

FERNWOOD CEMETERY RULES AND REGULATIONS
City of Gladstone
Commission Approval XXX

These rules and regulations are established to ensure a proper balance is maintained between the quiet, beautiful, and reposeful nature required of the final resting place for loved ones, while also providing for a variety of recreational uses.

GENERAL REGULATIONS

1) Visitors to the cemetery are reminded that the grounds are sacredly devoted to the interment of the dead and appropriate decorum in the cemetery is required. Appropriate decorum means that:

- a) No domestic animals shall be permitted to roam freely in the cemetery. Pet owners must clean up after their pets.
- b) No person shall carry or consume alcoholic beverages in the cemetery except in conjunction with established burial customs.
- c) Loud, boisterous language or music, other than ceremonial music, is not allowed in the cemetery.

2) The cemetery is closed at dusk and reopens at dawn.

3) Any section or part of the cemetery may be declared closed to the public by the Sexton:

- a) At any time and for any interval of time
- b) Either temporarily or at regular and stated intervals
- c) Merely for certain uses as reasonably necessary

4) Driving off established roadways within the Cemetery is prohibited, except for maintenance personnel. Funeral cars shall have the right-of-way over all other traffic. The maximum speed limit is 15 miles per hour.

5) No person shall perform any work within the cemetery except with the permission of and in accordance with the directions of the Sexton. Any person causing damage within the cemetery shall be liable to the City for such damage. Any person performing work in the cemetery without permission shall be liable to the City for the cost of restoring the cemetery to the condition that it was in before the work was done.

6) The City of Gladstone shall not be liable for any loss or damage caused by an act of God, common enemy, thieves, vandals, unavoidable accidents, the elements, subsidence, riots, or order of any military or civil authority to any grave space, family lot, nor for any loss or damage or bodily injuries sustained by any person or persons in the cemetery.

7) No person shall interrupt or disturb any funeral or memorial service.

8) No person, except a City employee, shall place any sign in the cemetery.

9) Persons visiting the cemetery or attending funerals are forbidden from:

- a) Picking flowers, wild or cultivated
- b) Breaking or injuring any trees, shrubs, or plants
- c) Writing upon, defacing, or injuring any memorials or structures within the cemetery grounds

10) No private plowing of roads in the wintertime. Any damage done by such an action will be repaired and an invoice sent to the offenders.

LOT PLANTING & DECORATING

- 1) The City of Gladstone reserves itself the sole right to plant and maintain all permanent plantings within the Cemetery. Lot owners desiring special permanent plantings on their lot shall make their request to the Sexton, who may permit such planting to be done at the owner's expense. Such planting shall immediately become the property of the City of Gladstone.
- 2) Any and all plantings that, in the reasonable opinion of the Sexton, interfere with cemetery maintenance, encroach upon an adjoining lot, or detract from the general appearance of the Cemetery may be pruned or removed by the City of Gladstone without advance notice.
- 3) Seasonal decoration placement shall adhere to the following schedule, or as dictated by weather conditions:
 - a) Summer decorations:
 - Not permitted prior to May 1st
 - Must be removed by October 1st (Fall Cleanup in October)
 - b) Winter decorations:
 - Not permitted prior to November 1st
 - Must be removed by April 1st (Spring Cleanup in April)
- 4) Seasonal decorations not removed in a timely manner will be collected and disposed of by the City of Gladstone without advance notice.
- 5) Rubbish, refuse and unused containers shall be deposited in facility waste receptacles. All compostable waste materials generated in the cemetery shall be placed in the compost pile located behind the maintenance garage.
- 6) Any planting baskets, wooden structures, hanging baskets, shepherd hooks or "trinkets" that, in the reasonable opinion of the Sexton, interfere with cemetery maintenance, encroach upon an adjoining lot, detract from the general appearance of the Cemetery, or pose a potential hazard may be removed by the City of Gladstone without advance notice.

MONUMENTS & MARKERS

- 1) No person, including any professional monument worker, shall install or place any monument, benches without obtaining permission from the Sexton at least 48 hours prior to such placement.
- 2) No monument or bench may be erected on a lot which is not paid for in full.
- 3) New raised markers and benches must be set on a concrete foundation that is flush with the ground and extends 3 inches beyond the marker on all sides. Permitted Urns and statues must be placed on a concrete base flush with the ground and extend 3 inches beyond the base of the urn or statue.

As a guarantee of good work to lot owner, and protection of the interests of the City, Cemetery staff will excavate for and install foundations in the Cemetery at the expense of lot owners/monument companies, at a price as established by the current fiscal year fee schedule.
- 4) The City shall not accept delivery of monuments, benches or flush markers purchased by lot owners off the internet. Lot owners shall contract with a professional monument worker to place such monuments after obtaining permission from the Sexton at least 48 hours prior to said placement. Foundations for monuments and benches purchased off the internet will be placed by the City of Gladstone and shall be charged at the rate specified in the current fiscal year fee schedule.
- 5) No more than one monument shall be erected on any family lot. Multiple flush markers shall not exceed the number of grave spaces composing the family lot.
- 6) Protestant Side, Sections O, P, Q, and Y are designated as flush markers only:
 - a) All gravestones and bases in these sections must be flush with the ground so that mowers can go over them without damage from mower deck or tires.
 - b) No flowers may be planted in the ground in these sections. All flowers must be in an appropriate vase, or Cemetery approved container, or they will be removed without advance notice.

- c) No statues are allowed in these sections, and all vases must be on foundations or on the gravestone and meet the 3-inch clearance rule.
- d) Metal vases built into flat gravestones in these sections must be turned down during the spring and fall clean-up months, or whenever they are not in use, and in the winter months to prevent damage to the vases.
- e) All gravestones will be on the owner's lot and have the occupants' names so that they can be read from the isle way.

INTERMENTS & DISINTERMENTS

- 1) All funerals shall be under the general supervision of the Sexton, or one of his designees, who shall attend every interment and see that the rules, regulations, and strict proprieties of the Cemetery are observed.
- 2) Interments may be made after hours, on weekends or on City-designated holidays only with prior approval of the Sexton and shall be charged at the rate specified in the current fiscal year fee schedule.
- 3) All grave openings and closings, interments and disinterment shall be performed by cemetery employees utilizing equipment provided or approved by the City of Gladstone. Workers engaged in the vicinity of a burial shall suspend their labors during the services.
- 4) All casket burials, except those in designated green burial areas, shall be in metal or concrete vaults or concrete rough boxes. Urn vaults are not required for cremation interments.
- 5) After the close of a funeral service at the grave, it shall not be permissible for anyone to open the casket or to touch the remains therein without the consent in writing of the legal representative of the deceased, or a court order for that purpose.
- 6) Disinterment or removal of remains or cremains shall not be made without notice in writing to the Sexton. Graves shall not be opened for inspection except for official investigation under court order or pursuant to statute. All due care will be exercised in making a disinterment or removal, but the City of Gladstone shall assume no liability for any damage done to a casket, vault, cremation urn or cremated remains during said disinterment or removal.
- 7) The Cemetery will endeavor to facilitate indigent burials. Selections of indigent grave spaces will be entirely at the discretion of the Sexton. Indigent fees for a grave opening will be one half of the normal burial charge.
- 8) While the Cemetery personnel will make all reasonable efforts to establish the identity of the person or persons claiming burial rights ownership of the lot or grave space or deciding for the interment, the City and Cemetery personnel shall not be responsible for misrepresentations or errors made by the person or person(s) purported to be the burial rights owner or his legal representative or other agent.
- 9) Cemetery staff will remove funeral floral displays as soon as they become unsightly, and the Cemetery assumes no responsibility for their return.
- 10) These rules and regulations are not intended to violate any burial customs of any religion, and where any contradictions exist, exceptions to these rules and regulations may be permitted by the Sexton.

DESIGNATION OF RESIDENCY, LOT PURCHASES, PERPETUAL CARE, ASSIGNMENTS, TRANSFERS OR ABANDONMENT

The purchase of a lot or plot does not transfer ownership of a parcel of property but is the transferring of the right of burial on the lot or plot purchased from the Cemetery to the lot or plot owner.

- 1) Designation of residency
 - a) Any adult resident of the city.
 - b) Any minor child of an adult resident of the city
 - c) Any person who is a student in an institution of higher education and is a child of an adult resident of the city and who does not claim another residency.

- d) Any active member of the armed services who was a resident of the city prior to entering military service.
- e) Any resident of the city who moves into an assisted living facility, nursing home, or other such facility for care.

2) All grave spaces shall be sold subject to the rules and regulations in force or that may be adopted and to such changes of the rules as deemed necessary by the City Commission.

3) A grave space shall be defined as a parcel of land for the permanent disposition of the remains of a deceased human being. Every person who purchases burial rights in a grave space shall also be required to simultaneously purchase perpetual care. Perpetual care must be purchased on any (old) lots that do not have perpetual care before any new burials or new markers can be placed on lot. Upon payment in full at the rates specified in the current fiscal year fee schedule, certificates will be issued to the owner indicating the purchase of both burial rights and or perpetual care for the space in question.

4) No grave space may be purchased on installment. All spaces shall be paid for by check or in cash at the time of purchase.

5) Perpetual care shall be defined as the making of Cemetery capital improvements and all general cemetery maintenance, including but not limited to:

- a) Lawn mowing and raking at reasonable intervals.
- b) Fall and spring leaf and fallen branch collections.
- c) Pruning and removal of trees and shrubs.
- d) Maintenance of cemetery infrastructure such as:
 - i. Roadways
 - ii. Fences
 - iii. Irrigation pipes, risers, and sprinklers
 - iv. Buildings

6) Perpetual care shall in no case be construed as meaning:

- a) The maintenance, repair, or replacement of any monument or marker, except for the straightening and resetting of monuments deemed hazardous due to foundation failure.
- b) The planting of flowers or any other individual grave space adornment
- c) The reconstruction of any marble, granite, bronze, or concrete work on any family lot caused by:
 - i. The elements
 - ii. Vandalism
 - iii. Unavoidable accidents

7) Interment of the remains of any person other than the grave space owner or any member of the immediate family will be permitted only after written consent by the owner or authorized agent assigning such rights has been filed with the City.

8) Burial space ownership may be transferred to another person by registering the change with the City Clerk's Office, paying the applicable fee(s), and obtaining a new deed. (Note: Transfers from grandparents to children or grandchildren shall be without charge.) Any burial space bought under City residential rates and transferred to a non-resident must pay the difference in lot fees from the current fee schedule. A space transfer from a non-resident to a city resident will not be compensated for the difference in price.

9) Cemetery burial spaces are exempt from tax and cannot be seized on execution. No mortgage or other encumbrance can be given on any burial space.

10) A cemetery grave space owner who desires special attention for his lot, such as flower planting or monument cleaning, must plan for such care with a person not connected with the City of Gladstone.

11) It shall be the duty of the grave space owner to notify the cemetery of any change in post office address. Notice sent to a grave space owner at the last address on file in the cemetery records shall be considered sufficient and proper legal notification.

12) A person possessing a right to a space within a cemetery is presumed to have abandoned the right if all the following apply:

- a) During the past 60 years, the person possessing the right to the space or the person's authorized representative has not provided the cemetery owner or operator with an updated address for the purpose of contacting the person.
- b) During the past 60 years, the person possessing the right to the space or the person's authorized representative has not contacted the cemetery owner or operator and affirmed possession of the right in any of the following ways:
 - i) Requesting an interment or notifying the cemetery owner or operator of an interment under the right to the space.
 - ii) Requesting the installation of a memorial or notifying the cemetery owner or operator of the installation of a memorial under the right to the space.
 - iii) Indicating or requesting a transfer of the right to the space to another person.
 - iiii) Making a payment to the cemetery owner or operator relating to the right to the space.
 - v) Affirming in writing the possession of the right to space.
- c) A memorial has not been installed at the cemetery under the right to the space.
- d) Remains have not been interred at the cemetery under the right to the space.
- e) Cemetery Regulation act 251 of 1968, or updated version will be used for presumption of abandonment.

VETERAN BURIALS

Resident Veterans will be charged 50% of opening and closing cost. All opening & closing cost will be waived for any military service member killed while on active duty whether a resident or non-resident.

- 1) The City of Gladstone shall supply one (1) universal veteran flag holder and one (1) 12" x 18" American flag at no charge. Should a second flag holder be required, the requester shall be charged at the rate specified in the current fiscal year fee schedule.
- 2) Volunteers place one (1) universal veteran flag holder and one (1) 12" x 18" American flag at each veteran grave site prior to Memorial Day. Said flags remain in place until Flag Day when they are collected, repaired, and reused annually.

FERNWOOD CEMETERY COMMITTEE MEMBERSHIP

Fernwood Cemetery Committee Membership consists of the following representatives.

- Two (2) City of Gladstone Employees
- Two (2) Funeral Home Directors (Anderson & Skradski Funeral Homes)
- Two (2) City of Gladstone Residents
- One (1) American Legion Member