

*The
Lakewood Park Cemetery
Association*

BY-LAWS
RULES AND REGULATIONS

22025 DETROIT ROAD
ROCKY RIVER, OHIO 44116
(440) 333-1922
(440) 333-1923 FAX

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www.lakewoodparkcemetery.com

TRUSTEES

Kenneth Burney, President

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David C. Harris, Vice President

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Gregory W. Helms, Secretary-Treasurer

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Edward J. Delzani

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John C. Hoffman

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Scott W. Kermode

RULES AND REGULATIONS

1. As of January 26th, 2012 and subsequently any revision to the By-laws Rules & Regulations will supersede all previous editions.

2. HOURS. The Lakewood Park Cemetery gates and Mausoleum, herein after "Cemetery," will be open each day from Sunrise to Sunset. Office hours are 8:30 a.m. – 4:30 p.m. except Saturdays 8:30 - noon. All vehicles must vacate the cemetery by Sunset.

3. FLOWERS. Fresh cut flowers are permitted yearlong in the approved cemetery vases. Wilted or unsightly flowers will be removed. No plantings or decorative border of any kind is allowed around the marker or anywhere on the grave.

No flowers, plants, ornamentation or other matter shall be attached to the face of any niche or crypt.

Artificial flowers, potted plants and decorations are not permitted March 1st through November 15th with the exception of potted plants at Easter, Mother's Day, Father's Day, Memorial Day and Veteran's Day commencing one week prior and ending one week after.

From November 15th until March 1st, holiday decorations are permitted but limited to one decoration per grave. No decoration shall be taller than 36 inches or it will be removed. Your item should be tagged with the name of the deceased, section, lot and grave number. All decorations must be securely anchored in the ground.

Winter burials may cause removal of decoration to access a grave. If possible, properly tagged decorations will be returned to the original location. If replacement is not possible, they will be stored at the service building until March 15.

The Superintendent of Lakewood Park Cemetery is charged with the removal of all decorations that do not conform to cemetery regulations or pose a threat of injury to visitors or cemetery employees.

All flowers, plants or decorations are placed at owner's risk. Lakewood Park Cemetery assumes no responsibility for theft or damage.

4. HEADSTONES. All headstones installed after April 23rd, 2009, shall consist entirely of flat engraved granite with sawn sides only. Nothing shall be attached or affixed to any headstones. Non-granite matter shall not be incorporated, embedded or contained in any headstone. Markers provided by the V.A. are governed by the V.A. regulations which LPCA is obligated to recognize. Persons intending to use V.A. markers should contact the V.A. for information on requirements and restrictions.

If a full marker is required, it must be 12" x 24" x 4". If a smaller marker is required, it must be flat granite 8" x 20" x 4". Full markers are required in the sections so designated and cremation markers in the sites so designated.

Each headstone shall be set flush with the level of the ground and shall be set only by employees of the Cemetery, for which a charge shall be made. Only one headstone shall be placed on a grave.

Only the names of those interred or memorialized shall be on any headstone. The name of the person whose remains have been interred in a grave shall not be removed from the headstone on that grave. Any replacement of a headstone must include the name of the person whose remains have been interred in the grave where the replacement headstone is set.

Headstones will not be received or set by the Cemetery between November 15th and April 1st.

5. INSCRIPTIONS. As of January 26th, 2012, and subsequently, inscriptions on any niche or crypt front in the Cemetery will be limited to the first name, middle initial, if applicable, last name, birth year and death year.

6. The price of each grave, crypt and niche shall be fixed by the Trustees.

7. Graves, crypts and niches are exempt from taxation and cannot be seized for debt, attached by any process of law or mortgaged.

8. The deed to a grave conveys burial rites for either a full burial and one cremains or two cremains. All deeds are subject to the By-Laws and Rules and Regulations of the Association and the laws of this State as now or hereafter changed or amended. Title to the land, buildings, structures and/or improvements remains with the Association. Such deed shall be recorded only in the cemetery office.

9. Interment, entombment and inurnment shall be permitted only for the owner or upon death of the owner, the following person(s) in the following order:

- a) The spouse of the owner at the time of purchase.
- b) Any person designated in writing by the owner on a form to be provided by and presented to the Association during grantee's lifetime, with the consent of the Association.
- c) The lineal descendants of the owner.
- d) The owner's heirs.

10. The owner of a right to interment, entombment or inurnment, as set forth in above Rule 9, shall be entitled to relinquish any rights of burial by executing a Relinquishment or Assignment of Right of Burial in a form, as provided by the Lakewood Park Cemetery. The person in whose favor the Relinquishment of Right or Assignment is executed shall have the right to:

1. Re-title the deed to themselves or his/ her designees subject to the then current fee;
2. Request a repurchase by the Lakewood Park Cemetery or sell to a third party, subject to the then current fee;
3. Designate the use of the space(s) to specific people; or
4. Exchange the space(s) for a fee subject to the then current fee.

A person who fails to exercise the powers provided in the Relinquishment or Assignment of Right of Burial, prior to their death or incompetency, renders such right of Relinquishment a nullity and said right shall pass and descend pursuant to Rule 9, as if no Relinquishment of Right or Assignment had ever been executed.

11. Permission for burial, entombment or inurnment may be refused if the owner of a grave, crypt or niche accepts any compensation or payment for the right to make a burial, entombment or inurnment in such lot, crypt or niche.

12. The ownership of a deed to a space does not confer any right to do planting nor to erect a monument, mausoleum, vase, etc.

13. Landscaping is undertaken before a section is offered for sale and further landscaping is not permitted absent specific approval of the Trustees. If granted, such landscaping becomes the property of the Association.

14. No mowing of the grass, landscaping or trimming shall be allowed except by the employees of the Association.

15. The ownership of a grave, crypt or niche does not confer the right to sell, transfer or assign such grave, crypt or niche or any portion thereof. Such sales, transfers or assignments are privileges which may be granted or refused by the Association after due investigation, and no sale, transfer or assignments shall be valid without the consent of the Board of Trustees and the original deed returned to the Association and new deed issued. No such sale, transfer or assignment shall be for an amount in excess of the original purchase price.

16. The Association reserves the right of first refusal to repurchase any grave, crypt or niche.

17. Any person asserting the right to the use of any space bears the burden of demonstrating the order of succession set forth in Rule 9 with competent proof.

18. All grave, crypt or niche sales shall be paid in full at the time of purchase.

19. All repurchases by the Association of graves, crypts or niches in the cemetery shall be for an amount equivalent to one-half the original purchase price or the currently approved repurchase amount, whichever is greater, however, the Association will not repurchase an inscribed niche or crypt. In the event that remains are disinterred from such niche or crypt, the additional wording of "In Memoriam" shall be added to any other inscription present to indicate that there are no remains contained therein. The costs for any such additional wording shall be borne by the party who has sought the disinterment.

20. The Association may establish areas within the cemetery for the exclusive use of ground burials, above ground burials, double depth burials, crypts, lawn crypts, garden crypts, crypt walls, niches, lawn niches, garden niches, niche walls, columbaria, cenotaphs, and common cremains gardens. The Association shall, with respect to any areas so established, specify the number of interments per grave space, crypt and niche. Burial vaults are required for all in-ground burials, excluding burial of cremains. Pre-cast vaults are required for all burials in areas designated for use as double depth burials.

21. Interment charges are due and payable when the order is taken, and no interment shall be made unless the remains are accompanied by a burial permit.

22. Permission to disinter any remains buried in the Cemetery shall be granted only upon the following terms and conditions:

- a) On application of the decedent's surviving spouse, provided the applicant is at least eighteen (18) years of age and has paid to the Association the reasonable costs and expense of disinterment in accordance with the Association's then current fee schedule; or
- b) An order of the Cuyahoga County probate court issued under Ohio Revised Code Section 517.24 and payment by the person who applied for such order to the Association the reasonable costs and expense of the disinterment in accordance with the Association's then current fee schedule.
- c) No disinterment of the remains of a decedent who died of a contagious or infectious disease shall be made under a) or b) above until a permit has been issued by the board of health of a general district or a city health district having jurisdiction over the territorial limits of the City of Rocky River, Ohio.

23. Reclamation of Unused Lots

The Board of Trustees of the Lakewood Park Cemetery Association has adopted its ability to re-enter unused or abandoned lots under Ohio Revised Code 5117.073 and may exercise such right to re-enter any unused or abandoned plots by providing notice to the owner 180 days prior to the proposed re-entry.

If the address of the owner is unknown, notice will be made by publishing the intent to claim such site in a newspaper of general circulation at least 180 days before the date of the intended re-entry.

24. Dogs are not permitted to run unleashed in the cemetery and owners are responsible for appropriate clean up.

25. Rules and Regulations may be changed or amended by a three-fourths (3/4's) vote of the Board of Trustees present at any regularly convened meeting.

BY-LAWS

Article I. Any adult person who is the owner of two or more graves, crypts or niches in the Lakewood Park Cemetery, herein after "Cemetery," that are fully paid for, may become a member of the Association by being elected to membership by the Board of Trustees, or by the members at an annual meeting, and by signing the membership roll thereby subscribing to the Articles, By-Laws, Rules and Regulations, and may continue as such as long as he or she is the owner of such lot, crypts or niches and shall abide by said Articles, By-Laws, Rules and Regulations and shall do no act contrary to the best interests of the Association or of the cemetery. During such ownership, members shall be entitled to vote at all regular or special meetings of the Association, as follows.

Each member shall be entitled to one vote. A member who owns two or more graves, crypts or niches shall have only one vote.

Trustees on ten (10) days' notice and for good cause may drop any persons from membership in the Association by a majority vote of Trustees present.

Article II. The annual meeting of the members of the Association shall be held in the month of January of each year after notice has been given of the time and place of such meeting, by one publication not less than ten nor more than 30 days before the date of such meeting, in one or more newspapers circulated in Rocky River or Lakewood, Ohio.

At this meeting the Trustees shall be elected, and the officers shall make a report of the business transactions of the past year. Any other business thought necessary may be transacted at this meeting. No cumulative voting shall be permitted. Any action taken by a majority of those persons present shall be valid and binding. Notice of extra or special meetings shall be given in the same manner as for a regular meeting.

Article III. At the first annual meeting in February of 1942, six Trustees shall be elected who shall be divided into three classes of two members each, two of whom shall be elected for one year, two for two years, and two for three years. At each annual meeting thereafter, two trustees, who have not attained the age of Seventy (70) years, shall be elected to hold office for three years, or until their successors are chosen. All vacancies occurring in the Board of Trustees from any cause may be filled by appointment by a majority vote of the remaining members of the Board. An extra or special meeting may be called by the President or by a majority of the Trustees.

Article IV. The Board of Trustees shall meet at least once a month and shall at the annual meeting elect by a majority ballot a President, Vice President, Treasurer and Secretary; the office of Treasurer and Secretary may be held by one person.

The Board of Trustees may establish such regular or special committees as it may deem necessary, the appointments thereto be made by the President with the approval of the Board. The Trustees are empowered to make all necessary rules and regulations governing the cemetery not inconsistent with these By-Laws.

Article V. The compensation of the Trustees for their service shall be established by the members. This compensation is based upon each trustee's physical presence at each meeting. No Officer, Trustee or employee of the Association shall have any interest in any contract work or material sold to said Association, in excess of \$1,000 without disclosure and Board approval.

Article VI. The President or designee shall preside at all meetings of the Trustees and of the Association and shall report at the annual meeting the business of the preceding year and perform such other duties as may be required of him by the Board of Trustees.

Article VII. The Secretary or designee shall keep and record the proceeding of all meetings of the Association and of the Trustees and of the committees. The Secretary shall cause to be published and give notice of annual and special meetings of the Association. The Secretary shall keep a strict record of all sales made by the Association and shall collect and pay over to the Treasurer any and all moneys and shall perform such other duties as may be required of the Secretary by the Board of Trustees.

Article VIII. The Treasurer shall have the custody of the funds of the Association under the direction of the Board of Trustees. The Treasurer shall keep an account of all receipts and disbursements and report the same to the Trustees at each of their meetings as they may require and perform such other duties as may be required of him by the Board. The Treasurer shall make no payments except as authorized by the Board. The Treasurer shall keep and deposit the various funds of the Association as directed by the Board.

Article IX. All sales of graves, crypts or niches shall be by contract evidenced by a deed attested to by the Secretary, another Association officer or their designees and affixed with the seal of the Association, the form of which contract and deed, the terms and conditions of same shall be fixed by the Trustees, but only the use of spaces for the purpose of burial, subject to the laws of the Association and State of Ohio, shall be sold and conveyed to purchaser. All sales are subject to review at monthly Board meetings.

Article X. Each officer at the expiration of his term shall turn over to his successor in office all books, papers, monies and other properties in his hands.

Article XI. Upon being convicted of a crime of moral turpitude, any officer or board member of the Association shall be removed.

Article XII. The funds of the Association, exclusive of special endowment gifts, shall be carried in two separate accounts, namely:

1. Endowment Care Trust.
2. Current Operating Fund.

Article XIII. Cemetery Endowment Care Trust. Ten per cent of the gross sales proceeds received from the sale of any burial lot, burial right, entombment right, columbarium right, crypt or niche shall be deposited in the Cemetery's Endowment Care Trust. The principal of this trust and capital gains shall not be expendable and shall be held and invested in compliance with the investing standards set forth in Ohio Revised Code Sections 2109.37 and 2109.371.

The dividend and interest income from this trust shall be used only, at the discretion of the Board of Trustees, for the cost and expenses incurred to establish, manage, and administer the trust and for

maintenance, supervision, improvement, and preservation of the grounds, lots, buildings, equipment, statuary, and other real and personal property of the cemetery.

Article XIV. Current Operating Fund. Ninety percent of the gross sale proceeds received from the sale of any burial right, entombment right, columbarium right, crypt or niche and all other receipts and income of the Association shall be deposited and kept in the Current Operating Fund.

This fund, both as to interest and principal, shall be expendable by and under the supervision of the Board of Trustees for building, enlargement, repair, improvement, adornment and for maintenance, general care and operation of the cemetery, its grounds, and appurtenances as in the judgment of the Board of Trustees shall be most advantageous.

Should the amount of this fund at any time exceed the immediate or future needs of the Association, the excess thereof may be transferred by the Board to the Cemetery Endowment Care Trust.

Article XV. These By-Laws, Rules and Regulations may be changed or amended by three-fourths of the members voting at any annual or special meeting of the Association, if such intended change is mentioned in the notice calling such meeting, or special meeting of the Association. Such amendments may be retroactive.