



CITY OF ZANESVILLE

***GREENWOOD & WOODLAWN
CEMETERIES***

***BYLAWS, RULES & REGULATIONS
EFFECTIVE AUGUST 1, 2016***



OHIO CEMETERY DISPUTE RESOLUTION COMMISSION

If you are experiencing a problem with a cemetery, you may file a complaint that will be heard before the Ohio Cemetery Dispute Resolution Commission. The Commission was established and vested with the authority to assist in resolving complaints against registered cemeteries by using informal techniques of mediation, conciliation, and persuasion. The Division of Real Estate and Professional Licensing provides administrative services to the Commission.

The nine members of the commission are made up of seven cemetery operators representing three types of cemeteries and two members who are representatives of the public with no interest in the death care industry. Commission members are not paid and are appointed by the Governor.

If you are unable to resolve a problem on your own, call the Division at (216) 787-3100 for a complaint form, or you may download a form from the Division's website at www.com.state.oh.us. All complaints must be submitted to the Division in writing on a form that is provided by the Division.

A copy of your complaint will be sent to the cemetery operator for a response. If your complaint is not resolved, you and the operator will receive a notice to appear before the Commission. The Commission only has authority to make a recommendation on how to resolve a complaint or to refer matters to the Ohio Attorney General for possible violations of the Ohio Consumer Sales Practice Act or a local prosecutor for possible violation of certain cemetery laws. Neither the Division nor the Commission is able to provide you with legal advice. You must consult with your attorney.

City of Zanesville

BYLAWS, RULES AND REGULATIONS OF GREENWOOD AND WOODLAWN CEMETERIES

For Information Concerning:

Preparing of Deeds

Transfer of Deeds

Costs of Lots and Services

Burial Arrangements

Locations of Lots

Purchase of Lots

Visit or Call:

Greenwood Cemetery Office

1413 Greenwood Avenue

Zanesville Ohio 43701

Phone: (740) 455-0793

Email: jjohnson@coz.org or tlewis@coz.org

Office Hours:

Greenwood Cemetery Office

7:00 a.m. to 3:30 p.m. Monday through Friday

Cemetery Visiting Hours: Daily

8:00 a.m. to 8:00 p.m. – May 1 to October 15

8:00 a.m. to Dusk – October 16 to April 30



MISSION STATEMENT

It is the desire of the City to make Zanesville Municipal Cemeteries a place with dignified landscape effects on a well-maintained lawn. To preserve these effects will require the cooperation of every lot owner.

Everything that would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail, and the sacredness of the places maintained at all times. It is to this end that these rules are put into effect.

Jay Bennett, Public Service Director

Jeff Johnson, Superintendent, Cemeteries & Parks

January 2016



WHAT IS AN ENDOWMENT CARE TRUST?

If a cemetery association or company sells interment rights, they are required to set aside at least 10% of the gross sale proceeds from the sale of interment rights in to an Endowment Care Trust. Only interest of dividends may be withdrawn for perpetual care of the cemetery. Principal and capital gains stay intact.

WHAT IS A PRENEED MERCHANDISE & SERVICES TRUST?

If a cemetery association or company sells outer burial containers, monuments, markers, urns, other merchandise or opening and closing services on a preneed basis, they are required to set aside portions of the money received into a trust until the merchandise is needed or delivered.

WHO CAN SELL INTERMENT RIGHTS?

All cemetery operators must provide a list of persons authorized to sell interment right to the Division of Real Estate and Professional Licensing. This information constitutes the registration of those persons to sell interment rights.

OHIO CEMETERIES: A CONSUMER GUIDE

You may experience a great deal of stress or confusion when purchasing cemetery merchandise or services for yourself or a loved one. This brochure was created to help you understand how cemeteries in Ohio are regulated, explain what to do if you are experiencing a problem with a cemetery and provide you with some tips to consider before you make a purchase.

CEMETERY REGISTRATION

According to Ohio law, no person, church, religious society, established fraternal organization, or political subdivision of the state shall own, operate, or maintain a cemetery unless the cemetery is registered with the Ohio Department of Commerce, Division of Real Estate and Professional Licensing. Cemetery registration does not apply to or affect a family cemetery in which there have been no interments during the previous 25 years.

POLITICAL SUBDIVISION/GOVERNMENT

These cemeteries are typically operated by a township or municipality or a combination of both. Although this type of cemetery must be registered, the registration never expires. Registration must be renewed every year with the Division of Real Estate and Professional Licensing.

CEMETERY ASSOCIATIONS OR COMPANIES

Registrations for cemeteries operated by corporations or not-for-profit cemetery associations must be renewed every year. At the time of renewal, the cemetery operator is required to complete a form that reports the activity of the Endowment Care Trust and if applicable, the Preneed Merchandise and Services Trust.

The cemetery operator is also required to submit an affidavit acknowledging that these trusts have been established and maintained according to Ohio law.

CONTENTS

- Introduction 4
- General Rules 4
- Greenwood & Woodlawn History 5
- Funeral Regulations..... 6
- Interments & Removals..... 7
- Columbarium..... 7
- Gravesite Maintenance 7
- Stone & Monument Work..... 8
- Ground Markers 8
- Resale of Lots 8
- Perpetual Care..... 8
- Ohio Revised Code Sections 759.12 & 759.15 9
- Indigent Burials 10
- Cemetery Rates 11
- Recognized Holidays..... 12
- Adoption of Rules & Bylaws 12
- Time Pay Plan 12
- Consumer Tips..... 13
- Consumer’s Guide 14-15
- Ohio Cemetery Dispute Resolution Commission 16

INTRODUCTION

By the authority of Chapter 759 of the Ohio Revised Code (ORC), an Ohio Municipality may provide public cemeteries for the burial of the dead and regulate public and private cemeteries.

Section 759.11 of the ORC states that the "Director of Public Service may make the bylaws and regulations not inconsistent with the ordinances of the city and the constitution of this state, for the management and protection of the burial of the dead therein, and they shall have the same validity as the Ordinances of the City."

Municipal cemeteries are considered to be proprietary functions of government. Revenue to support the operation is derived from the General Fund and the sale of lots and services.

The City has established a Cemetery Development Fund. These funds enable development of new sections, landscaping and maintenance of roadways and other repairs to beautify the cemeteries.

Two cemeteries are owned and operated by the City of Zanesville They are Greenwood Cemetery and Woodlawn Cemetery.

GENERAL RULES & INFORMATION

These Policies & Procedures, Rules & Regulations and any amendment thereto shall be the sole agreement between the City of Zanesville and the Owner/Purchaser of the Cemetery Lot. Any oral or written statements of any person, unless in a notarized statement approved by the City of Zanesville shall in no way bind the City. The City of Zanesville reserves the right to make modifications or amendments to these Policies & Procedures, Rules & Regulations without notice, and all owners, purchasers and visitors will be subject to these dictates of the City of Zanesville Cemeteries in place at the time.

- ❖ The City is not responsible for damages to headstones, vases, monuments, vaults or mausoleums resulting from the ordinary hazards of cemetery work, vandalism or natural causes. Such items are personal property.
- ❖ Cemetery visitors are asked to use roads & walkways only.
- ❖ Graves can be purchased on a Timed Pay Plan.
- ❖ Opening and closing costs can also be made on a Timed Pay Plan.
- ❖ No firearms are permitted within the cemetery grounds (color guards excluded).
- ❖ No alcoholic beverages are permitted on cemetery grounds.
- ❖ Pets must be kept on a leash and on the roadways. Please do not let your pets go into the sections.
- ❖ The City reserves the right to establish limitations on monuments and/or memorials in individual sections of the cemeteries.
- ❖ No children under the age of 16 shall be permitted on the cemetery grounds at any time unless accompanied by parents, adult relatives, or guardians or without the special permission of the Superintendent.
- ❖ The speed limit is 10 miles per hour.
- ❖ No vehicle shall come to a complete stop in front of an open grave unless in attendance at the funeral.

CONSUMER TIPS

- ✓ Check to see if the cemetery is registered with the Division of Real Estate and Professional Licensing.
- ✓ Ask the cemetery operator for a copy of the cemetery Rules and Regulations.
- ✓ Be sure that you understand the cemetery's monument/marker and decorations policy.
- ✓ View the grave, crypt, or other interment site before you purchase.
- ✓ Insist that any promise made to you be in writing on the cemetery's stationary and signed by cemetery personnel.
- ✓ Before you enter into a contract or agreement, find out about any cancellation and refund policies.
- ✓ Ask about all current and future prices and fees.
- ✓ When you purchase a burial plot or a grave, you are purchasing the right to be buried (interred) there, not the actual ground.
- ✓ Find out if your interment rights or other merchandise and services can be transferred to another person, transferred for use at another cemetery, or bought back by the cemetery if you move.
- ✓ Be sure that the specific location of your lot, crypt, or interment right is clearly identified and unconditionally guaranteed on your contract or purchase agreement (required by Ohio law).
- ✓ Include cemetery property in your will.



RECOGNIZED HOLIDAYS

No burial requests will be accepted on these recognized holidays:

- ❖ New Year's Day
- ❖ Martin Luther King Jr. Day
- ❖ President's Day
- ❖ Memorial Day
- ❖ Independence Day
- ❖ Labor Day
- ❖ Columbus Day
- ❖ Veteran's Day
- ❖ Thanksgiving Day and the Friday following Thanksgiving
- ❖ Christmas Day

ADOPTION OF RULES & BYLAWS

Rules and regulations are herein adopted as provided for in the Ohio Revised Code, Chapter 759.

TIME PAY PLAN

The City of Zanesville has a time payment plan for the pre-need purchase of (1) a grave, and (2) the cost of opening and closing the grave. The time pay plan is "per grave."

- ❖ A adult grave can be purchased at the current price with a down payment of 25%. A carrying charge of \$40.00 will be added to the balance due. Payments are made in equal installments for no more than twelve (12) months.
- ❖ The opening and closing cost for each grave can also be purchased over time with a down payment of 25% and a carrying charge of \$15.00 will be added to the balance due. Payments are made in equal installments for no more than twelve (12) months.

In order to request a time payment plan for an open and close, a grave must already be purchased. Monuments cannot be placed on the grave until the grave is paid for.

GREENWOOD CEMETERY

Greenwood was established in 1835 on 7.5 acres, bought by the City for that purpose, from Richard Stillwell for \$476.00; in 1852 another 13 acres was added and 100 acres was added in 1905. It now covers 120.5 acres. It is located on the east border of Zanesville and was known as the City Cemetery until 1885.

There had been an estimated 100,000 burials in Greenwood Cemetery by 1944. The first burial was that of James Durban who died in 1835.

A fire in the superintendent's house and in the Market House are blamed for the loss of records for 1835 through 1894. Over a two-year period, workers put together a listing of information off of the old monuments; some are dated before 1835 and must have been moved here when the City's first cemeteries were closed.

Many of the pioneer leaders of Zanesville are buried in Greenwood Cemetery, including Charles B. Goddard, Samuel Herrick, and five Civil War Generals. Greenwood also holds the remains of a southern soldier.

WOODLAWN CEMETERY

Civic pride and toll costs played an important role in the development of Woodlawn Cemetery. It is located on the south side of Zanesville and was dedicated in 1853 as a cemetery for the people of Putnam.

In 1851 C.C. Convers and A.A. Guthrie purchased 55 acres from Dr. Increase Mathews; this purchase included the burial ground where his wife, Abigail, was buried in 1802. 18 men bought into the property and the private corporation known as "The Proprietors of Woodlawn Cemetery" was organized. A.A. Guthrie designed the plots and planned walks and roadways. Work on the project started in 1852.

The directors of Woodlawn promised perpetual care, but with costs raising and income diminishing, they asked the City of Zanesville to take over the cemetery. On April 20, 1896 action was taken by the City to accept Woodlawn and an additional 13 acres was later purchased.

Many notable pioneers of the Putnam and Zanesville area are buried in Woodlawn Cemetery, including Dr. Increase Mathews, Ebenezer Buckingham, the Rev. William Beecher, H.J. Jewett, the Rev. Addison Kingsbury, and A.C. Ross, as well as various members of the Sturges and Nye families, just to name a few.

FUNERAL REGULATIONS

- ❖ No funerals or interments will be accepted on Saturday afternoons, Sundays, and legal holidays or any other day which has been declared by the appropriate governmental authority to be a holiday of general observance. Exceptions would include cases of contagious disease or when so ordered by the Board of Health, the Coroner, or a court of legal jurisdiction. A list of the holidays observed by the City of Zanesville is included on page 12.
- ❖ The Superintendent must receive notice of a burial at least one full working day in advance. If the Superintendent is not notified by 3:30 p.m. the preceding Friday, burial will not be guaranteed on the following Monday; or in the case of a holiday, the next work day following a holiday.
- ❖ Processions must be out of the cemetery by 3:00 p.m. Monday through Friday and 11:00 a.m. on Saturdays. If not, a fee that consists of overtime (actual wages x 1.5) will be charged, x2, per hour.
- ❖ The burial of two bodies in one grave will be permitted if the first vault can be placed 7 feet 6 inches deep. Digging the extra depth is not guaranteed and depends on rock, ground water and other conditions; the Superintendent has the final decision (page 11).
- ❖ Interment in the Veteran’s sections requires an honorable discharge from the armed services.



CEMETERY RATES

Adult grave (10% to perpetual care)	\$795.00
Child/Baby Grave (10% to perpetual care).....	\$210.00
Cremation Grave (10% to perpetual care)	\$210.00

Interment

Adult grave & catacomb	\$525.00
Child grave (3’ and under)	\$200.00
Extra deep adult (additional).....	\$265.00
Extra wide adult (additional)	\$90.00
Open & close (adult), Sat	\$795.00
Open & close (child), Sat.....	\$460.00

Cremations

Opening and closing	
With/without Wilbert universal urn.....	\$165.00
Additional fee for cremation vault	\$50.00
Burial on Saturday morning.....	\$530.00

Columbarium

Niche.....	\$650.00
Interment daily	\$100.00
Internment Saturday	\$250.00

Disinterment

Vaults under 3’ may need to be removed by outside contractors	
Adult excavation – opening & restoral	\$1,035.00
Infant excavation – opening & restoral	\$315.00
Cremation (suitable urn required).....	\$280.00

Foundation

Concrete foundation (per inch)	\$.35
Minimum charge	\$100.00

Deeds

Replace of transfer	\$20.00
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Funeral overtime costs

Failure to leave the cemetery grounds by 3:00 p.m. daily or by 11:00 a.m. on Saturday will result in actual cost per hour x 2 calculated at time and a half wages (\$186.69/hr).

INDIGENT BURIALS

Payment for indigent burials (living within the City limits) have been established by Ordinances 82-150, 82-171, 86-248, and 03-10 and amended as follows:

- ❖ For the burial of stillborn infants of indigent parents or parent, the City shall furnish the grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the burial of an indigent person requiring a casket two to three feet in length, the City shall furnish a grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the burial of an indigent person requiring a casket three and one-fourth to four and one-half feet in length, the City will furnish a grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the burial of an indigent person requiring cremation per order of the coroner, the City will furnish the grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the cremation of an indigent adult person, the City will furnish the grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ The requirement for cremation in the above paragraph may be waived by the Director of Public Service based on the religious convictions of the decedent in which case the City will furnish a grave and pay for the opening and closing. The City will pay the funeral director in an amount equal to the most current bid for relevant services.



INTERMENTS & REMOVALS

- No remains except that of a human being may be buried in the cemetery.
- No interment can be made unless the body is accompanied by a burial permit.
- To remove or disinter a body, the rules set out by the ORC 517.23 must be followed.
- All graves must be opened and closed by the City.
- All interments must be in permanent vaults made of concrete, metals, fiberglass or other materials approved by the City.
- The deed of a lot conveys only the right of burial therein; the Superintendent and the Public Service Director retains complete control and supervision of all lots.

GRAVESITE MAINTENANCE

We realize the importance of remembering your loved one with flowers on special occasions. To preserve the natural beauty of the cemeteries, all flowers and decoration not placed on an approved foundation will be removed and disposed of once a week from April 1 to November 30. Decorations placed on graves starting December 1 will be left there until we start the spring cleanup around March 15.

- No plantings of any kind on the graves.
- No enclosures such as fences, hedges or ditches around a grave.
- No mulch or decorative stone around a grave/monument.
- Visitors shall not pick flowers, plants or shrubs within cemetery grounds.
- Excavation for any purpose will not be permitted without prior consent of the Superintendent.
- No glass, pottery figurines, or vases in the grass; they must be on an approved foundation.
- Single shepherd hooks may be placed behind the grave marker or monument, of a height no more than six (6) feet tall and are to be used for live flowers only. Hooks shall be placed not more than 12 inches from and parallel with the short end (side) of the upright monument, with the hook to the front of the monument.

Disregard of these regulations will result in removal and disposal of the offending items.

COLUMBARIUM

A columbarium is provided at Woodlawn Cemetery for the interment of cremains. Two interments are permitted in each niche if space allows (11.25" h x 11.25" w x 9" deep). Each niche shall be in a separate cremation vault of sufficient grade material and shall be airtight and approved by the Public Service Director. Niche faceplates shall be engraved with name, year of birth, and year of death only, except two emblems shall be permitted in a location to be designated by the Public Service Director. All engraving shall be of a lettering selected by the City of Zanesville and work shall be completed through a City of Zanesville approved source. Any emblems not of a standard design must be approved by the Director of Public Service and may require additional fees. Prepayment of engraving fees shall be permitted, but actual engraving shall not take place until time of interment. A standard niche plaque in memory of the person(s) interred will be included in the purchase price of the niche and shall be ordered by the City of Zanesville when the niche is paid in full and a certificate issued. No temporary attachments such as tape, wire, string, or stickers are allowed.

STONE & MONUMENT WORK

- ❖ Monuments (grave marker, headstone) cannot be placed on a gravesite until after the grave is paid for.
- ❖ Each monument shall be placed on an approved foundation. These foundations are poured by cemetery employees and are paid for by the lot owner; foundations are poured two or three times per year, depending on the number of orders.
- ❖ The Superintendent shall have the right to limit size, design, and type of material of monuments to prevent possible settling or injury to the stonework.
- ❖ Monument work shall not be removed once it is put in place, except with permission from the Superintendent.
- ❖ Only one grave memorial will be permitted on a single grave space. No memorial may embrace two or more grave spaces, except a companion or a family memorial. The exception is if one of the markers is a ground marker that usually goes at the foot of the grave.

GROUND MARKERS

Beyond the effective date of these revised Rules & Regulations, footstones will not be permitted in all newly opened sections of City cemeteries, except for flat markers of granite or bronze that will allow a mower to pass over, and must not exceed 12 x 24. A concrete foundation is required under all flat markers.

RESALE OF LOTS

Any person wishing to sell his lots must first offer the lots to the Director of Public Service at the original cost to the owner. No sale, transfer or conveyance of any cemetery lot or interest therein shall be valid without the consent of the Public Service Director.

PERPETUAL CARE

The minimum perpetual care fee shall be indicated in the current schedule of prices. The Director of Public Service may receive donations by bequest, devise, deed of gift, or otherwise, in money, or other property, the principal or interest of which is to be used to enlarge, improve, embellish, and/or care for the cemetery generally, or for any particular parts therein, as a donor directs or as the Director determines if no such direction is given.

OHIO REVISED CODE

Section 759.12

City may accept and maintain permanent fund for care of lots in cemeteries:

“In the bylaws and regulations provided for by Section 759.11 of the Revised Code, the Director of Public Service shall declare the amount of money he will accept by an agreement, gift devise, bequest, or otherwise and hold as a permanent fund of the Cemetery. He shall pledge the faith and credit of the City for the perpetual care of the lots designated, then using only the interest or income of the money. On receipt of the sum of money so designated, the Director shall issue therefore a written receipt and acknowledge therefore, signed by him, binding the faith and credit of the City to forever hold such money as a permanent fund and to provide perpetual care for the lots herein named, for the use, income and interest of such. He shall enter on the minutes of his proceedings full detail of the obligation and shall enter the receipt and income of the money and the expenditures therein detail on this book of accounts, keeping each separately.”

Section 759.15

Funds of cemeteries to be deposited – investment - payments:

“The Director of Public Service shall turn over to the legislative authority of the City, property on hand under his control or held by him as a permanent fund, for cemetery purposes, and shall acknowledge receipt thereof to the Director in writing signed by the clerk.

By resolution duly passed and entered on the minutes of its proceedings, the legislative authority shall pledge the faith and credit of the City to forever hold such money as a permanent fund, and pay the Director in semi-annual payments as interest on the funds, a sum efficient to provide perpetual care to the lots as agreed by the Director. The legislative authority shall invest such funds and keep them invested in interest-bearing bonds, or in interest-bearing certificates of deposit in financial institutions within the United States or this state. All such money and the income thereof shall be exempt from taxation, the same as other cemetery property.”