

CHAPTER 1062
Village Cemetery

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1062.01 GENERAL REGULATIONS

The following regulations and fees are hereby established for the operation of the Village Cemetery:

- (a) The Cemetery shall be open for visitation or tending of gravesites between the hours of sunrise and sunset.
- (b) No person shall trespass on Cemetery property between the hours of sunset and sunrise.
- (c) No planting of trees, shrubs, flowers or plants of any kind shall be permitted on Cemetery property, except by duly authorized employees of the Village of Westfield Center, and any trees, shrubs, flowers or plants planted in violation of this restriction shall be destroyed by the Village.
- (d) Urns, vases, potted flowers, wreaths and plastic or silk arrangements may be placed on top of the ground at a gravesite as provided for in this chapter, but no person shall dig holes of any kind to contain these otherwise allowable decorations.
- (e) No glass containers of any kind shall be permitted in the Village Cemetery.
- (f) Gravesites may be decorated for the summer season, provided that summer decorations shall be removed no later than October 1 of each year and all decorations not removed by October 1 of that year shall be destroyed by the Village.
- (g) Gravesites may be decorated for the winter season, provided that winter decorations shall be removed no later than April 1 of each year and all decorations not removed by April 1 of that year shall be destroyed by the Village.
- (h) The Village shall exhibit Cemetery lots for sale to persons desiring to purchase the same and shall arrange for the sale of any lot or parcel upon full payment of the purchase price. Upon delivery of said purchase price, the Village shall execute and deliver a deed therefor to the purchaser.
- (i) Ownership of lot(s)/niches may be transferred and/or assigned only with the prior written consent of the Village, provided that the Village shall have the option, at the time of the request for the Village's approval of the transfer or assignment, to buy back any such lot(s)/niches at the original purchase price charged by the Village.

(1) Gift provision. When the original owner of a Cemetery lot within the Village Cemetery desires to make a gift of said lot, he or she must present his or her deed to the Cemetery Committee. The Cemetery Committee will instruct the Clerk-Treasurer to issue a new deed in the name of the donee and record same on the official record. The new deed may be sent to the donor or donee at the discretion of the Clerk-Treasurer. There will be no fee associated with this transfer.

(2) Testate succession provision. An original owner of a cemetery lot(s)/niche within the Village Cemetery may bequeath said lot to an individual via a will. Upon said original owner's death, the old deed, along with a copy of the probated will stating the specific bequest, must be presented to the Cemetery Committee. A new deed will then be issued to the heirs of the original owner. The Clerk-Treasurer will then be notified by the Cemetery Committee and will record the transfer. There will be no cost associated with this transfer.

(j) A funeral director must be present and supervise the interment of a body that is interred in the Cemetery.

(k) The Village reserves the right to refuse to inter a body/cremains due to unforeseen circumstances beyond its control.

(l) No person other than the Village shall be permitted to install foundations for gravestones, headstones or other monuments, and the Village shall have the authority to limit the permissible size of the individual foundation and/or stone or monument. Gravestones, headstones or other monuments may only be installed on foundations installed by the Village. Any person who sells or installs stones or memorials and who violates these restrictions shall be barred thereafter from placing any headstones, gravestones or other memorials in the Cemetery, in addition to the penalty provided in Section 1062.99.

(1) All 3' x 3' sites' memorials must be flat (4" x 12" x 24") of granite or a bronze nameplate; either choice will have a footer cost.

(2) Flat stones should be installed after interment due to logistics of burial. Some provisions could be made if possible but would require prior consultation with the Cemetery Sextant.

(3) Cremains must be in a rigid container for interment, or otherwise be in a rigid container with a metallic tracer.

(m) The Village shall not be responsible for any damage to the memorial stones caused by accident, act of God, vandalism or other cause of loss.

(n) All foundations and memorial stones shall be installed at the head of the gravesite.

(o) The use of wooden vaults or wooden outer boxes is strictly forbidden for full body interment.

(p) Arrangements for Vaults are handled by the funeral director.

(q) The Cemetery has a Columbarium with niche compartments. The following regulation sections will apply to the owner of the niche(s):

(1) Owners of a niche(s) in the Columbarium may lay small plant/floral arrangements by the structure. Rules of removal must comply with Sections (f) and (g).

(2) Rules to transfer/sale a niche(s) via gift provision or testate provision, must comply to Sections (h), (i) and (l)

(3) All engraving must be a Vermarco font for lettering.

(r) A small concrete pad located in the Cemetery is available for use during committal service.

It is the family's responsibility to reserve the use of the area with the Village, to provide any preferred covering, and to clean up the area after services. The Village and its Employees have no responsibility concerning any issues arising from this use.

1062.02 FEES

The following fees shall be charged by the Village for the sale of burial lots/niches:

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| (1) Site for sale to resident: | |
| A. Full body site | \$ 450.00 |
| B. 3' x 3' site (Memory Garden) | \$ 225.00 |
| C. Niche in Columbarium | \$ 475.00 |
| (2) Site for sale to nonresident: | |
| A. Full body site | \$ 600.00 |
| B. 3' x 3" site (Memory Garden) | \$ 300.00 |
| C. Niche in Columbarium | \$ 625.00 |
| (3) Charges per opening and closing grave for the burial of any person one year old or older | \$ 200.00 |
| (4) Charges per opening and closing grave for burial of a baby or child less than one year old | \$ 100.00 |
| (5) Charges per opening and closing a cremation gravesite or niche | \$ 100.00 |
| (6) Additional charges for all work performed by village employees on Saturday, Sunday and/or holidays | \$ 50.00 |
| (7) Disinterment charge, including re-interment | \$1,000.00 |
| (8) Charges for footer which will be paid by the monument company prior to the setting of the stone | \$ 300.00 |

(A) Footer depth of full body site: 48" Maximum (Recommend 46")

(B) 3' x 3' site (Memory Garden) – Footer depth (Recommend 36")

1062.03 SALE OF GRAVESITES

- (a) Sales of up to four gravesites will be made at any time to residents of the Village.
- (b) Sales of up to four gravesites will be made as needed to nonresidents of the Village.

1062.04 RIGHT OF RE-ENTRY AND RE-TAKING OF CEMETERY LOTS

- (a) Each Deed of conveyance for a cemetery lot/niche issued by the Village of Westfield Center after the effective date of this section shall include a reversionary provision, whether stated on the face of the deed or by reference to this section, that if the cemetery lot/niche is not used by the titled owner within 40 years of the date of issuance of the cemetery deed, ownership of the deeded cemetery lot shall revert to the Village of Westfield Center.
- (b) For any cemetery lot/niche that is unused as of the effective date of this section, the Village of Westfield Center has the right of re-entry by exercise of the following procedure:

(1) The Cemetery Committee shall send notice by certified mail, return receipt, to the last known address of the last known owner to inform the owner that the owner's interests and rights will cease unless the owner or owner's heir responds by a specified date. In the event that the owner's address is unknown or cannot be reasonably obtained, it is sufficient to publish a notice once in a newspaper of general circulation in the county.

(2) The owner response date specified in the notice or publication shall allow a minimum of 90 days prior to the date on which action is taken to terminate the owner's interests or rights.

(3) To establish re-entry, a resolution must be passed by the Council of the Village of Westfield Center stating that the owner has not responded by the specified date and that the Village of Westfield Center reclaims its interest in the cemetery lot or right.

1062.99 PENALTY

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed to be committed each day during or on which a violation or noncompliance occurs or continues.