



# ***Swan Creek Township***

## ***Cemetery Rules and Regulations***

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

**5565 Co. Rd. D**

**Delta, Ohio 43515**

**Phone: 419-822-4371**

**Amended 05-15-23 Resolution #090-23**

**Swanton**

**Raker**

**Shiloh**

**St. John's Lutheran**

**Keene**

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### **Purpose**

The rules established here have been 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 Swan Creek Township Trustees to establish and enforce these rules and regulations for the express purpose of ensuring that Swan Creek Township 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 are 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.

Township Representative – AKA Cemetery Sexton – Will handle 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 Swan Creek Township representative.

Residents – Residents are those who live within the boundaries of Swan Creek Township. All others are considered non-residents.

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

Owner – shall mean the owner of rights of interment or inurnment.

ORC – Ohio Revised Code



## General

Swan Creek cemeteries shall be under the control of Swan Creek Township Trustees, Fiscal Officer, and Township Representative.

Swan Creek Township reserves the right to modify the layout of the cemeteries as appropriate and necessary. Swan Creek Township reserves the right to correct any errors that may be made by it, either in making interments, dis-interments, inurnments, dis-inurnments or removals, or in the inscriptions, transfer, or conveyance and substituting and conveying in lieu thereof other interment or inurnment rights of equal value and similar location as far as possible, or as may be selected by Swan Creek Township or, in the sole discretion of Swan Creek Township, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment or inurnment of the remains of any person in such property, Swan Creek Township reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. Swan Creek Township shall also have the right to correct any errors made by allowing the placement of an improper inscription, including an incorrect name or date on the memorial or monument. Upon correction no further liability shall exist against Swan Creek Township.

No person other than the proper employees of Swan Creek Township Cemeteries shall be allowed to perform any work within the Cemetery without written permission from the authorized representative of Swan Creek Township.

Swan Creek Township may, and it hereby expressly reserves the right at any time, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in the Rules and Regulations.

The cost of all grave's 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 or on the Townships website [www.swancreektwp.org](http://www.swancreektwp.org)

Residents may purchase graves for non-resident family members; however, the grave will be deeded to the resident purchasing the grave.

The purchase of graves shall be made through Swan Creek Township Fiscal Officer or Township Representative.



Purchasers of graves will receive a deed entitling them to the right to interment of human remains or cremains only, subject to the rules and regulations of Swan Creek Township.

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.

If the owner of a grave gives permission for others to be buried in a remaining grave, that permission must be in writing, signed, notarized, and turned into the Township office. It will then be duly recorded in the proper books for future reference.

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 –

Upon an ownership deed transfer, a notarized affidavit must be filed with the Township office and a \$20.00 charge be assessed for the 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 if they live in Swan Creek Township or non-resident if they live outside of Swan Creek Township.

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.

The grantee shall notify the Board in writing of any subsequent changes in the name or address of any person to whom property would descend.

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 Swan Creek Township, and shall notify Swan Creek Township of any subsequent changes in the person's name or address.



## Interment

All burials will conform to the rules of the Board of Health of the State of Ohio

The Township must be notified no less than 2 business days. Our business day is Mon-Thursday 9am to 4:00pm and Fridays 9:00am – 12:00pm. The schedule of earliest burial date once notice received is listed below for your convenience.

<u>Notice Day</u>	<u>Earliest Burial Date</u>
Friday	Tuesday
Monday	Thursday
Tuesday	Friday
Wednesday	Saturday
Thursday	Tuesday

Burials will only be permitted with a proper burial permit signed by the funeral director and accompanied by a check for all applicable fees. Swan Creek Township will comply with the provisions of Section 3705.17 of the Ohio Revised Code. If it is a cremains burial or columbarium inurnment, the cremains must be accompanied by the cremation certificate and payment. If the burial is set to by a private party the interment or inurnment must have the paperwork and payment at time of scheduling.

The Cemetery reserves the right to schedule interment or inurnment services according to the Cemetery’s availability of service times and needs.

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 for such requests.

(A.) When a grave has one cremation burial only one more cremation burial is allowed in that grave, thereafter.

(B.) Only (2) two cremation burials per grave are allowed.

\*\*Any graves bought prior to this amendment effective April 17<sup>th</sup>, 2023, are ‘grandfathered’ to the allowed amount of 4 cremations.

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.

No air seal vaults are allowed.

No Wilbert Way set-ups are allowed.



### **Disinterment**

Disinterment will be made in a manner prescribed by the laws of the State of Ohio.

Application for disinterment or dis-inurnment must comply with the provisions of Section 517.23 of the Ohio Revised Code.

Disinterment will be arranged with Swan Creek Township Trustees no less than two weeks prior to the disinterment or disinurnment and paid for in advance.

### **Monuments**

Monuments shall not be over 5 feet tall, nor may they extend past the footer.

Monument material must be in keeping with the aesthetic of the cemetery and not be made of any material that will decompose over time, for example wood.

All Monuments shall be place on a concrete foundation. The Township employee may determine that a “concrete strip” be used in lieu of an individual foundation.

Foundations are only poured twice a year by the Township. Once in May and again in October. All orders for foundations must be placed by April 30<sup>th</sup> for the spring pour and by September 30<sup>th</sup> for the Fall Pour. Swan Creek Township does not do special pours.

Monuments may be situated over a single grave or centered over two graves. This must be noted in the foundation order to properly place the foundation.

Cemetery employees may be on hand to help locate the foundation for monument placement, however, they will not help unload the monument nor help place it.

Swan Creek Township. Reserves the right to remove any monument that is deemed to be inappropriate, offensive, or hazardous to the public or in general appearance of the cemetery.

The Township employees will be allowed to temporarily remove monuments for digging of graves or grounds maintenance.

Temporary grave markers may or may not be provided by the funeral director, Swan Creek Township and its employees assume no responsibility for them.



Monument cleaning and repair will remain the responsibility of the grave owner. Proper cleaning and repair practices can be obtained by contacting the Township office during business hours.

### **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 the 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.

### **Privileges and Restrictions**

Rules as posted on signs at entrances of cemeteries shall be adhered to.

Visitors are expected to conduct themselves in a manner that gives due respect for the deceased.

Any person under the age of 16 should be accompanied by an adult who will be responsible for their behavior.

All vehicles, motorized or not, will remain on the driveways unless otherwise directed by the Township employee for the purpose of parking during a funeral service.

All recreational vehicles, i.e., snowmobiles and ATVs, are prohibited from cemetery grounds. Horses are allowed for funeral processions only.



Discharge of firearms, per ORC, is only permitted for military services, funerals, and ceremonies.

Pets, leashed or unleashed, will not be allowed in the cemetery unless they are assisting persons with disabilities.

Intoxicating beverages and illegal drugs will not be allowed at any time on the cemetery grounds.

Persons on cemetery grounds are not allowed to pick flowers and are asked not to feed or disturb the wildlife.

All persons entering the cemetery are required to follow all directions of Swan Creek Township Employees as well as the signs at entrances.

#### **Care of Graves**

No person not employed by Swan Creek Township shall excavate the earth, change grade, lay, or remove sod, plant trees, shrubs, or flowers.

If any tree, shrub, or plant standing upon any lot, by means of its roots, branches, or otherwise, becomes detrimental to adjacent lot avenues, or if for any other reason its removal is deemed necessary, the Cemetery shall have the right to remove such

tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in their judgment seems best.

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.

Swan Creek Township or its employees will not be held responsible in any way for lost or stolen items from grave sites.

Flags, banners, and shepherds' hooks will be allowed if they do not become a maintenance problem. They must be contiguous with the foundation.

Summer arrangements will be removed by December 1, and winter arrangements will be removed by April 1. After those dates, any arrangements will be picked up and disposed of by Township employees.





Swan Creek Township and its employees will make every reasonable effort to protect the interment 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**

Swan Creek cemeteries are intended to serve as the final resting place for qualified people and it is essential that certain guidelines exist to ensure that the integrity, beauty, and maintenance of the cemeteries are not 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, Swan Creek 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 all previously issued rules and regulations. Swan Creek Township Board of Trustees reserves the right to review and revise these regulations at its discretion.

### **Mausoleum**

Swan Creek Township does not allow any mausoleums in any cemetery owned by Swan Creek Township.

### **Columbarium**

#### **General**

A columbarium niche is for the interment of human remains only. Deceased pets, valuables, flowers, mementoes, etc. will not be allowed in a niche.

Niche openings can only be performed by Swan Creek Township employees. Anyone, other than a Swan Creek Township employee, who attempts to open a niche, will be prosecuted under state and local laws. Any acts of vandalism will also be prosecuted under state and local laws.



Swan Creek Township will be responsible for repairs to the columbarium. Swan Creek Township will take all reasonable care to ensure the safety of interred remains. However, Swan Creek Township will not be held responsible for the loss or destruction of interred remains due to vandalism, acts of nature or any unforeseen circumstances.

### NICHES

A single niche is 12 inches tall by 11 inches wide by 11.75 inches deep. Swan Creek Township will allow two cremains' urns per niche if the total dimensions of the two urns do not exceed the total niche dimensions.

The urn must be of a material suitable for inurnment (no cardboard). The township shall have full authority to refuse to accept for inurnment any receptacle deemed unsuitable. Leaving the cremains in the urn sent by crematorium is allowed if it meets the above requirements.

Please be aware that these containers are considered temporary, and the township will not be responsible for damage or loss of any cremains that are left in temporary containers.

### NICHE PURCHASE

Once purchased, a Columbarium Deed will be given to the person or persons who purchased the rights to the niche. This is their proof of payment and should be kept in a safe place that is known to family members or friends. A copy of the Columbarium Rules and Regulations will be given at time of purchase.

The holder of the Agreement acquires no property rights in the columbarium or any of its niches. Legal title to the columbarium and niches always remains with Swan Creek Township. The Deed attests only to the right to inter cremains of the person(s) named on the Deed in the specific niche.

Columbarium Right Agreements for a niche can only be made through the township. A niche must be paid in full before internment. There will be no exceptions to this rule. The township will buy back a niche from the owner for the original price paid upon written request of said owner or his/her legal heirs or representatives.

Transfer of niche Deed must follow the same rules and requirements as a grave transfer. Swan Creek Township only allows a niche to be sold back to the Township at the rate that it was purchased for.



## **INURNMENT**

Inurnment arrangements must be made by the purchaser or purchaser's family; this can be done through a funeral home or by contracting the Swan Creek Township directly.

A copy of the Certificate of Cremation must accompany the cremains. Any orders from the funeral home are considered orders from a family.

Any funeral home costs are the responsibility of the purchaser or purchaser's family. The opening and closing fee is included in the purchase price.

## **ENGRAVING OF NICHE COVER**

At time of purchase to maintain the columbarium in a uniform manner, Swan Creek Township will give the purchaser an order form from Maumee Valley Memorials to order the engraving.

The engraving fee is assessed by the engraver at the time of order at the current rate. Engraving of the niche plaques is allowed before inurnment of the cremains.

## **FLOWERS AND WREATHS**

No flower arrangements, plants, wreaths, toys, or mementoes will be allowed to be placed near the Columbarium at any time.

## **REMOVAL OF THE INTERRED CREMAINS**

If the columbarium requires repairs to maintain its integrity, the purchaser agrees to permit the temporary removal of any cremains until those repairs are completed. The cremains will be returned to the proper niche by the Township.

(If cremains must be removed from the columbarium by the family or an authorized person, a written request must be made to the township. This request must explain the reason for the removal, who is making the request, their relationship to the deceased, the day and time requested for the removal, and who will take possession of the cremains. Additional information or documentation may be required.)

The opening and closing fee is included in the purchase price. The township will exercise reasonable care in making a removal, but it assumes no liability for damage to any urn in the process of the removal.

The cost of a vacated niche will be refunded to the purchaser or purchaser's family upon written request. If a niche's cover has already been engraved, the cost of replacement cover is not the responsibility of the Township. Replacement covers can be obtained Maumee Valley at the current rate.



## INTERMENT (Burial) or INURNMENT NOTICE POLICIES

All burial notices shall be emailed to Swan Creek Township, [admin@swancreekTownship.org](mailto:admin@swancreekTownship.org) and called in to the office at 419-822-4371 no less than 2 business days. Our business day is Mon-Thursday 9am to 3:30 pm and Fridays 9:00am – 12:00pm. The schedule of earliest burial date once notice received is listed below for your convenience.

<u>Notice Day</u>	<u>Earliest Burial Date</u>
Friday before 12:00 pm	Tuesday
Monday before 3:30 pm	Thursday
Tuesday before 3:30 pm	Friday
Wednesday before 3:30 pm	Saturday
Thursday before 3:30 pm	Tuesday

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 form shall accompany ALL Burial Notices and be signed by the person requesting the burial unless the request has been made by the Deed owner or Funeral Director on the behalf of the Deed owner.

**These policies must be followed by all to ensure proper burials.**



ADDITIONAL CEMETERY RULES & REGULATIONS  
SWANTON-RAKER-  
SHILOH-ST. JOHN'S-KEENE

By order of Swan Creek 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 trees, shrubs or flowers will be allowed.
5. Monuments and urns must be on cement bases installed by Swan Creek Township, at plot owner's expense. Cemetery urns not used in a two-year period will be removed.
6. All ground keeping is to be done by Swan Creek Township.
7. No animals on grounds, except those required for handicapped purposes.
8. No jogging, no bicycles, and children under the age of 16 must be accompanied by an adult.
9. No admittance from dusk to dawn.
10. No alcoholic beverages permitted on premises.

**These policies must be followed by all to ensure proper burials.**



**Swan Creek Township Trustees  
Acknowledgement of Cemetery  
Rules and Regulation  
Amendments  
Resolution 090-23**

The Swan Creek Township Board of Trustees adopted this amended Cemetery Rules and Regulations at the Regular Board of Trustees meeting on 05-15-2023.

**090-23** Trustee Kazmierczak motioned to adopt the Cemetery Rules and Regulations policy with the revisions of punctuation corrected, 2<sup>nd</sup> by Trustee Wilson.

**Roll Call: Trustee Meyer -Yea, Trustee Wilson-Nay, Trustee Kazmierczak-Yea**

**These amendments are effective 05-20-2023.**

**Swan Creek Township Board of Trustees**

Trustee Gene Wilson, Chairman

Trustee- Brian Meyer, Vice Chairman

Trustee Rick Kazmierczak