

*The
Lakewood Park Cemetery
Association*



**BY-LAWS
RULES AND REGULATIONS**

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

Revised January 27, 2025

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TRUSTEES

David C. Harris, President

Kenneth Bumey, Vice President

**Gregory W. Helms, Secretary-
Treasurer**

Edward J. Delzani

Scott W. Kermode

Sean McGettrick

Jeffrey Endress, Counsel

RULES AND REGULATIONS

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

2. **HOURS.** The Cemetery gates and Mausoleum will be open each day from Sunrise to Sunset. The cemetery office is open each weekday from 8:30 A.M. to 4:30 P.M. except Saturdays, when it will be closed at noon. The Office is also closed daily from 12:00 noon to 1:00 P.M. for lunch. All vehicles must be out of the cemetery by Sunset.

3. GRAVESITE DECORATIONS.

At NO time may any burial or interment sites be decorated with electric lights, political signage, borders, permanent plantings or other adornments that detract from the appearance of the Cemetery grounds. No flowers, plants or ornamentation of any kind shall be attached to any niche or crypt. All such decorations will be removed and disposed of by the Superintendent of Lakewood Park Cemetery as will any decoration that does not conform to cemetery regulations or poses a threat of injury to visitors or cemetery employees.

The following ARE permitted grave and interment decorations:

1) Fresh cut flowers are always permitted, provided they are placed in the Cemetery vases provided. Wilted flowers will be removed.

2) Between March 1 and November 15, artificial flowers, potted plants and Holiday decorations shall be permitted provided they are limited to one decoration per site and do not exceed 36 inches in height.

inches by 24 inches by 4 inches, and headstones placed in the baby sections, Section 15 cremation graves or any areas designated by the Cemetery in the future shall consist of flat granite 8 inches by 20 inches by 4 inches. Each headstone shall have cut in the lower right corner, not to exceed three-quarter inch in size, the number of the lot and grave on which it is placed.

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.

No more than two names 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 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 of the deceased; the exception being a person legally named with two first names (i.e. Mary Jane) that the front would accommodate. This extra lettering may be subject to an additional fee.

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

7. Lots vary in size from two graves to the largest family lot.

8. Lots, crypts and niches in this cemetery are exempt from taxation and cannot be seized for debt, attached by any process of law or mortgaged.

9. The boundaries of all lots in this cemetery are designated by corner stones. These stones are set even with the surface of the ground. Corner stones thus described are supplied by the cemetery.

10. The deed to a lot, crypt or niche conveys only burial, entombment or inurement rights and is 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.

11. Interment, entombment and inurnment shall be permitted only for the grantee and the following person(s) in order of succession set forth below:

a. The spouse of the grantee at the time of purchase.

b. Any person designated in writing by the grantee 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 grantee.
- d. The grantee's heirs.

12. The Grantee(s) 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 pass on and descend pursuant to Rule 9, as if no Relinquishment of Right or Assignment had ever been executed.

13. Permission of burial, entombment or inurement may be refused if the grantee of a deed to a lot, crypt or niche accepts any compensation or payment for the right to make a burial, entombment or inurement in such lot, crypt or niche.

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

15. Permanent planting of trees and shrubs is made before a section is offered for sale and further permanent planting may be permitted only at the discretion of the Trustees. As a rule, such plantings are not considered desirable or necessary.

16. When permission for special planting has been obtained, the trees or shrubs planted become the property of the Association.

17. The Association undertakes to maintain as nearly as may be practical, the planting of trees and shrubs which serve as a background, and to preserve the landscape features as originally planned. No mowing of the grass or trimming of shrubbery shall be allowed except by the employees of the cemetery.

18. The ownership of a deed to a lot, crypt or niche does not confer the right to sell, transfer or assign such lot, 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.

19. The Association reserves the first option or right to repurchase a lot, crypt or niche. If the Association does repurchase a lot, crypt or niche, the fund or funds from which such purchase is made shall be first reimbursed from the resale of said lots, graves, crypts or niches, before a division of the proceeds from such resale shall be made to the various funds, as herein provided.

20. A deed shall be made only to the person contracting to purchase the lot, crypt or niche unless otherwise directed by him or her in writing.

21. The removal of the bodies of deceased lot owner or his family by their heirs, for profit or other reasons not considered proper by the officials of the Association is not permitted.

22. Upon the death or judicially declared incompetency of a lot owner, it is the duty of their heirs, devisees or guardian to file with the Association, competent proof of their right to use of the lot, and further burials upon the lot may not be permitted until such proof is presented.

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

24. All repurchases by Association of lots or graves in the cemetery, or crypts or niches in the Mausoleum shall be for an amount equivalent to one-half of the original purchase price of the repurchased unit; provided, however, that the minimum amount payable upon such repurchase shall be \$200.00.

25. 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.

26. Interment charges are due and payable when the order is given and no interment shall be made unless the body is accompanied by a burial permit.

27. 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

3) Additionally, artificial flowers, potted plants and decorations shall be permitted for Easter, Mother's Day, Father's Day, Memorial Day and Veteran's Day provided that they are placed one week prior to such Holiday and removed 1 week after such Holiday.

Because nearby burials may result in the need to temporarily remove grave site decorations, it is recommended that all decorations be tagged with their proper location, including the name of the deceased, section, lot and grave number so that if feasible, they can be replaced. If replacement is not possible, such decorations will be stored at the service building and disposed of every March 15th.

Lakewood Park Cemetery assumes no responsibility for theft of or damage to any decoration.

4. HEADSTONES. All headstones installed in Lakewood Park Cemetery ("Cemetery") after April 23rd, 2009, shall consist entirely of flat engraved granite with sawn sides only. Nothing shall be attached or affixed to any headstones. No non-granite matter shall be incorporated, embedded or contained in any headstone.

Headstones placed on full size graves (38" x 90") and cremation graves in Section 1 and Section 8 shall consist of flat granite, 12

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 .

28. Dogs are not permitted to run unleashed in the cemetery.

29. These Rules and Regulations may be changed or amended by a three fourths (3/4's) vote of the Board of Trustees at any regular or special meeting of the Board.

BY-LAWS

Article I. Any adult person who is the owner by purchase or by inheritance of two or more crypts or niches or a lot of two or more graves in the Lakewood Park 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 jointly owns two or more crypts or niches or a lot with two or more graves 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 within two (2) weeks after each annual meeting of the Association, 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.

Article VI. The President 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 shall attend and record the proceeding of all meetings of the Association and of the Trustees and of the committees. He or she shall cause to be published and give notice of annual and special meetings of the Association. He or she 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 him 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. He 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. He shall make no payments except as authorized by the Board. He shall keep and deposit the various funds of the Association as directed by the Board.

Article IX. All sales of lots, crypts or niches shall be by contract or deed attested by the Secretary, another Association officer and 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 lots for the purpose of sepulcher, subject to the laws of the Association and State of Ohio, shall be sold and conveyed to purchaser.

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

Article XI. Any officer of the Association may be removed upon charges against his character or official capacity after due and impartial trial before the Board of Trustees by a majority vote of the same.

Article XII. Cemetery Endowment Care Trust. 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 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.