naming the owner or owners of the said location. The naming of more than one owner is indicative of joint ownership in common with rights of survivorship.

3. The owner of interment rights hereunder may dispose of same by will, grant, sale or Standing Rock Cemetery Trustees may buy back unused/unmarked lots at the original purchase price.

4. Lot owners are prohibited from allowing interments to be made on their lots for compensation.

5. All lot owners are required to notify the cemetery clerk of any change of address. All notices required to be sent shall be sent to the last recorded address and such notices shall be deemed adequate.

6. Certain lots embrace a tree that may interfere with space that otherwise might be used for burial. In such a case, the Trustees recognize that right to the retention of the trees as prior to the right of use of such space for burial. Should any such tree die naturally, cemetery personnel will remove it at the Board's expense. The Superintendent shall have the right to remove all objects whose appearance and condition warrant removal and/or violate the cemetery's rules and regulations. The Trustees also will not be liable for any flower or decoration removed or lost by any cause.

7. LOT SALE LIMITATION

A family may purchase up to twenty (20) lots in Standing Rock Cemetery. The Superintendent may sell additional lots to the same family if the Superintendent feels the situation is warranted. If denied the family may appeal the decision to the Board of Trustees.

C. BURIALS

1. Interments into a lot are restricted to those entitled to burial therein according to these rules and regulations. The Trustees shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations have not been complied with.

2. The use of one grave space shall be limited to interments as follows:

a. One full burial and Two urns of cremated remains

b. OR (3) urns of cremated remains

c. In areas designated as cremains only, interment will be limited to (2) urns of cremated remains

3. All full burials require a vault.

4. Funerals are to be completed by 3:30 p.m., Monday through Saturday.

a. A late fee will be charged for all services not completed by 3:30 p.m.

b. All interments must be performed by employees of the cemetery.

5. No disinterment will be allowed without the proper paperwork completed, determined by individual circumstances.

6. The Trustees shall in no way be liable for any container, receptacle or urn of cremated remains placed in any lot or niche. A permanent type of urn or vault is not required for ground interment of cremated remains. The scattering of cremated remains over a family lot is prohibited.

D. MONUMENTS

The Superintendent shall have the authority to reject any memorial that, on account of its size, type, design, inscription, quality, color or method of construction is unsuitable for the particular lot or grave on which it is to be placed. The Superintendent reserves the right to prevent the placing or to remove any marker or other objects that do not comply with the standards of the cemetery.

1. Foundations are poured twice a year, in May & October. No marker will be accepted by the Trustees for installation unless an order for a foundation is received by the end of April & September.

2. All foundations shall be placed by employees of the cemetery only.

3. All fees or encumbrances due on a lot must be paid in full prior to any memorial being placed on the lot.

4. In the event a memorial is placed where it is necessary to remove it for an interment or disinterment, cemetery personnel shall have the right to remove such memorial without notice to the lot owner.

5. The Trustees may, at its own expense, without any liability, correct any error that may occur in the placing of a foundation

6. Memorials shall be set in accordance with the general plan of the cemetery.

Two (2) memorials may be placed on a grave, one upright headstone and one flat flush footstone.

7. VETERAN markers are installed flat flush, free of charge by the Board of Trustees. We accept flat bronze or granite markers. All veteran applications must be signed by the cemetery Clerk or Superintendent. Honorable discharge papers must accompany the application.

E. PLANTING AND DECORATIONS

In all cases of any plantings or other work to be done by the certificate owner upon any lot, the owner shall give proper care to the same throughout the season. If the work is neglected and becomes unsightly the caretaker shall remove the plants or other objects and do any and all other things in connection therewith as will leave the lot in a presentable condition. Plantings shall be done with the approval of the Superintendent and shall be done by the lot owner at his own expense. Placement shall be in accordance with the directions of the superintendent in conformity with the general beautification plan.

1. Trees and shrubs are placed throughout the cemetery by the Trustees for overall beauty and serenity of the grounds. Individual lots are permitted to have trees or shrubs as long as they have been approved by the Superintendent. Any such tree or shrub not approved by the Superintendent will be removed without notice to the lot owner.
2. The Superintendent reserves the right to trim, cut down or remove any existing tree, shrub, plant or flower on lots within the cemetery. Any existing tree, shrub or bush becoming unsightly may be removed when considered necessary by the Superintendent.
3. All trees, shrubs, and/or bushes must be kept well within the boundaries of the lot. They must in no way interfere with adjoining lots. Trees and shrubs must be kept trimmed and cut so that they will in no way touch stones on any other lots. Orders for trimming, removal or care shall be made at the cemetery office.
4. Flower beds are to be no larger than 18" from the base of the headstone. Items not allowed to be placed on a lot within the cemetery include, but are not limited to, the following: glass receptacles of any kind, invasive plants, roses or any other thorny plant/shrub, structures*, posts or poles larger than a shepherds hook.
5. Benches not being used as a headstone may be installed on lots at the discretion of the Superintendent.
6. All floral frames, baskets, containers or forms placed on graves shall be removed and disposed of after they have served their purpose.
7. No fences or enclosures of any kind will be permitted. Waste paper, boxes, old bouquets, and etc. must be disposed of in receptacles provided for that purpose.
8. The Superintendent reserves the right to remove all flowers, wreaths or other decorations from lots as soon as they become unsightly. The grounds are cleared of decorations once a year. Spring cleanup begins April 1. In order for a family to save any decorations placed on a grave, the decoration should be removed prior to this date.
9. The City of Kent provides water to our patrons throughout the growing season. We shut off the water when the temperatures begin to hover around freezing. (Generally around the end of October) and turn it back on in the spring when the temperatures begin to stay above freezing (generally around the first of May). Please plan accordingly and provide your own water source when the above conditions exist.

*Structure: (OTHER THAN A HEADSTONE) something (such as a house, tower, bridge, etc.) that is built by putting parts together and that usually stands on its own.

STANDING ROCK CEMETERY 1361 N. MANTUA ST. KENT OHIO 44240 330-673-3859
Adopted by Joint City Council/SRC Board of Trustees Res. # _____ 10/16/2013

RULES & REGULATIONS

Standing Rock Cemetery Trustees encourages families, friends and the community to visit the cemetery.

The following rules and regulations have been adopted as a guide to the use and management of the cemetery. The rules and regulations will help protect all who have interest here. All lot owners of interment rights, visitors and contractors performing work within the cemetery shall be subjected to said rules and regulations adopted by the Cemetery Board of Trustees. The Trustees may, and it hereby expressly reserves the right, at any time, with or without notice to lot owners, to adopt new rules and regulations or to amend, alter and/or repeal any rule and/or regulation. Special cases may arise in which the literal enforcement of the rule may impose unnecessary hardship. The Trustees, therefore, reserve the right, without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations when, in its judgment, the same appear advisable, and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such. The Board of Trustees retains to itself, for the benefit of all interment right owners, full and complete supervision, control and management of the land, buildings, improvements, roads, walks, utilities, development, books and records, and the full and complete authority, rights and privileges to make, change, administer and enforce all rules and regulations and restrictions not inconsistent with the laws of this State wherein this cemetery is located.

CARETAKER SUPERVISION OF ALL LOTS

Standing Rock Cemetery Trustees hereby reserve and retain control and supervision of all lots. The Board imposes upon its caretaker the duty to enter upon any lot and prohibit, modify or remove any structure, object, improvement or adornment which may have been placed thereon in violation of the rules or which may be considered objectionable or injurious to the lot, to adjoining lots or to the general appearance of the cemetery.

A. GENERAL

1. The grounds of Standing Rock Cemetery are open daily from dawn to dusk per Kent City Ordinance 541.08. Any person found on the cemetery grounds (other than personnel) after closing will be considered a trespasser.
2. No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by cemetery personnel.
3. Peddling of any kind or soliciting the sale of any commodity, other than by cemetery personnel, is prohibited within the confines of the cemetery.
4. The right to use automobiles or other vehicles in the cemetery is authorized solely and exclusively for the purpose of transporting persons to visit burial plots. The speed limit within the cemetery is fifteen (15) miles per hour. Parking and/or driving on any gardens or grassy areas are prohibited for purposes other than those obtained from the cemetery personnel.
5. No person shall obstruct any drive or path in the cemetery or in any way injure, deface, or destroy any stone, structure, grass, flower, tree, shrub, vine or any other thing in the cemetery. No person shall remove any object from any place in the cemetery or make any excavation without the consent of the Superintendent.