

**OAKLAND CEMETERY
MONTEZUMA, INDIANA
1995**

(Effective 4/26/95)

(Revised 10/31/95)

(Revised 10/24/07)

(Revised 10/15)

RULES AND REGULATIONS

The Oakland Cemetery reserves for itself, its successors and assigns the right to make any and all rules, regulations, limitations and restrictions that it may deem necessary to protect and provide for the future welfare of Oakland Cemetery, a municipal cemetery of the Town of Montezuma, Indiana.

1. All lots are sold under restrictions and no transfer by owner(s) by conveyance or gift of any lot or any portion of a lot shall be valid without the consent of the cemetery officials and a statement from a notary public of said transaction must be submitted to cemetery officials. The cemetery is divided into four sections.

- 2.A. Property right of plot owner - All lots and burial space conveyed to individuals shall be presumed to be the sole and separate property of the person named as grantee in the instrument of conveyance; provided, however, that the spouse of the grantee of any such plot containing more than one interment space shall have a vested right of interment of his or her remains within such plot as long as he (she) is the spouse. Any person later becoming the spouse of the grantee shall have a vested right in such plot if more than one interment space remains unoccupied at the time such person becomes the spouse of the grantee. No conveyance or other action of the grantee without the written consent of the spouse of such grantee shall divest such spouse of his/her vested right of interment; provided, however, that a final decree of divorce between them shall terminate such vested right of interment unless it is otherwise provided by such decree.

- 2.B. Inalienable by death of owner – Whenever an interment of 1) a member of the family of the record owner or 2) of a relative of a member of said family or 3) of the remains of the record owner is made in a burial plot transferred by deed or certificate of ownership to an individual owner and said owner dies without 1) making disposition of the burial plot in his will by a specific device thereof, or 2) by written declaration filed and recorded in the office of the cemetery, such burial plot becomes inalienable and

shall be held as a family burial plot of the owner. In the family burial plot, 1) one grave may be used for the owner's interment, 2) one for the surviving spouse, if any, of the owner, who has a vested right of interment, and 3) in those graves remaining, if any, the parents and children of said deceased owner in order of need may be interred without the consent of any person claiming any interest. In the event there is no parent or child surviving the deceased owner, the right of interment shall go in the order of need: 1) first to the spouse of any child of the record owner, and 2) second, in the order of need to the next heirs at law of the deceased owner as specified by the statutes of descent, or the spouse of any such heir at law. Any surviving spouse and any parent, child or heir, of such deceased owner, having a right of interment in such plot may waive such right in favor of any other relative of such deceased owner, or spouse of such deceased owner, and upon such waiver the body of the person in whose favor the waiver is made may be interred therein.

3. All graves will be opened and closed by employees of the Town of Montezuma, for which a reasonable charge shall be made. When instructions regarding the locations of a grave on a lot cannot be obtained or are indefinite, or for any reason the grave cannot be opened where specified the Town Superintendent and/or Clerk-Treasurer may at their discretion open it in such location on the lot as they deem best and proper in order not to delay the funeral. Before leaving the cemetery, the undertaker shall deliver to the Town Superintendent, or his/her agent, the regular burial permit along with the grave-opening fee. The right is reserved by the cemetery to require at least twenty-four hours notice prior to any interment and at least seven days notice prior to any disinterment (removal).
4. The cemetery shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any burial vault, casket, or urn incurred in making removal.
5. All agreements for the purchase of cemetery interment rights must be in writing, and the Town Superintendent and/or Clerk-Treasurer must sign this agreement. Verbal agreements or representations will not be recognized.
6. No wooden box burials permitted. Vaults must be used.

7. In order that improvements be kept uniform, Oakland Cemetery reserves the right to regulate the size and quality of all markers and other constructions on any grave or lot in said cemetery, and to prevent the erection or placing of any obstruction which may conflict with the regulations or which may be injurious to the general appearance of the ground, and to remove same if necessary.
8. Foundations will not be put in between December 1 and March 1, except by special arrangements. No foundations will be put in between May 20 and Memorial Day. To insure completion by Memorial Day, all orders must be in by May 1.
9. Foundations within the cemetery will be installed by the Town, under the Town Superintendent's supervision. All foundation and setting fees must be paid in advance.
10. The name of inscription on each memorial must correspond with the name on record in the office of the Clerk-Treasurer.
11. It shall be the duty of the plot owner to notify the Clerk-Treasurer of any change in post office address. Notice sent to a plot owner at his/her last address on file in the office of the Clerk-Treasurer/Utility Office shall be considered sufficient and proper legal notification.
12. No advertising shall be allowed upon the grounds and no stones or markers showing the dealer's name or trademark will be permitted.
13. No private mausoleums will be permitted, no will any vault or tomb of any nature or material which extends to the surface of the ground or would interfere with the sod or natural beauty of the grounds.
14. The cemetery closes at dusk and any persons found on the grounds after such time will be considered a trespasser.
15. All persons entering upon the cemetery grounds shall conduct themselves with proper decorum, and any breach of this rule within the discretion of cemetery officials may cause removal of the offender from the grounds.
16. Children will not be permitted unless attended by an adult who will be responsible for their conduct.

17. No automobile shall be driven in the cemetery at a speed greater than 20 miles per hour. All vehicles shall be restricted to the cemetery roads and shall drive and park on the right side of the roadways. No undue noise shall be permitted in operating a vehicle through the cemetery, and only licensed drivers may operate vehicles within the cemetery grounds.
18. No motorcycles, go-karts, atv's, snowmobiles, etc., shall be permitted within the cemetery except as may be in attendance at funerals or on business.
19. The cemetery reserves the right to exclude any vehicle which might in any way damage the roads or cemetery grounds.
20. No horses or horseback riding will be allowed on cemetery grounds, and no dogs shall be allowed on cemetery grounds outside of a vehicle except for aid to the blind.
21. No drinking, hunting, trapping, or participation in any game activities shall be permitted within the cemetery grounds.
22. No firearms shall be permitted within the cemetery except on special permit from the Town Superintendent and/or Clerk-Treasurer, unless for use at military ceremonies.

TREES, SHRUBBERY, FLOWERS, AND DECOARTIONS

1. Hanging baskets are permitted except during spring cleanup which is to be the two weeks immediately following Easter Sunday and fall clean-up (the 14 days immediately following Labor Day). During these clean-up periods, no decorations or flowers shall be permitted.
2. All planting of flowers shall be done by or with permission of the Town Superintendent, in accordance with general landscape.
3. Cut flowers may be placed on graves at any time and will be removed when they become unsightly.
4. Flowers and decorations will be removed when broken or damaged
5. The cemetery will not be responsible for any receptacle. Glass containers will not be permitted. Any such article will be removed.

6. At the time of the Memorial Day period, one week before and through one week following, any decorating within reason will be permitted. Flowers remaining on the ground after this period will be disposed of. Artificial flowers may be used throughout the winter months and will be removed prior to the mowing season. Only hanging baskets will be permitted during the growing/mowing season, except the Memorial Day exclusion defined above.
7. All trees, shrubbery, and flowers growing in the cemetery shall remain the property of the cemetery and cannot be removed without written consent of the cemetery. No labor or landscaping, including seeding, fertilizers and herbicides shall be permitted within the cemetery without special permission. In order that all might be protected and to insure the best results, all landscaping shall be done under the direction and with approval of the Town Superintendent. No mounds on graves shall be permitted, and no enclosures of graves or lots with stones or other material will be permitted.
8. As of 1989, no planting of trees or shrubs will be permitted.

Roadways and replotting

The right to enlarge, reduce, replot, and /or change the boundaries of the cemetery or of a section or sections, from time to time, including the right to modify and/or change the locations of or remove or regrade roads, drives and/or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain, and operate, or alter or change pipe lines, and/or gutters, is also expressly reserved. The cemetery reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress to all sections of Oakland Cemetery, of the Town of Montezuma, Indiana.

Section B – Additions to rules

1. All markers shall be of good quality colored granite, and shall be located at the head of the grave. (west end) The lots are so arranged that a space is left at the head of the grave for setting markers, and no markers shall be placed out of marker lines.
2. All markers shall be two feet long, by one foot wide, by six inches high, with one-inch bevel and sides pitched, lettering optional, and finish of top optional. Double markers will be permitted for companion graves and they shall be four feet long by one-foot wide, same design.

Section C – Additions to rules

1. Stones must be of good quality colored granite.

Modifications and Amendments

1. The cemetery hereby expressly reserves the right at any time or times to adopt new rules and regulations, or to amend, alter, and/or repeal any rules, regulations, and/or articles, sections, paragraphs, and/or sentences in these rules and regulations. All rules shall give full consideration to the lot owner at all times, when, in the judgment of the Town Superintendent and/or Clerk-Treasurer, same does not conflict with the general plan, or affect the beauty of the property, or the rights of other lot owners. All foregoing rules and regulations, with exception of sections B and C additions, apply to all sections in the Oakland Cemetery, Town of Montezuma, Indiana.
2. The Town Superintendent and/or Clerk-Treasurer are hereby empowered to enforce all rules and regulations. The Town superintendent and/or Clerk-Treasurer shall have charge of the grounds and buildings, and at all times shall have supervision and control of all persons in the cemetery, including the conduct of funerals, traffic, plot owners, and visitors.
3. The Oakland Cemetery exercises best efforts to repair plots damaged due to normal cemetery operations, but will not be held liable for damage that results from normal cemetery operations.