

**RULES AND REGULATIONS**  
**Poe Cemetery of Montville Township**  
**6665 Wadsworth Road, Medina, Ohio 44256**  
**330-725-0273**

Cemetery Hours: Dawn (daylight) to Dusk (dark) daily.

## **I. PURPOSE**

This document represents the rules and regulations of Poe Cemetery of Montville Township and is designed to protect the rights of interment plot and inurnment niche owners, preserves the beauty of the cemetery and limits liability to Montville Township Board of Trustees, elected officials and employees. All owners of interment or inurnment rights, their visitors, and any contractors who perform work within Poe Cemetery of Montville Township shall be subject to said rules and regulations, as well as any and all amendments or alterations as shall be adopted by Montville Township for Poe Cemetery. This document supersedes any and all previous rules and regulations.

## **II. DEFINITIONS**

- **“Cemetery”** shall mean not only the land and the improvements thereon, but include Poe Cemetery of Montville Township, its employees and duly authorized representatives.
- **“Owner”** shall mean the owner of rights of interment or inurnment.
- **“Interment”** shall mean burial of the remains of a deceased human being.
- **“Inurnment”** shall mean the burial of cremated human remains.
- **“Memorial or Monument”** shall mean any marker placed upon any lot for the purpose of identification or in memory of the interred.
- **“Burial Vault”** shall mean an outside burial container as specified by the cemetery to incase human remains.
- **“Contractors”** shall mean any person, firm or corporation or anyone other than an employee of the Cemetery engaged in placing, erecting or repairing any memorial or monument, and performing any work on the Cemetery grounds.
- **Sexton** shall mean the individual employed by Poe Cemetery of Montville Township who manages the affairs of the cemetery.
- **“Natural Burials”** (also known as green burials) refers to burials with minimal environmental impact that aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health and the restoration or preservation of habitat.

## **III. OWNERSHIP**

All land and plots thereon are owned by the Montville Township Board of Trustees or their successors. Plots and niches can be purchased for burial or storage purposes with rights of reversion back to the Montville Township Board of Trustees or their successor if the terms and/or conditions are not met.

## **IV. SUPERVISION OF CEMETERY**

The Montville Township Trustees shall supervise the grounds of the cemetery and take responsible precaution to protect the property rights of owners within the cemetery from loss or damage but they distinctly disclaim all responsibility for loss or damage from causes beyond its reasonable control (e.g., damage caused by elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or orders of any military or civil authority, whether the damage be direct or collateral).

Montville Township reserves the rights to the following:

- Require all persons coming into the cemetery to obey all rules and regulations adopted by and for the cemetery.
- Correct any errors made to interments, dis-interments, dis-inurnments, removals, inscriptions, transfers or conveyances of ownership. Upon correction, no further liability shall exist against the cemetery or the Montville Township Trustees.
- Substitute, in the event an error is made, other interment or inurnment rights of equal value and similar location as may be selected by the Sexton of Poe Cemetery of Montville Township or, in the sole discretion of Montville Township, refund the amount of money paid to the account of said purchaser.
- Remove and transfer, in the event an error is made, any remains interred in error to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- Modify the boundaries or grading of Poe Cemetery of Montville Township on a lot or grave, as needed. This includes the right to change the location of any part thereof, and also to remove, or re-grade walks or pathways.
- Lay, maintain, operate, alter or change pipe lines or gutters for sprinkling systems, drainage, lakes, or wires not sold to individual owners, for cemetery purposes, including the preparation for interment of dead human bodies, or for anything necessary, incidental or convenient thereto.
- Ingress and egress over lots for the purpose of passage to and from other lots.
- Remove any dead or damaged tree, shrub or vine.
- Prohibit touching, scraping, rubbing or spraying of liquids on the memorials or monuments as these can be very disturbing to family members. All visitors are asked to please refrain from such actions in respect for the families of the deceased.

## **V. SALE/PURCHASE OF INTERMENT/INURNMENT RIGHTS**

Interment or Inurnment rights shall be used for no other purpose than that of the disposition of the human dead. Montville Township may at its discretion refuse to let anything be done in violation of said requirements.

- Montville Township requires that all interment and inurnment rights be fully paid prior to their use.
- The sale or transfer of any interment or inurnment right by any owner shall not be binding unless it is first approved in writing by Montville Township.
- Montville Township shall issue a Certificate of Ownership Conveyance per Ohio

Revised Code 517.07 to the new owner subject to the provisions of said certificate. The same rule shall apply in all cases of assignment for interment or inurnment rights.

- All transfers of any interment or inurnment right, whether same be by conveyance or assignment are subject to any restrictions stated in the Certificate of Ownership Conveyance, as well as to the rules and regulations of the cemetery, that have not been adopted by the Montville Township Trustees.
- The subdivision of interment or inurnment right is prohibited without the consent of Montville Township.
- No one shall be buried in any lot not having an interest therein, except by written consent of the Montville Township Trustees.
- No enclosure of any kind, such as a fence, coping, hedge or ditch, shall be permitted around any grave or lot.
- Grave mounds shall not be allowed and no lot shall be raised above the established grade.
- No interment or inurnment right can be sold, assigned, transferred, pledged or hypothecated without the written approval of Montville Township. Montville Township may exchange interment or inurnment rights, when desired by an owner. When such an exchange is made, the original conveyance must be surrendered by proper assignment, or by re-conveyance, if considered necessary by Montville Township before any change is affected.
- Montville Township reserves a right of reversion on all lots within the cemetery as expressly stated in the Certificate of Ownership Conveyance. The owner of interment or inurnment rights may dispose of same by will, subject to the foregoing conditions.
- If an owner dies in testate, the interment or inurnment rights will descend to his or her heirs according to law. Montville Township cannot be responsible for the carrying out of the intent of the grantor.
- If any inscription or object placed on any memorial, monument or other structure is determined to be offensive by the Sexton of Poe Cemetery or the Montville Township Trustees, their staff shall have the right to enter upon same to remove, change or correct the offensive inscription or object at the expense of the owner.
- If any tree, shrub or plant or their roots or branches become detrimental to adjacent lots, or if for any other reason its removal is deemed necessary, Montville Township shall have the right to remove same, and otherwise correct the condition as they judge seems best.
- Montville Township may, at its discretion, agree to purchase back cemetery plots for an amount equal to the price originally paid for said plot. (added December, 2019)

## **VI. CARE AND MAINTENANCE OF GROUNDS**

- All care and maintenance of the grounds, lots or graves will be completed by the employees of Montville Township, except when permission is otherwise granted by same. This includes all grading, landscaping, improvements, and all care of lots, as well as all plantings, trimmings, removals of trees, shrubs, and herbages of any kind and all openings of lots, all interments, inurnments, disinterment's and removals.
- Removing any plant or flower, either wild or cultivated from any plot not personally owned is expressly prohibited.

## **VII. BURIAL REGULATIONS**

Montville Township reserves the right to enforce the following burial regulations:

- To prohibit interment or inurnment unless the opening and closing fee for such grave has been paid in advance.
- To require all persons authorized to order the opening and closing of a grave or niche to appear at the cemetery more than 24 hours in advance of such interment or inurnment to select the desired grave or niche to be opened.
- To require the completion and execution of the cemeteries Interment/Inurnment Application Form.
- To prohibit interment or entombment from taking place at the cemetery unless a burial permit for the deceased has first been presented to the cemetery. Montville Township will comply with the provisions of Section 3705.17 of the Ohio Revised Code.
- To require funeral processions, upon entering the grounds of the Poe Cemetery of Montville Township be subject to the direction of authorized Montville Township employees and are requested to stay on paved surfaces.
- To require that Poe Cemetery of Montville Township's staff be notified of an impending interment or inurnment service no later than 12:00 noon of the prior business day. Notification of a Monday service must be received no later than 3:00 pm on the previous Friday.
- To schedule interment or inurnment services according to availability of service times and needs.
- To hold the interment or inurnment service at the grave according to their cemetery schedule and current weather conditions.
- To require that when a removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights therein revert to the owner thereof. If no steel or concrete vault has been used for this original interment one must be furnished by the person requesting the removal. If there is a steel or concrete vault and same is in a removable condition, charge for removal of vault must be paid in advance.
- To require that an application for disinterment or disurnment must comply with the provisions of Section 517.23 of the Ohio Revised Code.
- To require a written permit signed by the owner, next of kin and also himself by any person desiring to remove a body from the grave space of another. These shall remain on file in the Service Department of Montville Township. No such removal shall be made without the written consent of Montville Township, and then only on such conditions as the cemetery shall prescribe.
- To require that all human remains not cremated be contained in a burial vault specified by the cemetery prior to burial.
- To require that no grave space contain more than two urns or cremated remains or one urn of cremated remains and one body.
- To require that the remains of any person who died of a contagious disease be placed in a hermetically sealed casket. In case of doubt on the part of Montville Township as to the nature of the disease, satisfactory evidence from the attending physician or otherwise will be required.
- Natural Burials are permitted at Poe Cemetery but must be orchestrated by a funeral home that employs non-toxic embalming methods and use a bottomless dome/air seal over the top of a biodegradable casket to ensure no settling of the

ground as decomposition occurs. Disinterment is prohibited for natural burials.

## **VIII. GENERAL REGULATIONS**

- No children under the age of 16 are permitted within Poe Cemetery of Montville Township without adult supervision. All children must display appropriate behavior while on the grounds of the Cemetery.
- Pets must be on a leash and all pet waste must be picked up.
- Alcohol and/or illegal substances and firearms are strictly prohibited within the grounds of the cemetery. Food and/or beverages are permitted but all traces of such items must be removed immediately. No such items may be left within the cemetery.
- The sitting or leaning on monuments or walls is not permitted except where benches are placed for this purpose.
- Montville Township is not responsible for theft or damage to anything placed on graves or lots.
- Only vaults, grave markers, monuments or vases approved by Montville Township shall be permitted to be used.
- Holders containing flowers or other decorations will be removed as soon as the flowers fade and wither, and the right is reserved by Montville Township employees to make such removal. Also winter wreaths, and artificial flowers will be removed at such time as is specified by Montville Township, and the Owner thereby forfeits all rights, title and interest to the same, and Montville Township may dispose of them by sale, destruction or in any other way it deems best.
- No person shall use profane or boisterous language or in any way disturb the quiet and peaceful order of the cemetery.
- All persons are forbidden to hunt on the cemetery grounds.
- All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, memorial or monument, or in any manner deface the grounds of the cemetery.
- No money shall be paid to the attendants of the cemetery grounds.
- No person or persons other than an employee Montville Township so authorized shall be permitted to bring or carry firearms within the cemetery, except a military guard of honor, and then only when in the charge of an officer and during a military service.
- All work and planting of any kind on all lots and graves is strictly prohibited. The digging of holes for any purpose whatsoever is strictly prohibited.

All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of injury, disturbance and disregard of the rules and the laws of Ohio and Montville Township.

## **IX. MODIFICATIONS AND AMENDMENTS**

Montville Township may, and it hereby expressly reserves the right at any and all times, with or without notice to an owner, to adopt new rules and regulations, or to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in the Rules and

Regulations.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. Montville Township, therefore, reserves the right without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations, when in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Rules and Regulations, or as creating any enforceable precedence.

If any terms or conditions in the Certificate of Conveyance are in conflict with these Rules and Regulations for Poe Cemetery of Montville Township, the Certificate of Conveyance supersedes these Rules and Regulations.

**All complaints, issues, comments or concerns should be made in writing to:**

**Montville Township Trustees  
6665 Wadsworth Rd.  
Medina, Ohio 44256  
Phone: 330-725-8313**

Resolution #011420.24