

***Swan Creek Township***  
***Cemetery Rules and Regulations***

**\*\* All Rules & Regulations are subject to change \*\***

**5565 Co. Rd. D**

**Delta, Ohio 43515**

**Admin. Ph. & Fax: 419-822-4371**

**Maintenance Department: 419-822-5641**

**Swanton**

**Raker**

**Shiloh**

**St. John's Lutheran**

**Keene**

**Table of Contents**

Table of Contents	pg. 1
Purpose	pg. 2
Suggestions	pg. 2
Definitions	pg. 2
Cemetery Locations	pg. 2
General	pg. 3 & 4
Interment	pg. 4
Disinterment	pg. 4
Monuments	pg. 4 & 5
Indigent Funerals	pg. 5
Cremation Garden	pg. 5
Privilege's and Restrictions	pg. 6
Care of Graves	pg. 6 & 7
Disclaimer	pg. 7
Mausoleums	pg. 7
Additional Rules & Regulations	pg. 8
Appointment of Rep./Designee	pg. 9 & 10
Burial Notice Policies	pg. 11
Burial Notice Request Form	pg. 12
Columbarium Burial Notice	pg. 13
Release Form	pg. 14

## **Purpose**

The rules established here are designed for the protection of the lot owners. Enforcement of these rules will help protect our cemetery and create and preserve their beauty. It is the intention of the Swancreek Twp. Trustees to establish and enforce these rules and regulations for the express purpose of ensuring that the Swancreek Twp. cemeteries remain one of the Townships major assets.

## **Suggestions**

Prospective patrons may feel free to visit the cemeteries or Township offices at any time without obligation to purchase.

Lot owners are encouraged to contact our offices at any time if the Rules and Regulations are not clear, or if other information is desired.

## **Definitions**

Township Trustees – Elected officials who will be responsible for adopting all rules and regulations.

Fiscal Officer – Elected official who will be responsible for all record keeping and contact with the State of Ohio regarding the cemeteries.

Cemetery Superintendent – AKA Cemetery Sexton – Will be responsible for all burials and maintenance in the cemeteries.

Private Contractors – May do a variety of jobs contracted by the Township trustees. All contractors will report to the cemetery supt.

Residents – Residents are those who reside within the boundaries of Swancreek Township. All others are considered non-residents.

Monuments – will mean headstones, footstones, plaques, etc. for the purpose of these regulations.

## **Cemetery Locations**

Swanton Cemetery - Co. Rd. 1-1, ¼ mile South of St. Rt. 2

Raker Cemetery - Co. Rd. D at Co. Rd. 6 -1

Shiloh Cemetery - Twp. Rd. 5 at Co Rd. B

St. John's Lutheran Cemetery - Twp Rd. 4, ½ mile South of Co. Rd. D

Keene Cemetery - Twp. Rd. 5 - 2, ½ mile South of Twp. Rd. E

## **General**

1. Swancreek cemeteries shall be under the control of the Swancreek Township Trustees, Fiscal Officer, and Cemetery Superintendent.
2. Swancreek Twp. reserves the right to modify the layout of the cemeteries as appropriate and necessary.
3. The cost of all graves interments, foundations and other fees are set by the Township Trustees and may change at any time without notice. Copies of these fees are available at the Township office during regular business hours.
4. Residents may purchase graves for non-resident family members; however, the grave will be deeded to the resident purchasing the grave.
5. Purchase of graves shall be made through the Swancreek Twp. fiscal officer or other designated employee.
6. Purchasers of graves will receive a deed entitling them to use the grave for burial of human remains, subject to the rules and regulations of Swancreek twp.
7. Once purchased, the grave owner may designate or allow any person to be buried in the grave; however, graves may not be sold to anyone except back to the Township for the original purchase price.
8. If the owner of a grave gives permission for others to be buried in a remaining grave, that permission must in writing, signed, notarized and turned into the Township office. It will then be duly recorded in the proper books for future reference.
9. Upon the death of a grave owner, all remaining graves purchased by the owner will descend to their heirs as stated in their will or in accordance with the laws of descent of the State of Ohio. - ORC 517.07 -  
**SEE PAGE 11.**
10. Upon an ownership deed transfer a notarized affidavit must be filed with the Township office and be assessed a \$15.00 charge for deed transfers. The new owner must pay the purchase amount difference; the difference between the original purchase price and the current grave fee schedule for resident or non-resident.

(A) The grantee shall provide to the board of township trustees, in writing, a list of the names and addresses of the persons 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 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 year after receiving the interest, give written notice of the person's name and address to the board having control of the cemetery, and shall notify the board of any subsequent changes in the person's name or address.

### **Interment**

1. All burials will conform to the rules of the Board of Health of the State of Ohio
2. The Township will be notified no less than 24 hours prior to the time of interment. All graves will be dug by the cemetery employees.
3. Burials will only be permitted with a proper burial permit signed by the funeral director and accompanied by a check for all applicable fees.
4. The interment of two bodies will only be permitted when at least one of the bodies is cremated or an infant. Proper documentation is required.
  - (A.) When a grave has one cremation burial only cremation burials are allowed in that grave, thereafter.
  - (B.) Only four (4) cremation burials per grave are permitted.  
\*\*Any graves purchased prior to this amendment effective July 2, 2012 are 'grandfathered'.\*\*
5. All caskets of the deceased will be encased in a top sealed concrete vault or grave liner. Caskets for infants will be encased in a non-decomposable baby vault. Cremation remains should also be in cremation vaults or urns.
6. No air seal are permitted.
7. No Wilbert Way set ups are permitted.

### **Disinterments**

1. Disinterment's will be made in a manner prescribed by the laws of the State of Ohio.
2. Disinterment's will be arranged with the Swancreek Twp. Trustees no less than two weeks prior to the disinterment and paid for in advance.

### **Monuments**

1. Monuments shall be approved by the Swancreek Twp. Trustees or appointed person prior to setting.
2. Only marble, granite, or bronze will be allowed.

3. All Monuments shall be place on a concrete foundation. The cemetery superintendent may determine that a “concrete strip” be used in lieu of an individual foundation.
4. Cemetery employees will generally pour foundations twice per year. Once at the beginning of May and again at the beginning of October. Special pours are allowed; however, the cost of the foundation may be substantially increased due to labor and short load concrete costs.
5. Monuments may be situated over a single grave or centered over two graves. The cemetery supt. must be notified on the foundation order so as to properly locate the foundation.
6. Cemetery employees may be on hand to help locate the foundation, however, will not help unload the monument or help place it.
7. Swancreek Twp. reserves the right to remove any monument that is deemed to be inappropriate, offensive or hazardous to the public or general appearance of the cemetery.
8. The cemetery supt. will be allowed to temporarily remove monuments for digging of graves or grounds maintenance.
9. Temporary grave markers may or may not be provided by the funeral director and Swancreek Twp. and its employees assume no responsibility for them.
10. Monument cleaning and repair will remain the responsibility of the grave owner. Proper cleaning and repair practices can be obtained by contacting the cemetery supt. during business hours.
11. Monuments shall only be 5’ tall from the foundation.

### **Indigent Funerals**

ORC section 9.15 provides that a township has a statutory obligation to pay for the burial or cremation expenses for deceased indigents who were living in the township at the time of their death, or, whose bodies were not claimed by their family members willing to pay for funeral expenses.

House bill 426, sections 2108.70 to 2108.90, enacted on October 9, 2006, establishes a priority list of individuals who hold the right to arrange a funeral and disposition of a deceased human being. Newly enacted section 2108.89, makes clear that any person who elects to exercise their right of disposition, shall be liable for goods and services purchased in connection with the burial.

Therefore, any person determined to be indigent at the time of death under ORC 9.15 becomes the responsibility of the township. Under H.B. 426 the township is allowed to determine the means of disposition and said person will be cremated with the remains either given to the family or buried in the cemetery of the

Township trustee's choice. In addition, The Township trustees will have prior approval of all expenses incurred; including which funeral home is to be used, up to \$500.00 maximum expenses.

### **Cremation Garden**

As of yet, Swancreek Twp. has not established a designated cremation garden. In the future, when a cremation garden is established, rules and regulations will be written into this document.

### **Privileges and Restrictions**

1. Rules as posted on signs at entrances of cemeteries shall be adhered to.
2. Visitors are expected to conduct themselves in a manner that accords due respect for the deceased.
3. Any person under the age of 16 should be accompanied by and adult who will be responsible for their behavior.
4. All vehicles, motorized or not, will remain on the driveways unless otherwise directed by the cemetery supt. for the purpose of parking during a funeral service.
5. All recreational vehicles, i.e. snowmobiles and ATVs, are prohibited from cemetery grounds. Horses are allowed for funeral processions only.
6. Discharge of firearms, per ORC, is only permitted for military services, funerals and ceremonies.
7. Pets, leashed or unleashed, will not be allowed in the cemetery unless assisting persons with disabilities.
8. Intoxicating beverages and illegal drugs will not be allowed at any time on the cemetery grounds.
9. Persons on cemetery grounds are not allowed to pick flowers and are asked not to feed or disturb the wildlife.
10. All persons entering the cemetery are required to follow all directions of the cemetery supt. as well as the signs at entrances.

### **Care of Graves**

1. No person not employed in the cemetery shall excavate the earth, change grade, lay or remove sod, plant trees, shrubs or flowers.

2. All pots, plants, flowers, mementos, etc. will be placed contiguous with the monument. Any Item deemed hazardous, dangerous, or a maintenance problem will be removed.
3. Swancreek or its employees will not be held responsible in any way for lost or stolen items from grave sites.
4. Flags, banners and shepard's hooks will be allowed as long as they do not become a maintenance problem. They must be contiguous with the foundation.
5. Summer arrangements will be removed by December 1, and winter arrangements will be removed by April 1. After those dates, any arrangements may be picked up and disposed of by cemetery employees.

Swancreek Township and its employees will make every reasonable effort to protect the property rights of the grave owners, within the cemetery, from loss or damage, but the Township distinctly disclaims all responsibility for loss or damage caused beyond reasonable control, and especially from damage caused by the elements, acts of God, common enemy, thieves, strikers, vandals, malicious mischief, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.

### **Disclaimer**

The Swancreek cemeteries are intended to serve as the final resting place for qualified persons and it is essential that certain guidelines exist to ensure that the integrity, beauty and maintenance of the cemeteries not be interrupted. All lot owners, visitors and contractors who perform work within the cemeteries shall be subject to the Rules and Regulations. Although these Rules and Regulations are comprehensive in scope, they are not all encompassing. It is recognized that situations not addressed within this document may arise from time to time. In those instances, The Swancreek Township trustees will review the matter and issue its disposition. In all circumstances, the decision of the Trustees is final and may not be appealed.

These Rules and Regulations supersede any and all previously issued rules and regulations. Swancreek Township Board of Trustees reserves the right to review and revise these regulations at its digression.

### **Mausoleum**

Swancreek Township does not allow any mausoleums in any cemetery owned by Swancreek Township.

## **ADDITIONAL CEMETERY RULES & REGULATIONS**

### **SWANTON-RAKER-SHILOH-ST. JOHN'S-KEENE**

By order of  
Swanecreek Township Trustees  
(419) 822-4371

1. All flowers, potted plants and other decorations must be removed from the ground from April 1<sup>st</sup> through November 30<sup>th</sup>.
2. During the mowing season, April 1<sup>st</sup> through November 30<sup>th</sup>, decorations shall be kept in urns and stone saddles. Not on the ground.
3. Iron plant hangers placed in the ground must be placed contiguous to the foundation and shall not project beyond the base dimensions.
4. No planting of shrubs or flowers will be allowed. Trees may not be planted without written permission of the Trustees.
5. Monuments and urns must be on cement bases installed by Swanecreek Township, at plot owner's expense. Cemetery urns not used in a two year period, will be removed.
6. All grounds keeping is to be done by the Swanecreek Township.
7. No animals on grounds, except those required for handicapped purposes.
8. No jogging, no bicycles, and children under the age of 12 must be accompanied by an adult.
9. No admittance from dusk to dawn.
10. No alcoholic beverages permitted on premises.



**SWANCREEK TOWNSHIP, FULTON COUNTY, OHIO**  
5565 Co. Rd. D, Delta, Ohio 43515 - 419-822-4371

**APPOINTMENT OF REPRESENTATIVE/DESIGNEE  
OF DEEDED GRAVES USED OR UNUSED**

Representative and Designee is described as the person(s) who are being delegated for full rights of any of declarant's grave space(s) and or disposition of said declarant's remains. I, \_\_\_\_\_ (legal name and present address of declarant/DEED OWNER), an adult being of sound mind, willfully and voluntarily appoint my representative/designee, named below, to have the right of disposition, as defined in section 517.07 of the Ohio Revised Code, for designation rights to any/all graves deed in my name.

All decisions made by my representative/designee with respect to the right of disposition and deeded grave(s) shall be binding.

**REPRESENTATIVE/DESIGNEE: (PERSON(S) BEING GIVEN AUTHORITY)**

(If the representative/designee is a group of persons, indicate the name, last known address, and telephone number of each person in the group - use back of page if necessary.)

Name(s): \_\_\_\_\_

Address(es): \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

**SUCCESSOR REPRESENTATIVE/DESIGNEE (2<sup>ND</sup> PERSON(S) BEING GIVEN AUTHORITY):**

If my representative/designee is disqualified from serving as my representative/designee as described in section 517.07 of the Ohio Revised Code, then I hereby appoint the following person or group of persons to serve as my successor representative/designee.

(If the successor representative/designee is a group of persons, indicate the name, last known address, and telephone number of each person in the group.)

Name(s): \_\_\_\_\_

Address(es): \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

**DURATION:**

The appointment of my representative/designee and, if applicable, successor representative/designee, becomes effective upon my death.

**PRIOR APPOINTMENTS REVOKED:**

I hereby revoke any written declaration that I executed in accordance with section 517.07 of the Ohio Revised Code prior to the date of execution of this written declaration indicated below.

**AUTHORIZATION TO ACT:**

I hereby agree that any of the following that receives a copy of this written declaration may act under it:

- Cemetery organization & owner; - Crematory operator; - Business operating a columbarium; - Funeral director; - Embalmer; - Funeral home; - Any other person asked to assist with my funeral, burial, cremation, or other manner of final disposition.

**MODIFICATION AND REVOCATION - WHEN EFFECTIVE:**

Any modification or revocation of this written declaration is not effective as to any party until that party receives actual notice of the modification or revocation. Should modification or revocation occur the declarant shall notify the Swancreek Township in writing. If Swancreek Township does not receive written notice Swancreek Township shall assume there is no modification or revocation.

**LIABILITY:**

No person who acts in accordance with a properly executed copy of this written declaration shall be liable for damages of any kind associated with the person's reliance on this declaration. Signed this \_\_\_\_\_ (date) day of \_\_\_\_\_ (Signature of declarant/DEED OWNER)

**ACKNOWLEDGMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS:**

By signing below, the representative/designee, or successor representative/designee, if applicable, acknowledges that he or she, as representative/designee or successor representative/designee, assumes the right of property as defined in section 517.07 of the Ohio Revised Code, and understands that he or she is liable for the reasonable costs of exercising the right, including any goods and services that are purchased. Representative/designee after death of deeded grave(s) has the right to sell unused grave(s) back to Swancreek Township for the original purchase price or may designate person(s) to be interred in such grave(s). The representative/designee shall submit his or her own Appointment of representative/designee to Swancreek Township after such death of this appointment.

**WITNESS:**

I attest that the declarant signed or acknowledged this assignment of the right of property under section 517.07 of the Ohio Revised Code in my presence and that the declarant is at least eighteen years of age and appears to be of sound mind and not under or subject to duress, fraud, or undue influence. I further attest that I am not the declarant's representative/designee or successor representative/designee, I am at least eighteen years of age, and I am not related to the declarant by blood, marriage, or adoption.

**Witness:**

\_\_\_\_\_  
Name (printed) Representing SWANCREEK TOWNSHIP

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date:

## **BURIAL (INTERMENT) NOTICE POLICIES**

All burial notices shall be faxed or emailed to Swancreek Township, Monday - Friday, 9:00 a.m. - 1:00 p.m., to 419-822-4371 or email [office.mail2@swancreektwp.org](mailto:office.mail2@swancreektwp.org) / [roads@swancreektwp.org](mailto:roads@swancreektwp.org) **and** called in to our Maintenance Department.

Our Maintenance phone number is 419-822-5641. In the event that you cannot reach someone at that number, please call our Maintenance Supervisor's cell phone at 419-467-6321.

All of the information on the Burial Notice form, page 13 or page 14, shall be filled out.

If you do not know the Section, Lot &/or Grave information, our office will assist you in obtaining this information, however, a Deed of sale from the person requesting the burial would be extremely helpful.

The Release from shall accompany ALL Burial Notices and be signed by the person requesting the burial, unless the request is being made by the Deed owner.

These policies must be followed to ensure burials.

SWANCREEK TOWNSHIP  
5565 CO. RD. D  
DELTA, OH 43515  
Phone/Fax: 419-822-4371

**BURIAL NOTICE**

DECEASED: \_\_\_\_\_

CEMETERY \_\_\_\_\_ SEC: \_\_\_\_\_ LOT: \_\_\_\_\_ GRAVE: \_\_\_\_\_

LOT OWNER: \_\_\_\_\_

**TYPE OF BURIAL - PLEASE CIRCLE THE CORRECT BURIAL:**

**Open & Closing Costs – Regular Interment**

	<b><u>RESIDENT</u></b>	<b><u>NON-RESIDENT</u></b>
Weekdays before 2 P.M.	<b><u>\$475.00</u></b>	<b><u>\$600.00</u></b>
Weekdays after 2 P.M.	<b><u>\$575.00</u></b>	<b><u>\$700.00</u></b>
Saturday before 2 P.M.	<b><u>\$575.00</u></b>	<b><u>\$825.00</u></b>
Saturday after 2 P.M.	<b><u>\$675.00</u></b>	<b><u>\$875.00</u></b>
Holiday or Sunday	<b><u>\$750.00</u></b>	<b><u>\$875.00</u></b>

**Open & Closing – Half Size / Cremations**

Weekdays before 2 P.M.	<b><u>\$275.00</u></b>	<b><u>\$400.00</u></b>
Weekdays after 2 P.M.	<b><u>\$325.00</u></b>	<b><u>\$450.00</u></b>
Weekends/Holidays/Overtime	<b><u>\$325.00</u></b>	<b><u>\$700.00</u></b>
Columbarium Burials	<b><u>\$50.00</u></b>	<b><u>\$100.00</u></b>
Exhumation	<b><u>Fees Doubled</u></b>	<b><u>Fees Doubled</u></b>
Two side by side openings same time	<b><u>\$575.00</u></b>	<b><u>\$1000.00</u></b>

DAY: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

FUNERAL HOME: \_\_\_\_\_

NAME OF FUNERAL HOME REPRESENTATIVE: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

For office use: Paid \_\_\_\_\_ Transit Slip: \_\_\_\_\_

**\*\*\*Information must be filled in and faxed to Swancreek Township 419-822-4371\*\*\***

Fax/Phone: 419-822-4371

**BURIAL NOTICE**

DECEASED: \_\_\_\_\_

CEMETERY: \_\_\_\_\_

SEC: \_\_\_\_\_ LOT: \_\_\_\_\_ GRAVE: \_\_\_\_\_

LOT OWNER: \_\_\_\_\_

**Interment of cremations in personal columbarium, inside memorial headstones**

DAY: \_\_\_\_\_ DATE: \_\_\_\_\_

TIME: \_\_\_\_\_ FUNERAL HM: \_\_\_\_\_

NAME OF FUNERAL HOME REPRESENTATIVE: \_\_\_\_\_

PH: \_\_\_\_\_

**\*\*There is a \$50.00 recording fee to be paid in full to  
Swan creek Township prior to columbarium burials\*\***

4-21-14

**\*\*\*Information must be filled in and faxed to Swan creek Township 419-822-4371 or  
emailed office.mail2@swancreektp.org**

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**The following form shall be filled out and submitted to Swancreek Township when a Designee Form, Deed declared to a specific person, Will, or proof of Executor cannot not be provided to Swancreek Township.**

# Swancreek Township

5565 County Road D, Delta, Ohio 43515

Phone & Fax: 419-822-4371

Website: [www.swancreektwp.org](http://www.swancreektwp.org)

## **Release Form**

I, \_\_\_\_\_ of \_\_\_\_\_  
(Printed Name) (Complete Address)

Attest that I am the rightful owner or heir of the grave in \_\_\_\_\_ Cemetery  
Section \_\_\_\_\_ Lot \_\_\_\_\_ Grave \_\_\_\_\_ I am requesting

interment of \_\_\_\_\_.

Therefore, I release Swancreek Township of all liability of incorrect knowledge of heirs(s)

\_\_\_\_\_  
Signature