

# VILLAGE OF ELM CREEK CEMETERY RULES AND REGULATIONS

## **Introduction**

The Elm Creek Cemetery is owned and managed by the Village of Elm Creek, and is governed by the Village Board of Trustees. It is the desire of the Village to make the Elm Creek Cemetery a quiet, beautiful resting place for the deceased, where a sense of repose will be obtained by dignified monuments and well-maintained landscaping. In order to accomplish this, the cooperation of every lot owner to comply with these rules and regulations is required. These rules have been adopted to ensure the perpetuity and peace of the Cemetery and to protect lot owners and the final resting place of loved ones.

These rules govern the use and operation of the Elm Creek Village Cemetery located in Elm Creek, Buffalo County, Nebraska.

## **Rules and Regulations**

For the mutual protection of every lot or space purchased these rules and regulations are hereby adopted as the rules and regulations of the Elm Creek Cemetery and all property owners and visitors within the Cemetery, and all lots or spaces sold, shall be subject to said rules and regulations, and subject, further to such rules and regulations, amendments, or alterations as shall be adopted by the Village of Elm Creek from time to time; and the reference to these rules and regulations in the certificate of ownership of lots or spaces shall have the same force and effect as if set forth in full therein.

### **I. DEFINITIONS**

A. Space defined. "Space" refers to the ground in the Cemetery used, or intended to be used, for burial. A lot may not be used for any other purpose than as a place of burial for the deceased or as a memorial for the deceased.

B. Lot defined. "Lot" refers to a specific group of spaces, plots, or grave sites which are assigned the same lot number. Within each lot there may be two or five spaces, plots, or graves.

C. Row defined. "Row" refers to a linear grouping of lots, established from north to south, and numbered beginning with one at the far eastern edge of the Cemetery.

D. Section defined. "Section" refers to a grouping of rows divided by vehicular access lanes. Sections are laid out and made available for sale as the needs of the Cemetery dictate.

E. Memorial and Monument defined. "Memorial" means a monument, marker, table, headstone, tombstone, or crypt nameplate. "Monument" means a tombstone or memorial of granite, or another approved stone, which shall extend above the surface of the ground, unless otherwise specified.

## II. Purchase and Ownership

All applications for purchase, transfers, assignments or repurchase of the cemetery grave spaces, interment and disinterment permits shall be made at the Municipal Clerk's office. Only Village of Elm Creek staff is empowered to receive any and all monies or payments and to issue receipts for the same in any and all transactions involving cemetery property or service.

## II. GENERAL RULES

1. The cemetery is open every day of the year weather permitting.
2. No person shall:
  - a. Operate a motor vehicle within the cemetery except on established roadways.
  - b. Dispose of rubbish or debris on any part of the cemetery grounds except in an approved receptacle provided by the cemetery.
  - c. Disturb any trees, shrubs, plants or monuments without consent of the village staff.
  - d. Consume or carry alcoholic beverages onto Cemetery premises.
  - e. Permit any pets to enter or remain in the cemetery unless such pet is on a leash.
  - f. Carry or discharge a fire arm in or adjacent to the cemetery except those carried by police officers or those carried or fired by an organized Honor/Color Guard or Firing Squad
  - g. Erect a marker, monument or vase without first contacting the Village office and obtaining the necessary authorization.
3. The Village of Elm Creek has the general oversight of the cemetery and shall coordinate the time and day of all interments, including disinterments, with all funeral directors or family members.
4. The Village Board of Trustees reserves the right for Village employees and those persons necessary to the performance of normal cemetery operations to enter on or cross over any lot or grave space in the cemetery in performing such duties as are deemed necessary by village staff.
5. The Elm Creek Cemetery and/or Village of Elm Creek shall not be financially responsible for any damage to grave spaces, monuments, vases or structures or for flowers or articles removed from any grave space or lot.

6. The Village of Elm Creek or its employees assume no liability for property or physical damage or mental anguish caused or alleged to be caused in the performance of normal operations or of loss or damage by vandals or any third party.
7. All traffic rules of the Village of Elm Creek shall be applicable to operations of vehicles in the Elm Creek Cemetery. No vehicle shall be operated in excess of 10 miles per hour within the cemetery. Any person driving in the cemetery shall be responsible for any damage done by the vehicle, and/or person of such vehicle.
8. The Village Board of Trustees shall have the right at any time to amend or change these rules and regulations.

### III. INTERMENTS, DISINTERMENTS AND REMOVALS

1. All interments, disinterments and or removals in or from the cemetery are subject to these rules and the Statutes of the State of Nebraska.
2. Traditional internments are conducted by a licensed funeral director.
3. Interments on Saturday mornings and afternoons, or Village recognized Holidays shall be allowed for Religious reasons, extraordinary, or extenuating circumstances. Sunday funerals shall only be allowed for religious reasons and shall be charged at the Saturday afternoon or village holiday rate.
4. Interment, interment services, disinterments and or removals shall be made under the direction of a licensed funeral director according to the laws of the State of Nebraska, Buffalo County, the State Board of Health and in the presence of a Licensed Mortician (except in the case of a cremation interment or disinterment).
5. Disinterments or removals will not be permitted on Saturdays, Sundays, Federal or Village recognized holidays.
6. The Village shall be given at least one week notice of the intention to disinter or remove a body from the cemetery or to another part of the cemetery. When disinterment is made, the Village shall permit only the following persons to be present:
  - a. A member or members of the immediate family.
  - b. The Mortician conducting the disinterment.
  - c. A Legal Enforcement Official authorized by a Court Order.
  - d. Any other person specifically authorized by Law or Court Order.
  - e. Any other person(s) that are needed to perform disinterment and/or re-interment.

7. The interment of two bodies in one grave space will not be permitted except in the following cases:
  - a. Two infants.
  - b. One infant and one cremation.
  - c. One cremation and one adult burial (where sufficient space is available).
  - d. Two cremations.
  - e. One adult and one infant.
8. No interments of anything other than that of a human being will be permitted within the cemetery.
9. All cremations shall be buried pursuant to Nebraska Department of Health Regulations. Internment utilizing above ground cremation enclosure/container may be permitted by obtaining prior written authorization from the Village of Elm Creek. Such enclosure/container shall meet all Cemetery rules and regulation for lot set back, lot coverage, and shall be placed in conformance with regulations for monuments and markers.
10. No interments will be permitted until the Village of Elm Creek has been notified and all laws and regulations relative to the interment have been complied with. No interments shall be made until such grave space or spaces have been paid for.
11. Advance notice of not less than forty-eight (48) hours must be given to the Village of Elm Creek, of the intention to enter the remains of any person who died of a virulent contagious disease and arrangements made in accordance with the rules of the State Board of Health made for the protection of the public and the cemetery employees. If any additional costs are incurred in this process the Village of Elm Creek shall bill such cost in addition to the standard cost.
12. The Lot Owner and/or Funeral Director shall designate the location of the graves on the lot to the Village staff and any change of location made after the opening of the grave has began shall be at the expense of the lot Owner/Funeral Director. When definite information for locating a grave is not available in ample time for grave preparation to meet the time requested for interment, the Superintendent will exercise his best judgment in establishing the location in order that the requested time for interment may be met. The Village, Elm Creek Cemetery, or its employees assumes no responsibility for any error in such location. An additional charge will be made for any change requested.
13. The Village and its employees shall not be held responsible for any orders given by phone, or for any mistake resulting from the lack of precise and proper instructions as to the particular space, size, or location in a plot where an interment is desired.

14. The cemetery shall be in no way liable for any delays in the interment of a body where a protest to the interment has been made or where the rules or regulations have not been followed. The Village shall be under no duty to recognize any protest to interment unless they are in writing and filed at the cemetery.
15. All interment shall be contained in a concrete box or vault only, except for infants or cremation interments, in which case an infant interment may use a fiberglass casket vault combination. Cremation containers may be of any type allowed by Nebraska Department of Health Regulations.
16. Disinterments by heirs of a body so that the grave space or lot may be sold for profit to themselves or to any other persons, or disinterment contrary to the written directions of the original grave space or lot owner, shall not be allowed.
17. The Village of Elm Creek and/or its employees shall not be liable for any damages to any casket, vault, or box incurred in making a removal. Fee charges for such service are set in Appendix B and are evaluated annually.

#### IV. SECTIONS, LOTS, AND GRAVE SPACES

1. Generally the cemetery is divided into sections, which are in turn subdivided into lots, each ranging from two (2) to five (5) grave spaces.
2. All arrangements to purchase a lot or grave space shall be coordinated with the Village of Elm Creek, after which the purchaser shall make payment to the Village of Elm Creek for such purchase. The purchaser shall receive a Cemetery Deed from the Village of Elm Creek for the lot or grave spaces purchased. A purchaser acquires no right, title, or interest and may not inter a body or cremation in any grave space in the cemetery; until he has paid in full for said grave space or spaces, along with any and all interment fees.
3. It shall be the duty of the purchaser to record any and all deeds issued by the Village at the Office of the Registrar of Deeds for Buffalo County. The Village has no duty to record a Purchaser's Deed.
4. A lot owner may sell their grave space or spaces, however the Village shall have no obligation to recognize the transfer unless a copy of the deed recorded with the Registrar of Buffalo County is filed with the Village Clerk.
5. The Village shall have the right to refuse to consent to a transfer or any conveyance of said grave spaces as long as there is any kind of indebtedness due to the cemetery by a recorded lot or grave space owner.

6. A single interment may not be buried so as to occupy more than one grave space without written direction from the lot owner or their heirs.

## V. CARE OF THE CEMETERY

1. All grading, general landscape work, and improvements will be made by the Village of Elm Creek.
2. All plantings of trees, shrubs, bushes, plants, and flowers shall be under the direction of the Village and any removal or pruning of the above listed items must also be under Village supervision. The Village may remove any unauthorized plantings and the Village and its employees shall not be liable for such removals.
3. Floral arrangements and designs, flowers, shrubs, trees, weeds, or any herbage or any plastic or any other item may be removed by Village employees whenever they judge them to be unsightly, dangerous, detrimental, diseased or distracting from the general décor of the cemetery. The village and its employees shall not be liable for flower pieces, baskets, frames or other objects left for or after a funeral service or for decoration of a grave during the winter. The Village and its employees shall not be liable for lost, misplaced or otherwise damaged flower vases unless damaged by the cemetery personnel in the performance of their duties. The Village shall not be responsible for frozen plants or herbage of any kind, or for plantings or herbage of any kind, or for plantings damaged by the elements, drought, lack of water, thieves, vandals, or by other causes beyond its control.
4. Glass containers of any kind are not permitted in the cemetery. The Village is not responsible for any cost of replacement or injury because of such containers. Alcoholic beverages are prohibited in the cemetery.
5. Flowers can be left in permanent containers all year long and may be left on graves throughout the winter season. During Memorial Weekend, all flowers and decorations may be placed the Friday prior to Memorial Day and will need to be removed prior to the following Monday of the next week. The Village and its employees are not responsible for any items that have been removed, damaged, or lost during this time, either in the performance of their duties or by other third parties.
6. Patrons of the Elm Creek Cemetery may decorate grave spaces or lots anytime throughout the year with any items they wish except for any glass items and alcoholic beverages. The Village and its employees, however, are not responsible for any items that have been moved, damaged or lost during this time period either in the performance of their duties or by other third parties.

7. The right to re-plat, re-grade, use property, change boundaries, remove, re-grade or pave roadways, change location of drives and walks, alter or change water lines, along with removing or planting trees etc..., is expressly reserved by the Village of Elm Creek.
8. Patrons of the Elm Creek Cemetery may water grave spaces, lots, trees, and bushes or flowers only if they are present.
9. Curbing, fences, or hedges around any grave space, or lots are prohibited.
10. No elevated mounds shall be built over graves and no lots shall be filled above the level established by the cemetery.

## VI. MONUMENT AND MARKER REGULATIONS

1. Permanent flower vases, allowed by these rules, separate from the headstone or monument must be placed at the North and South ends of the foundation only.
2. The length of a marker or monument (this does not include grave slabs as they will not be allowed in the cemetery) may not exceed 75% of the width of a single grave or when two (2) or more adjoining grave spaces are used, the length may not exceed 75% of the total width of those spaces.
3. The Village of Elm Creek may charge a fee to the lot owner or person requiring the movement of a large monument or marker. The Village is not responsible for the replacement of any foundation damage to open a grave.
4. All Memorial foundations shall be placed on solid ground outside of the actual grave space, except where a concrete box or vault is of sufficient strength to support the weight of the foundation and memorial and will not interfere with future grave openings.
5. The wash for any monument or markers shall be level with the ground at least 6" thick and extend no more than 4" away from the monument or marker. The lot owner is responsible for maintenance and repairs of the wash.
6. All monuments or markers shall be no more than 16" in width and be set in a straight line with lot lines. All monument companies shall locate all corner pins in order to maintain said straight lines.
7. For all large monuments the Village reserves the right to regulate the construction materials, size and design, which will prevent settlement or damage to the stone work, or regulate that which would detract from the dignity or appearance of the cemetery.

8. All new ground level vases shall be installed against the monument or markers as part of the base or wash on the North and South ends only. The only exception shall be where one vase is being replaced and must match a second existing vase.
9. No foundation or vase shall extend outside the grave space or lot owned by a lot owner.
10. No cement shall surround the sides of a monument or marker.
11. All monuments and markers shall be constructed of natural stone of a quality approved by the Village. No artificial stone of any description shall be permitted.
12. The setting of monuments, markers, or vases and the transportation of all tools, materials, etc. within the cemetery shall be subject to the supervision and control of the Village. Vehicle traffic will not be permitted within the Elm Creek Cemetery when in the opinion of the Village and its employees such traffic may cause damage to roadways.
13. Monuments or markers shall not be removed unless notice has been given to the Village of Elm Creek.
14. No footings, vase placements, marker or monuments shall be constructed on weeknights or on weekends without authorization from the village.

## VII. MAUSOLEUMS

1. Mausoleums are not allowed within the Village of Elm Creek Cemetery.

## VIII. FEES – CHARGES – PERMITS - PAYMENTS

1. The payment of all fees, charges, permits and payments are payable at the time of service and shall be made at the Village Clerk's office, located at 535 West Boyd Avenue.
2. A schedule of all fees, charges, permits, and payments as established by the Board of Trustees of the Village of Elm Creek and stated in Appendix A hereto shall be on file in the office of the Municipal Clerk.



## APPENDIX A

### CEMETERY RATES/FEES

Plots: Each plot is \$250.00

Cremation Burial: \$100.00