

CITY OF OBERLIN, OHIO

ORDINANCE No. 23-45 AC CMS

AN ORDINANCE REPLACING CHAPTER 921 – WESTWOOD CEMETERY OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of members elected thereto concurring:

SECTION 1. That the current Chapter 921 – Westwood Cemetery of the Codified Ordinances of the City of Oberlin, Ohio, is hereby replaced in its entirety with new Chapter 921 – Westwood Cemetery as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: June 5, 2023

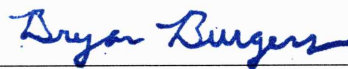
2nd Reading: June 20, 2023

3rd Reading: July 3, 2023

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 07/04/2023

EFFECTIVE DATE: 08/02/2023

CHAPTER 921
WESTWOOD CEMETERY

921.01	Purpose
921.02	Definitions
921.03	Cemetery Hours
921.04	Administration
921.05	Sale and Purchase of Burial Rights
921.06	Burial Regulations
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921.09	Cemetery Maintenance
921.10	Cemetery Fees

CROSS REFERENCES

- Municipal Cemeteries – See Ohio Revised Code Chapter 759
- Cemetery Registration – see Ohio Revised Code Chapter 4767
 - Death Certificate – see Ohio Revised Code 3705.16
 - Burial Permits – see Ohio Revised Code 3705.17 – 3705.20
- Disinterment – see Ohio Revised Code 517.23 – 517.25, 759.49 - 759.491, 2108.70 – 2108.90
 - Burial of Indigent Persons – see Ohio Revised Code 9.15
 - Veterans – see Ohio Revised Code 5901.16 – 5901.27
 - Vandalism – see Ohio Revised Code 2909.05 (C – F)
- Discrimination Prohibited – see Ohio Revised Code 4112.02 (H)14 and C.O. Chapter 157

921.01 PURPOSE

Westwood Cemetery is devoted to the respectful burial of the dead. This Chapter 921 describes the rights and responsibilities of the City of Oberlin and the rights and responsibilities of those persons with burial rights in Westwood Cemetery. These ordinances are intended to protect, enhance and preserve Westwood Cemetery.

921.02 DEFINITIONS

- a. "Burial" shall mean the interment or inurnment of human remains in a grave or niche.
- b. "Burial Rights" shall mean the Owner's right to direct the interment or inurnment of human remains in a grave or niche.
- c. "Burial Vault" shall mean a container designed for placement in the grave around the casket or urn.
- d. "Cemetery" shall mean Westwood Cemetery, the land and improvements thereon, the City of Oberlin, Ohio, its employees and duly authorized representatives.
- e. "Contractor" shall mean any person, firm or corporation or anyone other than an employee of the Cemetery engaged for pay in placing, erecting or repairing any memorial or monument or performing any work on the Cemetery grounds.
- f. "Cemetery Deed" shall mean the document issued by the Cemetery specifying ownership of Burial Rights. Deed does not convey ownership of the property itself.
- g. "Disinterment" shall mean the recovery of the remains of a deceased human being from a grave.
- h. "Disinurnment" shall mean the recovery of cremated remains from a grave or a niche.
- i. "Foundation" shall mean the in-ground structural base on which a memorial is placed.
- j. "Funeral" shall mean the ceremony in memory of the deceased and followed by burial of the deceased at Westwood Cemetery.
- k. "Grave" shall mean a portion of a Lot in Westwood Cemetery used, or intended to be used, for the interment or inurnment of an individual or individuals.
- l. "Interment" shall mean the burial of the remains of a deceased human being.
- m. "Inurnment" shall mean the burial or placement of cremated human remains in a grave or niche.
- n. "Lot" shall mean a designated area within a Section which may be further divided into individual graves.
- o. "Memorial" shall mean all markers or monuments placed at the designated location of any grave for the purpose of identification of and/or in memory of the decedent. A Marker is a durable Memorial set flush and level with the ground. A Monument is a durable, upright, above-ground Memorial.
- p. "Niche" shall mean an individual compartment within a mausoleum or columbarium used for the entombment (or inurnment) of cremated remains.
- q. "Owner" shall mean the person or persons who purchased the Burial Rights.
- r. "Section" shall mean a designated area in Westwood Cemetery which may be further subdivided into Lots.

921.03 CEMETERY HOURS

- a. Westwood Cemetery shall be open to the public from 4:00 a.m. until 11:00 p.m.
- b. The regular operating hours of Westwood Cemetery shall be from 7:00 a.m. to 3:30 p.m., Monday through Friday.
- c. Funerals may be scheduled to enter Westwood Cemetery from 9:30 a.m. to 3:00 p.m., Monday through Friday. For an additional fee, funerals may be scheduled to enter Westwood Cemetery after 3:00 p.m. until 5:00 p.m., Monday through Friday and on Saturdays from 9:30 a.m. to 12:00 p.m.
- d. There shall be no funerals on Sundays or on any City-recognized holiday.

921.04 ADMINISTRATION

- a. The City Manager is hereby authorized to adopt such rules and regulations necessary for the safe and efficient operation of the Cemetery. These rules and regulations may be amended from time to time as may be necessary without notice to any Owner of Burial Rights.
- b. The City shall not be liable for damage caused by weather, acts of god, common enemy, thieves, vandals, unavoidable accidents, invasion, insurrection, riots or orders of any military or civil authority, whether said damage be direct or collateral.
- c. The City reserves the right to correct any errors that may be made in the administration or operation of Westwood Cemetery. The Cemetery may substitute and convey Burial Rights of equal value and similar location in so far as may be possible or by refunding the money paid on account of said purchase. In the event such error shall involve the disinterment/disinurnment and reinterment/reinurnment of the deceased remains, the Cemetery reserve the right to remove and transfer said deceased remains to another lot of equal value and similar location as may be substituted and conveyed to the Owner.
- d. Westwood Cemetery shall not discriminate in the administration or operation of the cemetery against any person because of race, religion, color, sex, ancestry, national origin, military status, familial status, disability, sexual orientation or gender identity or expression.

921.05 SALE AND PURCHASE OF BURIAL RIGHTS

- a. Burial Rights may be purchased at the Westwood Cemetery office or at Oberlin City Hall during regular business hours. The City will execute and deliver a Cemetery Deed to the purchaser accurately describing the Section, Lot and Grave number for which Burial Rights in Westwood Cemetery have been purchased.
- b. Burial Rights are sold and intended for use of the family, relatives and descendants of the Owner.
- c. No Owner of Burial Rights may resell said Burial Rights. Resale may only be made back to Westwood Cemetery at the original purchase price.

- d. No transfer of Burial Rights shall be made except as provided in this Chapter 921 and according to law.
- e. The Owner may request the exchange of Burial Rights in Westwood Cemetery. If approved, Owner shall surrender of the original Cemetery Deed to the City in exchange for a new Cemetery Deed conveying Burial Rights at the new location.

921.06 BURIAL REGULATIONS

- a. Burial(s) for the family, relatives or descendants of the owner of Burial Rights may be directed by the owner, his/her/their heir or written designee. Burial of other persons may be designated in writing to Westwood Cemetery by the original Owner(s) only.
- b. No burial shall be allowed until a proper burial permit issued by the Registrar of Vital Statistics or a proper cremation certificate issued by a licensed crematory has been provided to Westwood Cemetery.
- c. One interment only is permitted in each grave.
- d. Caskets shall be placed in an approved burial vault.
- e. Interment may be followed by no more than three inurnments in each grave.
- f. Up to three inurnments are permitted in each grave.
- g. Cremated remains shall be placed in a durable, non-biodegradable container unless the Owner of Burial Rights waives in writing his/her/their ability to recover said cremated remains and the obligation of Westwood Cemetery to protect same.
- h. The scattering of cremated remains is not permitted in Westwood Cemetery.
- i. All burials shall be scheduled with Westwood Cemetery at least two business days prior to the planned burial date.
- j. The City shall randomly bury throughout Westwood Cemetery those indigent dead persons for which the City has the duty to assume burial expenses, pursuant to Ohio Revised Code 9.15

921.07 DISINTERMENT AND DISINURNMENT

- a. Application for disinterment or disinurnment shall be made in accordance with all of the requirements of Ohio Revised Code sections 517.23 – 517.25, 759.49 - 759.491 and 2108.70 – 2108.90.
- b. Applicant is responsible for coordinating disinterment or disinurnment with Westwood Cemetery and all required service providers. Applicant is responsible for the cost of all related services including but not limited to the vault company, a new Burial Vault if required and the supervision of a Funeral Director properly licensed under Chapter 4717 of the Ohio Revised Code.
- c. A new Burial Vault is required at the sole discretion of the Funeral Director if the existing Burial Vault is compromised in any way.
- d. The schedule for disinterment or disinurnment must be acceptable to and approved in advance by Westwood Cemetery.

- e. If the decedent is to be reinterred or reinterred at Westwood Cemetery, burial shall be made in accordance with all of the requirements of this Chapter 921.
- f. With proper notice to next of kin, Westwood Cemetery may disinter or disinter and reinter or reinter as may be required to correct its own administrative or operational error.

921.08 MEMORIALS, MONUMENTS AND MARKERS

- a. A Memorial may be placed on the Grave to identify and/or in memory of the deceased.
- b. Memorials are the property of the owner of Burial Rights or the owner's heir(s). Maintenance, repair and replacement of Memorials is the responsibility of the owner.
- c. All new and replacement Memorials shall be submitted to and approved in advance by Westwood Cemetery prior to installation.
- d. All Memorials shall be placed consistent with the placement of Memorials in that Section.
- e. Only Markers are permitted in Sections S and Z.
- f. Only one Monument is permitted per grave. Additional Markers may be placed on the grave to memorialize subsequent interments.
- g. Memorials and Markers shall be installed on a suitable gravel foundation placed by Westwood Cemetery after payment of the fees per Section 921.10. Westwood Cemetery shall install Markers. Monuments shall be installed by the monument company.

Westwood Cemetery shall make reasonable efforts to maintain and to keep Memorials level. Should any Memorial present a risk to public safety, Westwood Cemetery shall perform the work it deems necessary to repair, reset, laydown or to effect any other remedy required to remove the risk.

921.09 CEMETERY MAINTENANCE

- a. Unless otherwise provided in this Chapter 921, City employees or contractors employed and supervised by the City shall perform all maintenance, repair and improvements of all Cemetery landscaping and infrastructure.
- b. Volunteers may be permitted to engage in limited maintenance activities after completion and acceptance of the City's 'Volunteer Application and Release Form' and with advance notification to and the consent of Westwood Cemetery.
- c. Other than Memorials permitted under Section 921.08, no other permanent or semi-permanent decorations are allowed on the Grave.
- d. No trees, shrubs, plants, flowers, bulbs or seeds shall be planted on any Grave.

Westwood Cemetery reserves the right to remove and discard flowers and any decorations seasonally and/or whenever they have become unsightly, hazardous or an impediment to regular maintenance activities.

921.10 CEMETERY FEES

- a. Resident fees are based on residency of the decedent within the City of Oberlin corporation limits. Residency shall be established to the satisfaction of Westwood Cemetery at the time of purchase of the grave space.
- b. All applicable fees for the grave space, interment/inurnment and after hours charges shall be paid in full prior to burial.
- c. Foundation fees shall be paid in full prior to the installation of the Memorial.
- d. For the purposes of this section, an infant is determined to be one year old or younger.
- e. The following fees are enacted in replacement of the applicable fees previously adopted by Oberlin City Council as Ordinance 06-37 AC-CMS:

Grave	
Resident Adult	\$475.00
Non-Resident Adult	\$725.00
Resident Infant (Section Z only)	\$200.00
Non-Resident Infant (Section Z only)	\$300.00
Interment	
Adult	\$600.00
Infant	No Charge
Inurnment	
Adult	\$300.00
Infant	No Charge
Disinterment	\$1,200.00
Disinurnment	\$450.00
Foundations	
Infant Marker	No Charge
Single Marker, ≤ 36"	\$100.00
Double Marker, > 36" to 54"	\$150.00
Single Monument, ≤ 36"	\$250.00
Double Monument, >36"	\$400.00
After Hours Fees	
Weekdays after 3 p.m.	\$225.00
Saturdays	\$450.00