

**ORDINANCES
RULES and REGULATIONS
CITY OF CUYAHOGA FALLS CEMETERY**

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I. DESCRIPTION

RULES AND REGULATIONS FOR CUYAHOGA FALLS CEMETERIES

For the mutual protection and benefit of plot owners and the City of Cuyahoga Falls, the following Rules and Regulations for Cuyahoga Falls Cemeteries have been adopted. All plots sold and all owners and visitors within any cemetery of the City of Cuyahoga Falls shall be subject to these Rules and Regulations, any amendments or alterations thereto, and to all ordinances of the City of Cuyahoga Falls in effect from time to time.

The City may, in its sole discretion, at any time and from time to time resurvey, enlarge, diminish, replat, alter in shape or size or otherwise change all or any part, portion or sub-division of the Cemetery mapped and platted (including the right to lay out, establish, close, eliminate, or otherwise modify or change the location of roads, walks or drives), and to file amended maps or plats thereof, and to use the same for the erection of buildings, or for any purposes or uses connected with, incident to, or convenient for the care, preservation, or preparation for the disposal or interment of the remains of deceased persons, or other Cemetery purposes, together with easements and rights of way over and through said premises for and the right and privilege of installing, maintaining, and operating pipelines, conduits, or drains for sprinklers, drainage, electric, or communication lines, or for any other public or proprietary purposes.

These regulations are promulgated pursuant to Cuyahoga Falls Ordinance Chapter 945.

II. DEFINITIONS

DEFINITIONS

- A. Cemetery Refer to all cemeteries owned by the City of Cuyahoga Falls. The City owns the Oakwood, Northampton, Harrington, and Botzum Cemeteries.
- B. City The City of Cuyahoga Falls.
- C. Columbarium A vault with niches for urns containing the ashes of cremated bodies.
- D. Cremation Garden A designated area in Oakwood Cemetery for the sole purpose of interment of cremations.
- E. Crypt A space in a mausoleum of sufficient size used, or intended to be used, to entomb uncremated human remains.
- F. Deed The document by which the City conveys a right of burial or inurnment in the cemetery.
- G. Designated Cremation Plots Those plots designated, due to their size, for cremation burial only.
- H. Director of Public Service The Director of Public Service of the City of Cuyahoga Falls or his/her designee.
- I. Entombment The placement of human remains in a crypt or mausoleum.
- J. Grave An interchangeable term describing a plot or niche in which the remains of a deceased person are interred.
- K. Infant Plot Those plots designated, due to their size, for infant burial only.
- L. Inurnment The placement of human cremated remains in an urn which is placed into a niche, or a grave.
- M. Lot A subdivision of a section within a cemetery as depicted on a cemetery map.
- N. Flat Marker A bronze or granite tablet set flush with the established ground/earth grade.

O.	Mausoleum	Any above ground burial structure.
P.	Memorial/Headstone	A marker, upright monument, or crypt or niche plate.
Q.	Niche	A space in a columbarium used, or intended to be used, for inurnment of cremated human remains.
R.	Non-Resident	A person who is not a resident of the City.
S.	Owners	Plot or Grave Owners are defined as persons who have been deeded specific plots, or who have established a right to succeed in ownership in accordance with City ordinances.
T.	Perpetual Care Endowment	Monies received for the purpose of perpetual care of the plots or columbarium. Such charges shall be paid in full at the time of purchase and shall not be deferred under any circumstances. Perpetual Care only covers general maintenance of cemetery plots, it does not cover special care of headstones, plantings, or miscellaneous items.
U.	Plot	A space within a lot of a cemetery used or intended to be used for earth burial; one grave.
V.	Resident	A person who meets at least one of the following criteria: 1) Currently resides in the City of Cuyahoga Falls; 2) Resided in the City of Cuyahoga Falls immediately prior to entering a care facility; or 3) In the case where the grave or niche to be purchased is for a deceased person, one plot or niche may be available to that person at a resident rate provided: a.) he/she was a resident at the time of his/her death; or b.) He/she was a resident immediately prior to enrolling in a college or university, or entering active service in the United States armed services.
W.	Section	A subdivision of a cemetery as depicted on a cemetery map.
X.	Vault	A lined and sealed outer receptacle that houses a casket. Must be concrete or steel.
Y.	Veteran	Those individuals recognized for Veterans' status by the Federal Government.

III. GENERAL RULES

- A. Hours:* The Cemetery shall be open from dawn to dusk.
- B. Children:* Children shall not be allowed on the cemetery grounds unless accompanied by parents or other responsible persons.
- C. Animals:* Pets permitted when on a leash. The person in charge or control of any pet which defecates in a cemetery shall immediately clean such and cause its removal to a proper receptacle.
- D. Vehicles:* Vehicles shall not be driven onto lots or lawns. No vehicle shall be parked or left on a road or driveway within the Cemetery in such a position as to prevent another vehicle from passing. Vehicles shall obey all posted traffic signs.
- E. Vandalism:* Vandalism will not be tolerated and will be punishable under City ordinances.
- F. Bicycles:* Riding a bicycle through the cemetery is prohibited.
- G. Exhibition and Sales of Plots/Niches:* The Cemetery Division shall exhibit the plots and niches for sale in the cemetery to persons who wish to make such a purchase. When a plot or niche is selected, the Cemetery Division shall furnish the cemetery name, section, lot and plot numbers to the purchaser and the Director of Public Service, who shall arrange for the sale of such plot or niche and the terms of payment. Upon full payment of the purchase price, the Director of Public Service shall execute and deliver to the purchaser a deed for the plot or niche purchased. The deed shall convey a right of burial or inurnment in the cemetery subject to this chapter and the rules and regulations of the cemeteries.
- H. Penalty:* Whoever violates any provision of Cuyahoga Falls Ordinance Chapter 945 is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

OBLIGATIONS and RIGHTS OF PLOT OWNERS

TRANSFER OF OWNERSHIP

a. Transfer from Deceased Owner: A plot/grave may be transferred from a deceased owner of record by will, or under statutes of descent and distribution, to any transferee except a corporation, other than a fiduciary or the City. If the estate of the deceased owner is not administered or if such lot or space is omitted from property administered, the right to succeed to record ownership thereof may be established by sworn statement or affidavit. In such case, title to the plot or space shall be deemed to have passed under the statutes of descent and distribution of the State of Ohio in effect upon the date of such statement or affidavit, without regard to the domicile of the decedent, or the date of death.

b. Transfer from Living Owner: It is the policy of the City that cemetery lots and grave spaces shall not be purchased and resold for the purpose of deriving a profit therefrom. Accordingly, an inter vivos transfer of ownership will not be accepted at the cemetery office except to:

1. A transferee or transferees who are related to the transferor, or are related to a deceased person who is interred in the lot, by blood, marriage or adoption as hereafter set forth; or
2. The City of Cuyahoga Falls; or
3. A trustee or guardian for the transferor or for beneficiaries who are so related to the transferor.

For the purposes of this section, a transferor is related to a transferee if the transferee is the transferor' s:

- A. Spouse
- B. Lineal ancestor or lineal descendant
- C. Brother, sister, uncle, aunt
- D. Lineal descendant of a brother, sister, uncle, aunt
- E. Spouse of a person in categories B., C. and D. hereof.

An instrument of transfer shall be accompanied by an affidavit that the transferee or transferees satisfy the foregoing requirements as to relationship.

c. If the record title is in a fiduciary, such fact shall be noted on the cemetery records. Title to a lot or grave space shall not be transferred by a fiduciary except to:

(1) Such fiduciary's predecessor in title; or

(2) A transferee to whom such fiduciary's predecessor in title, when living, could have transferred the same; or

(3) In accordance with the testamentary provisions of a trust instrument or will applicable to such lot or space; or

(4) To the City.

d. A corporation, other than a fiduciary or the City, shall not become the owner of a lot or grave space. Every lot or grave space owned of record by a corporation on the effective date of these regulations, to the extent that the same is unoccupied, may be recovered by the City upon payment to such corporation of the purchase price paid therefor to the City provided that if the corporation is no longer in existence, such lot or space may be recovered without compensation.

Recovery shall be effected by transferring the ownership to the City.

e. Wherever in these regulations provision is made for the furnishing of a sworn statement or affidavit, the City and the Superintendent shall be entitled to rely thereon and neither the City nor the Superintendent shall be liable for action taken or denied in good faith in reliance upon such sworn statement or affidavit.

f. When the owner of record of a lot or grave space is deceased, and title thereto has not been transferred to a living owner, the rights of such deceased owner shall not escheat to any state, county or governmental authority but such rights shall be exercised by the City for the care, maintenance and preservation of occupied graves or vaults to the same extent that the City shall provide general care for all occupied graves and vaults, the title to which is recorded in the name of a living owner or owners.

IV. FEES

A. EXHIBITION AND SALE OF PLOTS AND NICHEs

The Cemetery Division shall exhibit the plots and niches for sale in the cemetery to persons who wish to make such a purchase. When a plot or niche is selected, the Cemetery Division shall furnish the cemetery name, cemetery section, lot, and plot numbers to the purchaser and the Director of Public Service, who shall arrange for the sale of such plot or niche and the terms of payment. Upon full payment of the purchase price, the Director of Public Service shall execute and deliver to the purchaser a deed for the plot or niche purchased. The deed shall convey a right of burial or inurnment in the cemetery subject to this chapter and the rules and regulations of the cemeteries.

B. FEE SCHEDULE

The following prices and fees shall be payable to the City of Cuyahoga Falls, Ohio:

	<u>Resident</u>	<u>Non-Resident</u>
Purchase of Plot - Adult	\$ 600.00	\$ 825.00
Perpetual Care Endowment (Adult)	\$ 200.00	\$ 275.00
Purchase of Plot - Infant	\$ 100.00	\$ 150.00
Perpetual Care Endowment (Infant)	\$ 20.00	\$ 30.00
Burial - Adult	\$ 700.00	\$ 700.00
Burial - Infant	\$ 150.00	\$ 150.00
Additional Over-Time Charge for Burials or Inurnments on Saturday/Holiday or after 3:00 p.m. on Weekdays	\$ 300.00	\$ 300.00
Purchase of Designated Cremation Plot	\$ 350.00	\$ 500.00
Designated Cremation Plot Endowment	\$ 150.00	\$ 150.00
Burial of Cremains	\$ 350.00	\$ 350.00
Purchase of Columbarium Niche in G2	\$1,000.00*	\$1,200.00*
Perpetual Care Endowment – G2 Columbarium	\$ 100.00	\$ 100.00
Niche Inurnment in Spruce Columbarium	\$ 50.00	\$ 50.00
Niche Disurnment	\$ 50.00	\$ 50.00
Niche Plaque Inscription in Spruce Columbarium	\$ 150.00	\$ 150.00

Foundation Charge (cement)	\$ 65.00/sq. ft.	\$ 65.00/sq.ft.
Foundation Charge (sand for flat markers)	\$ 35.00/sq.ft.	\$ 35.00/sq.ft.
Veteran Marker Setting	\$100.00	\$100.00
Deed Transfer Fee	\$ 50.00	\$ 50.00
Dis-Interment - Adult	\$700.00	\$700.00
Re-Interment - Adult	\$700.00	\$700.00
Dis-Inurnment – Cremains	\$350.00	\$350.00
Re-Inurnment – Cremains	\$350.00	\$350.00
Dis-Interment - Infant	\$250.00	\$250.00
Re-Interment - Infant	\$250.00	\$250.00

*Inscription fee and two (2) inurnments in G2 Columbariums included.

C. METHOD OF PAYMENT OF FEES Fees shall be paid when due by cash or check or charge, except that cash, money order or cashier check is required for all immediate need purposes, which shall include plot/niche purchase and or burial within a 72 hour notification to the City.

D. PAYMENTS MUST BE MADE

- 1) Purchase of Plot or Niche: paid for in full at the time of purchase.
- 2) Burials, Disinterment, Reinternment, Inurnment, Disurnment: In full prior to burial or services performed.
- 3) Endowments: In full at time of purchase of grave; such charges shall not be deferred under any circumstances. Upon receipt of endowment money, the Director of Public Service shall issue a written receipt and acknowledgment thereof, binding the faith and credit of the City to forever hold such money as a permanent fund to provide perpetual care of the plot or niche named.
- 4) Marker Setting/ Foundations: in full at time of request.
- 5) Transfer Fees: In full at the time of transfer.
- 6) Inscription Fees: In full at the time of order.

E. USE OF MONEY

All monies received from the sale of plots or niches shall be placed in a separate Cemetery Fund, which shall be used for the maintenance, upkeep and care of the cemeteries, except as hereinafter provided. One-half (2) of the monies received from the sale of burial lots located in Cemetery Sections U, V, W, X, and Y of Oakwood Cemetery shall be paid by the Director of Finance to and become the money of the Ladies Cemetery Association of Cuyahoga Falls.

F. RECORDS

Records of all sales and transfers and owners of all plots or niches shall be made and kept in the cemetery office in the Buildings and Grounds Maintenance Department.

V. INTERMENTS/DISINTERMENTS

INTERMENTS

A. *Subject to Laws:* In addition to being subject to these Rules and Regulations, all burials within the Cemetery are expressly made subject to the Ordinances of Cuyahoga Falls, and any other county, state, or federal law or regulation.

B. *Time and Charges:* All burials within the Cemetery must be made at the time, in the manner, and upon such charges as described within these Rules and Regulations or otherwise fixed by the City. Additional charges apply to burials after 3:00 p.m. weekdays, and burials on Saturday/Holidays. In each case the overtime charge applies.

C. *Notice:* Notice to the City of the grave assignment must be made by record owner at least 24 hours prior to the burial. If no assignment is made within this period of time the City will designate the grave assignment. The City reserves the right to insist upon at least twenty-four (24) hours' notice prior to any burial within the Cemetery. If for any reason the grave cannot be opened where specified, the cemetery may open in such location on the lot as deemed best and proper so as not to delay the funeral.

D. *Plot or Niche Must Be Paid For:* No burial shall be permitted on such grave until the full purchase price has been paid and a burial permit has been received by the Director of Public Service.

E. *Delay in Burial:* The City shall not be liable for any delay in the burial of the remains of a deceased person in a plot where a protest to such burial has been made, or where the Ordinances or these Rules and Regulations have not been followed. The City reserves the right, to refuse burial until the Ordinances and these Rules and Regulations have been followed. The

City shall be under no duty to recognize any protests of burial unless they are in writing and filed with the Director of Public Service.

F. *Maximum Number of Interments Per Plot or Niche:* The City shall permit a maximum of two (2) burials per plot provided at least one (1) is a cremain or infant burial, and such burial is the second interment or inurnment in the plot or niche. No double depth burials shall be permitted. The City shall permit a maximum of two (2) inurnments per Niche in the Columbarium.

G. *Burial Done by City:* All funerals, on reaching the Cemetery entrance, shall be under the supervision of the City. ALL BURIALS SHALL BE MADE ONLY BY THE CITY.

H. *Burials of Humans Only:* No body or remains except that of a human being may be interred or inurned in the cemetery.

I. *Owner has Vested Right of Interment:* The owner of record has a vested right of interment in the plot or niche. In the case of multiple ownership, each co-owner has a vested right of interment in the plot or niche, provided the plot or niche contains more than one interment space and such space is unoccupied at the time the co-owner dies. Upon the death of a co-owner, the title to the plot or niche immediately vests in the survivors in accordance with Ordinance 945.13, subject to the vested right of interment of the remains of the deceased co-owner.

J. *Waiver and Termination of Right of Interment:* A right of interment may be waived by an owner and is terminated upon the interment elsewhere of the remains of the person having the right. A right of interment may also be terminated once all interment spaces in the plot or niche become occupied.

K. *Approval of Record Owner Required for Interment of Others:* With the written approval

of the owner of record, or in the case of multiple ownership, of any co-owner, of a plot or niche, any person may be interred in such plot or niche. The Director of Public Service shall be entitled to rely on the written approval of one co-owner. Written approval must be in the form of a notarized affidavit and must be submitted to the Director of Public Service. Such written approval will automatically expire upon the submittal of a subsequent affidavit by the same owner or upon the owner's death, or upon submittal of affidavits of a majority of co-owners, provided the City has not already acted in reliance of the first affidavit.

When a person is to be interred upon a plot or in a niche, the aforesaid written approval may be omitted by the Director of Public Service if he is satisfied that such person is related to the owner, or to a co-owner or to a person then interred upon such plot or niche, as a:

- (1) Spouse;
- (2) Lineal descendent or lineal ancestor; or
- (3) Brother or sister.

When the owner of record of a plot or niche is deceased and no action has been taken to transfer ownership on the cemetery records to a living person or persons, or when there is no known living person upon whom ownership may devolve, the Cemetery, with the approval of the Director of Public Service, may consent to the interment thereon of a deceased person as to whom there is reasonable ground to believe that such person would be entitled to be an owner or co-owner by devolution of title from the last owner of record under the statutes of descent and distribution of the State of Ohio in effect at the time of such interment.

When a death occurs, and it is desired that the decedent be interred in the cemetery, very little time is available to the Director of Public Service for research into the relationship of the decedent to the owner or co-owner or to a person then interred upon a plot or niche. Many plots

in the cemetery have a record owner or owners who are long deceased, and for which there is no record or information of the names or addresses of living persons who would be entitled to record ownership under Ordinance 945.15. In such situations, it is the policy of the City to construe this section liberally, so that the requested interment may proceed without protracted research or to the embarrassment of relatives and friends.

L. *Vault Requirements:* The Director of Public Service shall have the right and authority to refuse vaults that are constructed from other than concrete or steel. The Director of Public Service shall not accept vaults constructed of Styrofoam or similar plastic material.

M. *Cremains* shall be interred by means of burial or inurnment. Scattering of cremains is not permitted anywhere within the Cemetery

DISINTERMENTS

A. Permits for disinterment shall be issued only in accordance with Ohio R.C. 517.

B. All disinterments are subject to all state, County Health Department and City requirements. All disinterments shall be made under the supervision of the City.

C. Application for a disinterment permit shall be made to the City by the surviving spouse of the deceased or by the person who assumed financial responsibility for the funeral and burial services of the deceased and must be notarized.

- D. Disinterment fees shall be paid in full prior to disinterment. The person making application for the disinterment permit accepts all responsibility for the payment of the disinterment.
- E. Burial errors shall be made in accordance with Ohio R.C. 517.
- F. When a disinterment has been made, the memorial shall be removed.

REINTERMENTS

- A. All reinterments within the cemetery shall be made only by the City or under the supervision of the City.
- B. Reinternment fees and any other applicable fees shall be paid in full prior to reinterment.

VI. MEMORIALS/PLANTINGS/DECORATIONS

FLOWER BEDS, POTTED PLANTS, VASES, URNS ARTIFICIAL FLOWERS AND OTHER ADORNMENTS

- A. Markers or memorials may be placed on plots and shall in all respects be maintained by plot owners. The City shall have no duty to maintain any marker or memorial.
- B. No marker or monument of any kind may be installed until full payment for the plot or niche has been made.
- C. All approved markers, flower plantings, decorations, or other adornments shall be placed within the boundaries of the plot. These items shall be kept within twelve (12) inches of the grave monument or marker at the head of the grave. No plantings or memorials shall be placed on or around a foot marker, nor behind a headstone.
- D. In order to maintain a neat appearance throughout the cemeteries and to aid operational efficiency, the Director of Public Service has the right to direct ground crews to remove any adornments or plantings that become unsightly or dangerous through the lack of care, or which are found outside of the twelve (12) inch designated area around the grave monument or marker at the head of the grave
- E. No trees, shrubs, or bushes shall be planted on any plot purchased after the effective date of this regulation. All trees, shrubs, or bushes must be maintained by the plot owner and kept within the boundaries of the plot. Existing trees, shrubs and bushes on all plots must be kept trimmed and cut so that they in no way interfere with adjoining plots. The Director of Public Service has the right to have any unkempt or interfering trees, shrubs and bushes removed or trimmed.
- F. All funeral floral pieces and containers shall be removed when wilted or unsightly. Any person wishing to retain any or all floral pieces or containers must do so within forty-eight (48) hours after interment. In no way shall the City of Cuyahoga Falls or cemetery personnel be responsible for any type of adornment.
- G. Cut flowers are permitted on each grave for a period of five (5) days. When flowers become withered, the flowers and container shall be discarded. (To avoid any loss, please remove such items promptly.)
- H. Potted plants shall be removed when the blossoms are dead.
- I. Artificial flowers are not permitted during the mowing season (April 30th through October 15th). All artificial flowers must be secured in a proper container or affixed to the marker or memorial.

- J. See Sections VII, Columbarium, IX, Veterans Section in Oakwood Cemetery, and X. Memorial Section for additional rules specific to those areas.
- K. Christmas/Holiday decorations should be removed no later than January 31st. Decorations left after this date will be subject to removal by the cemetery grounds crew.

VII. MAUSOLEUMS AND CRYPTS

- A) Private mausoleums will be permitted only upon lots approved for this purpose by the City.
- B) The exterior walls shall be of sandstone, granite or marble and filled with catacombs where interments can be made separately and hermetically sealed at the time of depositing the body.
- C) Entrance to such mausoleum with more than one vault/crypt must be provided with one or more durable noncorrosive exterior doors.
- D) Plans and specifications for such structures together with all paper work must first be submitted to the Director of Public Service and will be subject to his/her approval before any construction may begin in the cemetery.
- E) The construction of any crypt shall be subject to the supervision and inspection of the Director of Public Service who has the right to reject any material or manner of workmanship.
- F) In all cases, the owner of the lot shall be held liable for any and all damages caused either to the cemetery or to private property in the construction of the crypt.
- G) Persons engaged in erecting crypts are prohibited from attaching ropes to any other fixed object in the Cemetery, and from scattering their material over adjoining lots. Such persons must restore the grounds and drives to a condition satisfactory to the Director of Public Service.
- H) The Director of Public Service shall have the right to order maintenance as necessary when any mausoleum or crypt becomes neglected and unsafe.

VIII. COLUMBARIUM

- A. Each niche in the columbarium will accommodate a maximum of two inurned cremains.
- B. Neither flowers nor any other commemorative items are allowed to be affixed to, placed on top or at the base of, the columbarium. If found, such items will be removed and discarded by the City.
- C. Each niche in the columbarium will be sealed with a granite plaque inscribed with the names, years of birth and death of those inurned therein.

IX. VETERANS SECTION IN OAKWOOD CEMETERY

A. *Plot Designation:* The following described plot of ground has been set aside in Oakwood Cemetery for the burial of honorably discharged Veterans, and shall be known as the Veterans Section: 945.10 LOTS AND MEMORIALS FOR VETERANS.

(A) The following described plot of ground has been set aside in Oakwood Cemetery for the burial of honorably discharged Veterans, and shall be known as the Veterans Section: Beginning at the intersection of the center line of Fourth Street at the center line of Oakwood Drive marked by an iron pin survey monument; thence N. 12E 57' W. along the center line of Oakwood Drive, a distance of 443.42 feet to a point; thence S. 77E 63' W. a distance of 82.88 feet to a point; thence S. 12E 57' E. a distance of 45.95 feet to a point; thence S. 33E 03' W. a distance of 98.95 feet to the true radii center of the parcel of land hereby described with a circumscribing circle have a radius of 43.00 feet, a circumference of 270.18 feet containing within the boundary so described 0.1334 acres of land.

(B) The burial plots within the Veterans Section are to be maintained by the City and shall remain orderly and in a uniform fashion free of plantings. A burial plot is provided at no charge to an honorably discharged Veteran. All other charges shall apply where applicable. Veterans include those recognized for veteran status by the United States government, provided the veteran was honorably discharged, and was a resident of the City on the date of enlistment or on the date of death.

(C) The Charles Faust Post Inc., American Legion, Cuyahoga Falls, is hereby authorized to erect, at their own expense, a suitable memorial in the burial plot under the supervision of the Director of Public Service.

B. The burial plots within the Veterans Section are to be maintained by the City and shall remain orderly and in a uniform fashion free of plantings. A burial plot is provided at no charge to an honorably discharged Veteran. All other charges shall apply where applicable. Veterans include those recognized for veteran status by the United States government, provided the veteran was honorably discharged, and was a resident of the City on the date of enlistment or on the date of death.

C. *Memorial Monument by Organizations:* The Charles Faust Post Inc., American Legion, Cuyahoga Falls, is hereby authorized to erect, at their own expense, a suitable memorial in the burial plot under the supervision of the Director of Public Service.

D. *Limitations on Monuments:* Except for one suitable memorial monument and flag pole, no permanent structure shall be placed in the Veterans Section, except headstones, known as upright marble markers, furnished by the United States government.

X. MEMORIAL SECTION IN OAKWOOD CEMETERY

A. This 104 lot section is located in the southeast corner of Oakwood Cemetery bordered by Thomas Court and Oakwood Drive. This section is set apart as only flat marker memorials set flush with the ground are permitted; upright memorials are strictly prohibited.

XI. CONVEYANCES OF CEMETERY PLOTS OR NICHES

A. *City May Buy Back*: If the owner of a plot or niche moves his residence from the City permanently or has a reason otherwise acceptable to the Director of Public Service, the City may buy back the plot or niche at fifty percent (50%) of the current resident rate. In the case of a resident permanently removing his residence from the City the resale provisions shall be waived by the Director if the plot or niche owner so desires and the plot or niche retained by the owner upon application to the Office of the Director where the owner deems it appropriate.

B. *Conveyances to Others Strictly Limited*: The plot or niche owner is restricted from conveying any and all plots and/or niches he owns to any other person, association, or corporation whatsoever other than the City, except as provided below.

C. *Transfers/Conveyances*: Transfers and/or conveyances of cemetery plots or niches are and shall be permitted to persons other than the City if the proposed transfer meets all of the following requirements:

(1) The transfer or conveyance is from a record owner (transferor) to:

(a) A transferee or transferees who are related to the transferor, or are related to a deceased person who is interred in the lot, by blood, marriage or adoption. A legal adoption shall be deemed to have the effect upon all persons whomsoever would have obtained if such adopted person were the natural child of the adoptive parent. For the purposes of this section, a relationship is established if the transferee is the transferor=s or deceased person=s:

(1) Spouse; or

(2) Lineal ancestor or lineal descendent; or

(3) Brother, sister, uncle or aunt; or

(4) Lineal descendant of a brother, sister, uncle, or aunt; or

(5) Spouse of a person in categories 2, 3, and 4 hereof;

(b) The City; or

(c) A trustee or guardian for the transferor or for beneficiaries who are so related to the transferor.

(2) The transfer and/or conveyance shall be gratuitous and cannot be the result of a sale or result in any gain or profit to the transferor.

(3) A notarized affidavit shall be submitted to the City by the transferor stating the following:

(a) The relationship between the transferor and the transferee;

(b) The proposed transfer is not the result of a sale, and shall not result in any gain or profit to the transferor; and

(c) The transfer is made of the transferor=s free will.

(4) All transfers and/or conveyances made pursuant to this section are subject in all other regards to the provisions of this chapter and other existing ordinances and cemetery rules and regulations.

D. *Void Transfers/Conveyances*: Transfers made in violation of the requirements of this section shall be void, and the title to the plot or niche sought to be transferred shall revert to the last record owner as determined by City records. Transfers and/or conveyances of cemetery plots or niches made prior to the date of passage of Ordinance 945.15 which meet all the requirements of that ordinance are hereby ratified and confirmed.

E. *Transfers From Deceased Record Owner*: A plot or niche may be transferred from a deceased owner of record by will, or under statutes of descent and distribution to any transferee except a corporation, other than a fiduciary or the City. If the estate of a deceased owner is not administered or if such lot or space is omitted from property administered, the right to succeed to record ownership thereof may be established by sworn statement or affidavit. In such case, title to the lot or space shall be deemed to have passed under the statutes of descent and distribution of the State of Ohio in effect upon the date of such statement or affidavit, without regard to the domicile of the decedent, or the date of death.

F. *Reliance on Affidavits*: Wherever in the Rules and Regulations or in Cuyahoga Falls Ordinance Chapter 945 provision is made for the furnishing of a sworn statement or affidavit, the City and the Superintendent shall be entitled to rely thereon and neither the City nor the Superintendent shall be liable for action taken or denied in good faith in reliance upon such sworn statement or affidavit.