

**RULES
AND
REGULATIONS
FOR
Willoughby Cemeteries**



**ADOPTED
JANUARY 1, 1988**

**AMENDED
MARCH 1, 2002**

**AMENDED
APRIL 18, 2022**



One Public Square
Willoughby, Ohio 44094

**MAYOR
ROBERT A. FIALA**

**SERVICE DIRECTOR
RICH PALMISANO**

**CEMETERY SUPERVISOR
(440) 376-2219**

**SERVICE DEPARTMENT
(440) 953-4115**

RULES & REGULATIONS
for
WILLOUGHBY CEMETERIES



Due to the rapid growth of Willoughby Cemeteries, many conditions have arisen which make it advisable to revise the cemetery regulations so that its advantages and beauty may be retained.

It is unlikely that any set of regulations could be devised which would meet with unanimous approval, but the rules and regulations which have been set up and are contained herein have been designed to meet a growing need and to provide the most practical means of maintaining, protecting and beautifying the Cemeteries to the advantage of the general public and all lot owners.

It is the earnest desire of the City officials administering the Cemeteries to cooperate with the general public, with all lot owners, and the citizens of Willoughby in making our cemetery a real memorial and we believe that the citizenry, on its part, will cooperate fully in carrying out the provisions herein set forth.

DEFINITIONS

The term Cemetery, as used in these regulations, is all land owned by or under the supervision and control of the City of Willoughby, or devoted exclusively to the interment of deceased persons, and all land hereafter acquired by the City of Willoughby for such purpose.

The term plot or grave shall apply to a space of sufficient size to accommodate one interment.

The term lot shall apply to more than one adjoining grave.

The term interment shall mean the permanent disposition of the remains of a deceased person by entombment, burial or inurnment.

The term memorial shall include a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, or facing on a crypt or niche.

The term headstone shall mean a memorial not exceeding (1) foot in width and two (2) feet length and flush with the ground.

The term monument shall mean any stone memorial which protrudes above ground level.

The term Limited Right of Occupancy is the legal instrument used by the City and issued only to the holder of the instrument, and which grants the right to use a grave or plot for interment solely and exclusively to that holder.

The term Release of Limited Right of Occupancy is the legal instrument executed by the holder of a Limited Right of Occupancy relinquishing the graves or plots designated under the Limited Right of Occupancy to the identified holder.

GENERAL REGULATIONS

If any tree or shrub standing on any lot shall, by means of its roots, branches, or otherwise, become detrimental, dangerous or inconvenient to adjacent lots or walks, or if it becomes unsightly, the Sexton shall have the right and it shall be his duty to remove such tree or shrub, or any portion thereof, as he shall judge best.

No turf may be removed for flower bed or other purposes without first obtaining the Sexton's permission.

Glassware, boxes, baskets, shells, cardboard containers, or watering pots left on graves or lots at the City's Cemetery are considered detrimental to the appearance of the Cemetery and

the Sexton is directed to remove such articles from the graves and lots.

No person shall deposit, anywhere within the Cemetery limits, debris, rubbish or waste materials of any nature except that resulting from decoration or care of Cemetery lots. Such debris and waste material shall be deposited at places or in receptacles designated for such use.

The City of Willoughby will use reasonable care in engaging competent and experienced cemetery employees and in seeing that they do their work with customary carefulness, but it disclaims any responsibility for accidents or damages to headstones, vases, monuments or property related thereto resulting from the ordinary hazards of Cemetery work.

Metal emblems may be placed on graves when permitted by the Sexton. Such emblem shall be removed when deemed advisable by the Sexton.

All Funeral Home Directors and personnel, on entering and while within the Cemetery, will be under the control and subject to the direction of the Sexton and his assistants.

All materials brought to the Cemetery by Funeral Home Directors and personnel to be used during the funeral services shall be removed from the Cemetery during Cemetery working hours on the same day on which services are held.

The City of Willoughby and its employees will take all reasonable precautions to protect lot owners and the property rights of lot owners, within any City Cemetery, from loss or damage, but the Cemetery distinctly disclaims all responsibility for loss or damage caused by the elements, an Act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or indirect, other than herein provided.

All fees or charges for services are payable to the Cemetery office located in the Municipal Building at One Public Square, Willoughby, Ohio 44094. Patrons of the Cemetery are requested not to pay any fee or gratuity to any employee.

The right to enlarge, reduce, replot, or change boundaries or grading of the Cemetery or a section or sections, from time to time, including the right to modify, change the locations of, remove or regrade roads, drives or walks, or any part thereof,

are hereby reserved. The right to lay, maintain, operate, alter or change pipe lines, gutters, sprinkling systems, drainage, etc., is also expressly reserved, as well as the right to use Cemetery property not sold to individual plot owners for cemetery purposes, including interment of the deceased, or for anything necessary, incidental or inconvenient thereto. The Cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over plots for the purpose of passing to and from other plots.

Lots in the Cemeteries of the City of Willoughby are exempt from taxation and cannot be seized for debt, nor attached for or by any process at law; nor can they be mortgaged.

The City, upon request of the holder of a Limited Right of Occupancy and receipt of a properly executed Release of Limited Right of Occupancy, shall pay to the person executing the Release, the sum of the grave or plot price paid for the Limited Right of Occupancy, as issued by the City.

Under no circumstances shall any holder of a Limited Right of Occupancy be permitted to transfer the Limited Right of Occupancy, under any form of conveyance, to any other person or entity, other than as provided for in this paragraph and directly to the City only.

The City of Willoughby distinctly disclaims any responsibility or liability for accident or damage to person or property due to defects of machinery, implements, tools and equipment used in its work.

The Director of Public Service reserves and shall have the right to correct any errors that may be made by him or the employees of the City of Willoughby, either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance of any interment property and substituting and conveying, in lieu thereof, other interment property of equal value and similar location or, as may be selected by the Director of Public Service, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Director of Service shall have the right to remove or transfer such remains, so interred, to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Once a casket containing a body is within the confines of the Cemetery, no Funeral Director or his embalmer, assistant, employee or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a Court of competent jurisdiction in Lake County.

GROUND RULES

Children may be excluded from the Cemetery at any time unless accompanied by an adult who will be responsible for their conduct.

No idling or loitering on the grounds or in any of the buildings.

It is not permitted to sit or stand upon monuments or markers.

Visitors shall keep to the walks and drives and shall not climb the Cemetery's banks or terraces.

Any person acting in a boisterous or loud manner or in any way inappropriate to the sanctity of the grounds may be expelled by the Sexton.

All persons are reminded that the grounds are sacredly devoted to the burial of the deceased and that the provisions and penalties of the law will be strictly enforced to keep it thus.

All persons are forbidden to wound, kill or capture any bird or animal within the limits of the Cemetery or to remove the young of any animal or eggs of any bird.

Visitors are prohibited from plucking any plants, whether cultivated or wild, or in any way defacing the Cemetery grounds.

No dogs are allowed in the Cemetery.

The Cemetery grounds are closed to everyone, except employees and other authorized persons, during the hours of darkness. Violators of this provision are subject to arrest and prosecution.

No advertising, peddling, or soliciting of any sale product or service within the Cemetery will be allowed.

Approaching the bereaved within the Cemetery for the purpose of soliciting any business is recognized as inappropriate and, therefore, will not be permitted.

No bringing of firearms into the Cemetery, except by a military escort accompanying a veteran's funeral or attending memorial services.

No refreshments or liquors will be permitted on the grounds.

SPECIAL DECORATIONS

Gravesites are to be cleaned of all decorations three times a year: March 1st, two weeks after Easter and November 1st.

Please allow two (2) weeks to be sure removal has been completed before placing new decorations on your gravesite. This will protect your new decorations from being accidentally removed. Items in an urn or on a shepherd's hook will not be removed unless items pertain to a past holiday or they are deemed unkempt.

Major holiday decorations such as Memorial Day, Independence Day, Labor Day or Halloween, etc. should be removed 14 (fourteen) days after the holiday.

During the grass mowing season, wreaths, Styrofoam crosses, shells, toys, metal designs, ornaments and statues will not be allowed.

FLORAL DECORATIONS, VASES & URNS

Permanent urns may be placed in the Cemetery by obtaining permission of the Sexton, who shall be consulted as to their locations.

Hanging baskets shall be suspended from a single hook standard. Only one (1) hook per headstone is permitted. Wrapped or decorated hooks are not permitted. No tripods or pipe frames may be erected.

In order to maintain a neat appearance throughout the Cemetery, the Sexton may remove the plantings from any urn or basket which becomes unsightly through lack of care.

When an urn remains unplanted later than July 1st, or when it becomes worn out and dilapidated, it will be removed without further notice.

Potted plants will be permitted to remain on graves until the blossoms are dead; they will then be promptly removed.

Cut flowers may be placed on any grave. All withered and faded cut flowers will be removed when lots are mowed.

Flowers placed on a grave at the time of burial will be removed at the discretion of the Sexton, and in no case, except in winter, will they be left longer than five (5) days.

All floral baskets, designs, and wreaths will be removed when they become unsightly and upon request, may be stored at the Cemetery office for a time not to exceed ten (10) days. If not called for within this time, they will be disposed of.

FOUNDATIONS

No headstones may be set without a foundation first being made. All foundations shall be made by Cemetery employees from materials selected by the Service Director.

Due to the additional work in preparation for Memorial Day, orders for foundations may be refused during the month of May.

HEADSTONES AND MONUMENTS

No headstone may be erected or placed in the Cemetery unless specifications, plans, and location have first been submitted to and approved by the Service Director.

All headstones shall be set in line as prescribed by the Sexton.

All above ground headstones and monuments must be installed and placed by a professional headstone installer. Flush markers will be installed by the Cemetery.

The Sexton shall have the authority to inspect the setting of any headstone, and if improperly done, order the resetting of same. Cemetery drawings indicate all locations.

All headstones upon a lot shall be a minimum thickness of four inches (4") and uniform in material, color, form and size.

After a headstone has been placed in the Cemetery, it may not be removed without written permission of the Sexton and the Service Director.

Markers with porcelain or other photographs inserted are permitted, but the City is not liable for any maintenance or repair upon deterioration. Markers that are grotesque, freakish, have unusual design, ornamentation, or size are not permitted.

No headstones or materials used in connection with same may be brought into the Cemetery on Sundays or general Holidays and all work thereon shall be done within Cemetery working hours.

Boxing, crating, packing materials, and all other debris brought in by the stone contractor shall be removed and the completed work shall be cleaned before leaving the job.

For the best interest and protection of the holder of the Limited Right of Occupancy, memorials of cement, artificial stone composition, wood, tin or iron, even for temporary use, shall not be permitted. No type of rock or stone material can be used to border headstones.

Headstones made of marble or sandstone will not be permitted in the Cemetery. The only exception being government headstones of veterans.

In order to prevent error and to protect lot owners, it is the responsibility of the memorial dealer to see that all inscriptions are correctly inscribed on the headstone.

The issuance of a Limited Right of Occupancy and the payment for the same shall be arranged through the Sexton of the Cemetery, or his authorized representative, who shall show lots which are available in the Cemetery.

When a new section of the Cemetery has been plotted and prepared for sale, the price of lots will be fixed by the City Council.

The Limited Right of Occupancy conveys only burial rights, and the title to the land remains in the City of Willoughby.

In general, full payment for the Limited Right of Occupancy shall be required before issuance. A prospective holder may be permitted to deposit a minimum down payment of fifty per cent (50%) with the remaining balance due within ninety (90) days thereafter, whereupon, the Limited Right of Occupancy shall be issued to the identified holder. No prospective holder shall have any right to the plot or grave unless full payment for the Limited Right of Occupancy is received by the City. If a prospective holder wishes to exercise payment by installments, as set further herein, a written statement shall be signed by the prospective holder confirming payment by installments. Failure to tender full and timely payment shall permit the City to issue a Limited Right of Occupancy to a new holder, and any installment amount paid by the prospective holder is forfeited to the City.

The issuance of a Limited Right of Occupancy for single graves shall require cash payments completed prior to the interment.

No monument or marker of any kind, nor any foundation, can be erected upon any lot until full payment is made for the Limited Right of Occupancy.

Interment in a plot or grave is limited to the holder of

a Limited Right of Occupancy and the holder's immediate family. Upon the death or a finding of incompetency by a judicial decree of a holder of a Limited Right of Occupancy, the guardian or executor of the estate of the holder shall file with the Sexton of the Cemetery, proof, in a manner acceptable to the Sexton, that he/she has authority to act on behalf of the holder.

The Limited Right of Occupancy grants only the right of burial therein. The City of Willoughby retains control and supervision of all lots which have been sold, and it shall be the duty of the Sexton to enter upon any lot and prohibit, modify, or remove any structure, object, adornment, or improvement on such lot which may have been placed thereon in violation of Cemetery rules or which may be considered in the Sexton's judgment to be objectionable or injurious to the lot, or adjoining lots, or to the general appearance of the Cemetery.

The Cemetery will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a lot where interment is desired.

The Cemetery will not be liable for the interment permit nor for the identity of the person sought to be interred.

Burial of a casket of a wooden type or paper mache will not be allowed without a steel or concrete vault.

All orders for interment shall be signed by the holder of a Limited Right of Occupancy or his/her legal representative.

INTERMENTS

The number of interments which may be properly made on a lot is fixed with finality upon the issuance of the Limited Right of Occupancy and the identified number shall not be subject to change or modification.

Each grave shall be limited to one full burial, or one full burial and three cremations, or the cremated remains of four immediate family members, if the remains are in an urn approved by the Sexton. Each single grave will never be used for more than one full burial.

No interments of two (2) or more bodies shall be made in one grave, except in the case of mother and child, or two infants buried in one casket.

A burial urn may be placed in a casket, but must be recorded with the City and paid as an urn burial.

Co-mingling of ashes in one burial urn must be recorded with the City and paid as two (2) urn burials.

Except in cases of emergency, twenty-four (24) hour notice is required for the preparation of a grave. Interments on Saturdays, Sundays, or general Holidays are not desirable and an additional fee will be required.

No interment will be scheduled before 8:00 a.m. or after 4:00 p.m. without approval of the Service Director or Mayor.

No interment may be made unless the body is accompanied by a burial permit (usually procured by the Funeral Director).

No body except that of a human being may be interred in this Cemetery.

Interment charges are due and payable when the order is given and includes opening and closing of the grave only.

All funeral processions, while within the Cemetery, will be under the exclusive control of the Sexton, or his authorized agent.

Every adult interment shall be made in an outer container or vault of either stone, steel or concrete.

When instructions regarding the location of a grave on a lot cannot be obtained, or are indefinite, or for any reason the grave or graves cannot be opened where specified, the Cemetery may open in such location on the lot as deemed best and proper, so as not to delay the funeral.

In the event a grave is opened adjacent to an adjoining lot and it has been impractical to protect the adjacent grave from any damage, the cemetery disclaims responsibility for such damage.

DISINTERMENTS

The right is reserved by the Director of Public Service to insist upon at least one (1) week notice prior to any disinterment or removal.

Disinterments will be made upon Court order. Permission to make disinterments not ordered by the Court will be given upon written order of the lot owner, or surviving wife or husband, or children if of legal age, or parents of deceased (in the order stated), providing, however, such disinterment is not made for profit or other reasons considered improper by Cemetery authorities.

No disinterment will be made until all State regulations

and rules of the local health authorities have been complied with. If the relocation of the remains of a deceased person is deemed advisable by the Cemetery authorities, such relocation may be made by the Sexton and assistants upon Court order or written permission from nearest surviving relative, or except as hereinafter provided.

LIMITED RIGHT OF OCCUPANCY

Limited Right of Occupancy shall be issued for all graves. The holder of a Limited Right of Occupancy shall not transfer or sell the right of occupancy to any person or entity, but rather shall be required to surrender the Limited Right of Occupancy to the City, as provided for herein.

LOTS AND RELOCATIONS

Lots of various sizes are available within the Cemetery and hence, no lot will be subdivided.

No person shall purchase a Limited Right of Occupancy for more than four graves without the specific written authorization of the Director of Public Service.

PERPETUAL CARE

All sections of the Cemetery are set aside as perpetual care sections. Upon the sale of lots in these sections, the purchaser is required to pay in cash, in addition to the price of the lot, the amount designated in the schedule of Rates and Fees on file in the Finance Director's office and as provided by the Agreement, covering the perpetual care of such lot.

This sum shall be held in trust by the City of Willoughby, Ohio as a permanent Trust Fund and the interest or income therefrom shall be used for the Perpetual Care of the Cemetery. The principal can be invested at the discretion of the Finance Director or as allowed by law.

Perpetual care shall include the mowing of lots and filling of depressed graves.

In the event the cost of work stipulated in the trust agreement is less than the income, the excess income may be utilized for doing such work, at the Cemetery, as may be deemed advisable by the Sexton.

TRAFFIC RULES

Parking or leaving any motor car or vehicle on any road or driveway within the Cemetery at such locations or in such positions as to prevent any other car or vehicle from passing is prohibited. If so parked or left, the supervisor will be forced to have the same removed.

Making a complete or partial reverse turn of any motor car or vehicle on any road or driveway within the cemetery is prohibited.

Entrance to the Cemetery shall be made only by the walks and drives maintained by the Cemetery for this purpose.

The walks and drives in the Cemetery shall not be used as thoroughfares or public highways. Motorcycles or bicycles will not be permitted in the cemetery.

There shall be no driving over the lawns or on the walks under any pretense, whatsoever, and where damage occurs therefrom the driver of the vehicle shall be required to make good such damage.

The speed of vehicles is limited to fifteen (15) mile per hour.

Trucks exceeding 1½ tons capacity may enter Cemetery grounds only by permission of the Sexton. Drivers of vehicles are cautioned not to pass close to funerals while services are being held.

Visitors on foot have the primary use of the drives and vehicle drivers are required to respect this right by careful driving and a strict adherence to rules.

Visitors are reminded that unnecessary use of the Cemetery drives entails a large expense upon the Cemetery for their maintenance. The privilege to drive thereon should not be abused.

EMPLOYEES

Employees of the Cemetery are not permitted to do any work for lot owners except upon orders from the Sexton, but are required to be civil and courteous to all visitors.

No Cemetery employee shall use his position with the Cemetery in fostering the purchase of materials (sold by private firms or individuals) which are to be used on any City property, from the sale of which materials said employee shall receive compensation or profit.

No employee of the Cemetery will be allowed to take any payment from any person other than the proper officers of the Cemetery for any work done or to make or have an interest in any contract to do work upon the Cemetery grounds.

Any employee violating the foregoing regulations shall be subject to immediate dismissal.

BABY AND ADULT GRAVES

Due to the limit of space available, the following rules concerning baby and young adult grave sizes must be observed.

1. Baby graves shall be no longer than forty-eight inches (48") in length. This includes burial at foot of adult grave, as well as in the baby section.
2. There shall be only one (1) burial per grave space in the baby section, unless in cases where there are two (2) babies in one (1) casket (such as stillborn twins).
3. Young adult graves shall be from forty-eight inches (48") to seventy-two inches (72") in length.
4. Baby graves in the baby section may be sold for the burial of the cremated remains of adults, provided, however, that no more than two (2) cremated remains be buried in any one (1) grave space.

BURIAL OF POVERTY CASES AND INDIGENTS

When a body of a deceased person is found in the City and such deceased person was a legal resident of the City and was not an inmate of a correctional, benevolent, or charitable institution of this State, and the body is not claimed by any person for private interment or cremation at the person's own expense, the City will pay the cost of cremation.

If the deceased person was a legal resident of a township or municipal corporation in Lake County at the time of death, the City shall cause the body to be cremated and will bill the township or municipal corporation in which the person had a legal residence for its cost.

SUPERVISION

It is the duty of the Service Director to see that the rules and regulations are obeyed, and it is his duty to see that order

is maintained and to promote the best interest of the Cemetery. To that end, he is authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these rules and regulations.

Copies of these rules and regulations are to be made available, upon request, to the Funeral Director, families of the bereaved, and citizens and employees of the City of Willoughby. Requests shall be directed to the Director of Public Service.

All rules and regulations heretofore adopted, which are contrary to or conflicting with those herein published, are rescinded and declared void with the exception of those applying to the Willoughby Cemetery which, if rescinded and declared void, would cause unusual hardship or unnecessary expense to the plot owners or the City of Willoughby. The judgment in these cases will be left to the Sexton and the Service Director.