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ORGANIZATION

The Big Darby Cemetery is a Township Cemetery (in compliance with the Ohio Revised Code – ORC) not operated for profit. There are no stockholders and no dividends; all net receipts are expended on property upkeep and improvements.

The cemetery is under the management and control of the Canaan Township Board of Trustees who are elected by the voters of Canaan Township who alone have control and direction of the affairs of the cemetery.

The management of the Big Darby Cemetery will be conducted pursuant to these Rules and section 517 *et. seq.* of the Ohio Revised Code.

NOTE: THESE RULES AND REGULATIONS MAY BE CHANGED WITHOUT NOTICE BY THE CANAAN TOWNSHIP BOARD OF TRUSTEES AND NOTHING HEREIN SHALL PREVENT SAID BOARD FROM USING THEIR DISCRETIONARY ACTIONS PERTAINING TO THESE RULES AND REGULATIONS.

APPROVED: August 2011

PURCHASE OF LOTS

The purchase of lots is controlled by Ohio Revised Code section 517.07. Persons desiring to purchase a family lot are invited to contact the cemetery sexton and/or Trustee at the Township Office where arrangements can be made to view the lots that are available for sale.

Upon purchase of lot and payment for it, the township clerk will deliver a deed to the purchaser. No lot is considered sold until paid in full. Prices of all lots are fixed by the trustees and cannot be altered except as provided for in the O.R.C., as pertaining to "indigents" etc. There is a "schedule of fees" available from the sexton and/or trustees.

Grave spaces are four (4) foot by ten (10) or eleven (11) feet. Oversized vaults may require the purchase of two grave spaces.

Canaan Township residents may purchase lots for dependents at Canaan Township resident prices. Once dependents become adults and no longer live in Canaan Township, they must pay the difference between the resident and non-resident prices.

Lots will be marked by corner stones or pins, numbered to correspond with the deed, record, and plat-book, and set as level as possible with the sod.

The number of interments, which may properly be made upon a lot, is definitely fixed at the time of purchase, and no more will be permitted unless specifically approved by the Township Board of Trustees.

Transfer of record title to a cemetery lot from the name of the decedent to that of an heir at law or next of kin may occur if the following conditions are met:

1. Within one (1) year the person receiving such interest gives written notice to the Board of Trustees;
2. Lives in Canaan Township or in an adjoining township as listed above;
3. Receives a new deed or record from the Board.

Resale of grave spaces is not permitted. Unused lots may only be sold back to the Canaan Township at the price that was originally paid.

As a term of sale, the Township Trustees reserve the right of re-entry to an unused lot, as governed by the O.R.C.

The Township Trustees require the following as conditions of sale of a cemetery lot:

- A. The grantee shall provide to the Board of Township Trustees, in writing, a list of the names and addresses of the person to whom the grantee's property would pass by intestate succession.
- B. The grantee shall notify the Board in writing of any subsequent changes in the name or address of any persons to whom the property would descend.
- C. Any person who receives a township cemetery lot by gift, inheritance, or any other means other than the original conveyance shall, within one (1) year after receiving such interest, give written notice of his name and address to the board having control over the cemetery, and shall notify the board of any subsequent changes in his name or address.
- D. The Township may specify that the owner, a member of the owner's family, or an owner's descendant, must use the lot, or at least one burial place within the lot, within a specified time period. The board may specify this time period to be at least twenty (20) but not more than fifty (50) years, with the right of renewal at no cost.

FUNERALS AND INTERMENTS

Arrangements for interments must be made at least forty-eight (48) hours in advance of time set for the funeral. Arrangements must be made by personal contact with the cemetery sexton or a Township Trustee. Saturday notice shall be given to a Trustee.

If the service date is changed after notifying the Township, the forty-eight (48) hour period begins at time the Township is notified.

All interments are under the direction of the sexton/Trustee, who will have entire control of the digging of graves and all matters relating thereto. Funerals upon reaching the Cemetery will be under the charge of the sexton/Trustee or one of his assistants.

Only the body of a human being may be interred in the Cemetery. Animals are prohibited.

Only one interment may be made in one grave space with the exception; of an infant or cremains may be entered on grave with permission of lot owner as long as it doesn't interfere with existing vault.

Interments in the township cemeteries will only be made under the approval of a Township Trustee.

No outer casing of wood will be permitted.

Services at the cemetery should begin no later than 3:00 p.m. Monday through Friday unless specifically approved by the Board of Trustees, in which case additional charges may apply.

Saturday services at the cemetery should begin prior to 12:00 p.m.

No interments will be permitted on Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day.

Under the rules and regulations of the Board of Health, immediate burial may be required in certain circumstances.

The cemetery will not be responsible for an order received by telephone or for any error resulting from the lack of precise and proper instructions as to

the particular space, size, and location in a plot where interment is to be made and the Township Trustees shall not be liable in damages for any error so made.

All interment charges must be paid in advance, or guaranteed by the funeral director, personally.

All interments are subject to local, county, and state laws, regularly constituted.

Graves will not be re-opened for inspection, except for official investigation or by order of the trustees.

The cemetery must insist that all interments are settled solid before sodding or seeding and area must be level with surroundings.

No interments will be made without a burial permit furnished by the funeral director and delivered to the sexton/Trustee before disposition of body concerned.

Upon entering the cemetery, the funeral cortege is in charge of the sexton and/or his assistants, and his orders must be followed by the funeral director. No funeral director, his assistant, employee or agent shall be permitted to open the casket or touch the remains without the consent of the legal representation of the deceased or without a court order.

CARE OF LOTS

Under no circumstances will a lot be terraced above or below surroundings of adjoining grounds.

To keep all lot owners harmonious as possible without infringing on an adjoining lot, all planting must be under the supervision of the sexton/Trustee, with the approval of the Board of Trustees.

No planting full length of grave space, or digging holes in sod, is permitted. All planting must be on graveside of monument not to exceed 18 inches from base of monument and no more than thirty-six (36) inches in height.

Holiday decorations will be respected for a reasonable period of time as determined by the Trustees. (Usually thirty (30) days)

Township Trustees will not be responsible for any tools, clothing, or other personal property, unattended by its owner.

No trees, plants, shrubs, will be planted on lots or graves, nor shall any trees or shrubs be trimmed or removed by anyone other than a cemetery employee unless authorized or directed by the Board of Trustees.

If any existing tree or shrub on any lot becomes detrimental or injurious to adjacent lots, walks, or avenues, it will be the right and duty of cemetery personnel to remove as instructed by Township Trustees.

The Township reserves the right to remove any or all floral designs, flowers, weeds, trees, shrubs, or plants of any kind, wooden, iron, or steel case or artificial animals, statues, or any other item, if, in the judgment of the trustees, they do not conform to the standards maintained.

No curbing, fencing, hedging, borders, or enclosures, or other boundary marketing will be permitted on any lot. The Trustees reserve the right to remove it if erected, planted, or placed.

Items of value which do not conform or not maintained in good condition will be removed and stored for thirty (30) days. Items may be claimed by calling the cemetery sexton/Trustee.

The taking of plants, shrubs, trees, or flowers from another lot or grave is strictly forbidden. The cemeteries close at dusk.

CARE OF LOTS MONUMENTS – MARKERS – MEMORIALS

Any person contemplating the erection of a monument, marker or memorial should first consult the sexton/Trustee so that stones appropriate in size and design are selected for the proposed location. The sexton/Trustee receives instructions from the Trustees who standardize the design, size and material that is acceptable.

All orders for foundations must be presented on a regular form provided by the monument company, signed by the lot owner and dealer furnishing the memorial.

All foundations to monuments, markers, etc. will be made at ground level and be constructed of wet concrete. Foundations for monuments will be erected at times as determined practical. The Township officials or employees shall not be liable for certain completion dates. Trustees reserve the right to approve or deny vendors or parties who can install foundation and/or monuments.

No monument, marker or memorial will be installed without a foundation.

Under no circumstances will any kind of homemade marker resembling a memorial stone or rough boulder be placed on any lot in the cemetery.

When any monument or memorial of any kind is to be removed for inscription, cleaning or any other work to be done upon it, permission must be obtained from the Board of Trustees.

MONUMENTS OR MARKERS

As of August 2011, the Township Trustees will allow one piece above ground headstones for the Cemetery which meets the following criteria:

1. All headstones shall be engraved so the face of the stone may be read from the foot of the grave facing the head. This shall include flush markers.
2. Military markers shall be permitted on the monument when size permits else placed at the foot of the grave; readable from the foot of the grave facing the head. Military markers shall be considered foot markers.
3. Only one headstone and one foot marker per grave.
4. Foot markers must be flush and identify one grave only.
5. Headstones may be flush or upright and may identify one or two spaces.
6. Dimensions:
Headstone dimensions should be similar to surrounding headstones and any variations should be approved by the Board of Trustees.

The above dimensions represent exact sizes of allowable markers and do not represent maximum or minimum dimensions, No alternative sizes are permissible.
7. All stones shall be made of granite. Military markers may be bronze.
8. Last name shall be engraved in the back (opposite of face) of all upright stones,

GRAVE SPACES

1. Unused grave spaces can only be sold to the Township. Resale of spaces is not permitted.
2. Unused grave spaces will be purchased by the Township at the original purchase price.
3. Lots (grave spaces) are for burial purposes only; no other claim can be made by the owner or deed holder.
4. Only one burial per space is permitted.

REMOVALS AND DISINTERMENTS

All disinterments are subject to local, county, and state laws and will be enforced at all times.

Disinterments and removals must be all paid in advance.

Removing from one cemetery to another, the sexton/Trustee must have the removal permit or disinterment permit from the county health department involved.

Removals and disinterment can be ordered only by a court order.

In the case of interment, disinterment or removal, the cemetery employees will exercise the greatest of care in handling the casket or vault and the Township or its officials or employees will not be responsible for any damage incurred by so doing.

GENERAL RULES SUMMARY

1. These rules are required to keep our cemeteries safe and allow effective maintenance of the cemetery appearance. They are not intended to be an inconvenience.
2. No planting or placement of permanent objects is allowable within the cemetery.
3. During mowing season, items such as flowerpots, statues, wreaths, etc., may be placed at the head of the grave as long as it does not extend more than twelve (12) inches from the face or sides of the monument. Nothing shall be permitted from the rear of the stone and nothing over thirty-six (36) inches in height is permitted.
4. Holiday decorations will be respected for a reasonable period of time determined by the Township Board of Trustees.
5. Items which do not conform or not maintained in good condition will be removed and stored for thirty (30) days. Call the cemetery sexton/Trustee to claim removed items.
6. The cemeteries close at dusk.
7. Two cremations may be buried on a vaulted grave.
8. A vault cannot be added to a grave with a cremation buried on it.

Sale of Cemetary Lots

- I. Terms of Sale and Deed may include the following:
 1. Grantee shall provide to Trustee in writing a list of names and addresses of the persons to whom the grantee's property would pass by intestate succession.
 2. Grantee shall notify the Trustees in writing-of any changes in the names and addresses of the person to whom the property would descend.
 3. Any person who receives a Township Cemetary lot by gift, inheritance, etc., other than the original conveyance shall, within one (1) year after receiving the interest give written notice of name and address to the Township.
- II. The terms of sale and any deed shall state the Township. Trustees shall have the right of re-entry to the lot if the above notification requirements are not met.
 1. Ninety (90) days before establishing entry, the Township shall send notice by Certified Mail or publish once in the County newspaper of general circulation.
 2. The Township Trustees shall pass a Resolution stating that the condition of the sale or of the deed have not been met and they are reclaiming their interest.
- III. The Township may limit the terms of sale or the deed for a Cemetary lot by:
 1. Specifying that the owner, a member of the owner's family or an owner descendent must use:
 - A. The lot or
 - B. At least on burial spot within the lot within a specified time period.
 2. Time period to be at least twenty (20) years but no more than fifty (50) years-right of renewal at no cost.
 3. If Township terminates – ninety (90) days prior Township must give notice by Certified Mail.
 - A. If address is unknown – publish notice in newspaper or general circulation.
 4. Term of sale and the deeds for lots conveyed with a termination date shall state the Township shall have the right of re-entry to the lot at the end of the specified time period if the lot is not used or renewed for additional time.
 5. Township must pass a resolution stating conditions of sale and deed have not been met and that the Township reclaims its interest in the lot.
 6. Township pays 80% of the purchase price.