

**TROY**

**CEMETERY  
DEPARTMENT**

**Riverside and Rosehill Cemeteries**

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**Rules & Regulations**

Effective January 1, 2019

The City of Troy has established the following Rules and Regulations for the mutual benefit and protection of the cemetery grounds, the interred, visitors, and staff. The Rules and Regulations apply to all cemeteries owned and/or operated by the City of Troy.

All burial right owners, deceased's representatives, heirs of burial right owners, visitors; and burial rights sold shall be subject to the rules and regulations as well as any amendment(s) which are adopted from time to time.

## I. Goal:

The goal of the City of Troy Cemetery Department is to be professional and compassionate when dealing with families of the deceased and the general public, while maintaining the aesthetics and general good order of the Cemetery.

## II. Definitions:

- **Burial Rights Owner(s):** The person or persons who purchased or inherited the rights to be buried in a specific location in a cemetery. The land in a cemetery is not purchased; the City of Troy retains ownership of the land.
- **Cemetery Office:** The office is located at the north entrance of Riverside Cemetery. It is best to call ahead and make an appointment. The office phone number is (937) 335-2710.
- **Columbarium:** An above ground, indoor or outdoor device or structure designed to hold multiple niches for cremains.
- **Cremains:** The cremated remains of a deceased individual.
- **Cremorial:** An in-ground device or structure designed to hold multiple niches for cremains.
- **Crypt:** A chamber in a mausoleum.
- **Deceased's Representative:** The legal party taking responsibility to direct the disposition of the deceased's body.
- **Footstone:** Any monument or grave marker, located at the foot of the grave.
- **Grave:** A space of sufficient size to accommodate one adult interment, a child interment, or multiple interments if permitted by policy.
- **Grave Marker:** All types of grave identification, either permanent or temporary, other than a monument. Permanent grave markers are typically installed flush with the surface of the ground, and may be located anywhere on the grave.

- **Headstone:** Any monument, or grave marker, located at the head of the grave.
- **Indigent:** Defined in the Ohio Revised Code Section 9.15, as amended from time to time.
- **Interment:** The permanent disposition of the remains of a deceased person by cremation and/or entombment in a crypt, or burial.
- **Lot:** The numbered divisions within a Section, shown on the record plat consisting of one or more graves.
- **Monument:** A stone or metal monolith, statue or other structure, which extends above the surface of the ground to identify the location and identity of the deceased.
- **Niche:** An enclosed space, box or container, within a structure for the permanent storage of one or two cremains.
- **Section:** A large area of a cemetery that is further divided into sub-areas for organization and ease of locating graves.
- **Vault and/or Grave Liner:** An underground container designed for the purpose of burial, into which a casket is placed at the time of interment.
- **Warranty Deed:** The official document, issued by the City of Troy to the purchaser; granting a guaranteed right of internment in a specific grave. The City of Troy remains the owner of all land associated with the cemeteries.

### III. Fees:

1. All fees and charges for services are established by City Council, and shall be paid at the Cemetery Office located at 101 Riverside Drive, Troy, Ohio.
2. Only cash or checks, in full, will be accepted.
3. A schedule of fees for services and lots at Riverside Cemetery is attached.

### IV. General Rules:

Pursuant to the City of Troy Codified Ordinance Section 935.11, all employees of the city and visitors to the Cemetery shall observe the following rules of conduct.

1. Motor vehicles shall not be driven in excess of ten (10) miles per hour within Riverside Cemetery. Parking vehicles in the roadway is restricted. Vehicles shall be parked in such a manner that other vehicles are able to pass.

2. Short term parking on the grass is allowed if the ground is dry and turf will not receive damage. Long term parking or repeated parking on the same spot is prohibited.
3. No person, except funeral processions and maintenance personnel, shall obstruct any drive or path in the cemeteries.
4. No person, shall in any way injure, deface, or destroy any monument, structure, grass, flower, tree, shrub, vine or fixture.
5. No person, other than Cemetery Staff, shall remove any object, other than decorations they placed at a grave, from the cemeteries.
6. No person shall disturb the quiet good order of the cemeteries by loud or boisterous noise or inappropriate conduct.
7. Pets brought into the cemeteries shall be kept on a leash and should be walked only on the roadways. The pet owner or handler shall pick up animal waste and should dispose of it off-site.
8. All garbage, unsightly material, or debris accumulated from any work, or any other cause, must be removed at once by the person causing its accumulation.
9. Tools must be removed upon the completion of work, and the grounds left in as good condition as found.
10. Littering is prohibited by City of Troy Ordinance and State law, and all penalties apply.
11. The following conduct is prohibited in the cemetery:
  - a. Discharging a firearm, except in the case of an Honor Guard in the performance of ceremonies during funerals, the Memorial Day Service, and the Veterans' Day Service.
  - b. The consumption of alcoholic beverages and/or use of illegal substances.
  - c. Sunbathing.
  - d. The operation of unlicensed motor vehicles; other than cemetery maintenance vehicles.
12. The cemeteries are open year round from dawn until dusk. No one is permitted in the cemeteries outside of these times with the exception of City Staff.
13. The Cemetery Office is open Monday through Friday from 7:00 a.m. to 4:00 p.m., except holidays. The Cemetery Foreman/Superintendent may be contacted by phone, E-mail, or fax. The phone number is (937) 335-2710. The E-mail address is [riverside.cemetery@troyohio.gov](mailto:riverside.cemetery@troyohio.gov). The fax number is (937) 440-8596.

14. No funeral service will be scheduled on the following holidays:
- New Year's Day
  - Dr. Martin Luther King Day
  - Presidents' Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Thanksgiving Day and the day after
  - December 24<sup>th</sup> or December 26<sup>th</sup>, depending on the calendar (please call to confirm the date)
  - Christmas Day

## **V. Maintenance of Graves and Common Grounds:**

1. Although Cemetery Staff perform general maintenance of the grounds and at times conduct some repairs to monuments and graves for safety and ascetic reasons, the staff is not responsible for perpetual care of individual graves, including any monuments or other memorials, decorations, and/or plantings.
2. If possible, Cemetery Staff periodically apply weed control to dandelions, clover and other broadleaf weeds. However, spraying weeds is not considered a necessary part of cemetery operations.
  - a. Families may hire a lawn care company to fertilize and control weeds on individual graves at their own expense.
  - b. Notification to the Cemetery Foreman/Superintendent is required.
  - c. All applications of chemical pesticides must conform to the pesticide labels and all local, state, and federal laws.
3. New graves take at least six months to settle, and Cemetery Staff frequently adds soil as needed. Therefore, seeding or sodding grass within the first six months after an interment is not recommended.
  - a. In warm weather, weeds will likely be present on new graves, but will be removed prior to seeding or sodding.
  - b. Cemetery Staff seeds or sods new graves in the Spring and Fall when conditions are favorable for germination and survival.
  - c. Families may seed/maintain graves earlier at their own expense.
4. Families and other visitors are responsible for the care of decorations and plantings. The following will help keep up the appearance of the cemeteries:
  - a. As potted flowers dry out very quickly, water turf and live flowers frequently.
  - b. Remove or replace decorations when faded or brittle.
  - c. Keep the number of decorations to a minimum to assist the maintenance crews and keep graves from looking cluttered.
  - d. Do not leave food and/or beverages in the cemetery.

## **VI. Use of Flowers and Other Decorations:**

1. The City of Troy regulates the use of grave decorations to ensure the efficient maintenance of the cemeteries and provide a safe environment for employees, visitors, and cemetery grounds. Any decorations which violate the regulations set forth in these policies or otherwise interfere with the maintenance of the cemeteries can be removed without notice.
2. All decorations are placed at the risk of removal, theft or other loss. The City of Troy Cemetery Department is not responsible for any lost or stolen property left anywhere in either cemetery.
3. Artificial decorations are permitted on headstones using saddles, vases, or urns, specifically made for such purpose.
  - a. Any decorations will be removed once they become unsightly.
  - b. All vases for cut and/or artificial flowers shall have a drain hole to prevent water collection.
4. Items not permitted on cemetery grounds include, but are not limited to, the following: Styrofoam, fences, coat hangers or wire of any kind, pinwheels, wind chimes, bird feeders, rocks, ornaments, ceramics, glass, shells, food items, cardboard, paper, signs, and tires. These items will be removed by Cemetery Staff at any time, and without notification.
5. All deteriorated, unsightly, and inappropriate material shall be removed by the Cemetery Staff at any time, and without notification.
6. All decorations shall be secured in a way that prevents tipping or falling over, and/or blowing away in strong wind.
7. Twice each year, the Cemetery Staff removes all decorations regardless of condition or type.
  - a. The “Spring Clean-up” takes place from March 15 to April 15.
  - b. The “Fall Clean-up” takes place from October 1 to November 1. All decorations should be removed prior to these dates.
  - c. Signage will be placed under each “Stop” sign within the cemetery prior to the clean-up.
  - d. News releases will also be posted on the City of Troy Website: [www.troyohio.gov](http://www.troyohio.gov) and social media.
8. Winter holiday decorations including wreaths on wire easels and winter grave blankets are permitted after December 1.
  - a. Plastic decorations that become brittle and easily disintegrate with cold weather are not permitted.
  - b. Any grave blanket shall be removed by Cemetery Staff, at their discretion, prior to the annual Spring Clean Up, if it becomes unsightly or removal is needed for maintenance purposes.
  - c. All remaining winter holiday decorations and grave blankets will be removed during Spring Clean-Up regardless of condition.

9. Decorations placed on, anchored in, or planted in the ground:
  - a. All items placed on, anchored in, or planted in the ground interfere with mowing graves and trimming, and risk being damaged. The large number of these items in the entire cemetery significantly slows operations. Therefore, it is recommended that anything placed on, anchored into, or planed in the ground be located within an area separated from turf by quality landscape edging, weed barrier, and mulch as follows:
    - i. Quality landscape edging includes: thick continuous plastic (not interlocking short pieces), aluminum, steel, stone, or concrete specifically sold as flowerbed or landscape edging from a landscape company, nursery, or retail store. Commercial grade edging is recommended.
    - ii. All plastic, stone or concrete edging must be no higher than 1 inch above the ground to minimize damage by mowers.
    - iii. All metal edging must be no higher than the ground so it does not cut mower tires.
    - iv. The area within the edging should be covered with heavy duty weed barrier fabric and non-organic mulch (rubber or stone) to ensure grass and weeds do not grow within the landscaped area.
    - v. Damaged or improperly installed edging must be repaired or reinstalled.
    - vi. The landscaped area must not exceed grave boundaries. Use the following guidelines:
      - 1) Most graves are in front of the headstones, but there are exceptions in every Section. All graves in Sections 7 and 10 are behind the headstones. As a GENERAL RULE, a six inch area, either in the front or behind a headstone (depending on grave location), is acceptable.
      - 2) One grave is considered four feet wide, so two graves are eight feet wide and so on. If the headstone is as wide as the grave(s) the landscape edging cannot extend past the foundation ends.
      - 3) In-ground markers placed on graves secondary to an above-ground monument, i.e. an in-ground marker for cremains buried above a casket vault, shall not have any decorations, edging, or other above ground obstruction to mowers.
      - 4) If in doubt, please consult Cemetery Staff for specific information.
  - b. The installation of edging and other landscaping by a contractor is permitted.
    - i. Prior consultation with the Cemetery Foreman/Superintendent is advised to ensure the installation is compliant with the rules, and for scheduling work around possible nearby funerals.
    - ii. All contractors should be bonded and insured.
  - c. Any decorations placed on, anchored in, or planted in the ground but not inside an area separated from the turf with landscape edging, will not be trimmed around by Cemetery Staff.
  - d. Each case will be evaluated separately, but as a general rule, more than three ground decorations per grave makes the area look cluttered and detracts from the landscape.
10. Potted plants:
  - a. Concrete containers are the best material for potted plants because it is more durable and plastic or clay which might be damaged by mowers and trimmers.
  - b. If one must use plastic or clay flower pots they should be placed within an edged landscape area.

11. Basket hooks (shepherd hooks) may be used, but must hold planters in line with and over the monument so as not to be a hazard to visitors and staff. Empty basket hooks (shepherd hooks) must be removed, or will be removed by Cemetery Staff.
12. “Eternal” or “Memorial” candles or lights:
  - a. Standard candles with flame are not permitted even if they are in an enclosed fixture and sold as Eternal or Memorial candles.
  - b. Solar powered LED lights or candles are permitted within the landscaped area, or mounted on the headstone.
  - c. Only one (1) such light per grave is allowed.
  - d. No blinking, rotating, strobe, or moving lights of any kind are permitted.
  - e. No laser lights are permitted.
  - f. No lights shall be directed towards, or in any way interfere with drivers in the cemetery or on public roads.
  - g. Lights shall be removed if:
    - i. They do not comply with the rules
    - ii. They are broken, or non-functioning
    - iii. They exceed the number allowed.
13. Bud vases may be installed on mausoleum crypts and columbarium niches, only by Cemetery Staff or a monument company hired by Cemetery Staff.
  - a. For the city owned mausoleum and columbariums, all bud vases must match and shall only be purchased at the Cemetery Office.
  - b. These vases are for the placement of decorations. Cut or artificial flowers, and/or very small U.S. flags may be placed in these bud vases.
  - c. The use of stickers, signs, or any other item attached to a crypt or niche, either temporarily or permanently, is prohibited.
14. Balloons and stuffed animals are not recommended as decorations because they are not durable. However, they are permitted only when securely affixed to a monument and in good condition. Stuffed animals must be removed or changed every three months or when damaged, faded, or otherwise unsightly. Those not removed or changed are subject to removal by City Staff.

## **VII. Trees and Shrubs:**

1. Any planting of live shrubs and/or trees must be approved by the Cemetery Foreman/Superintendent before any work is started.
2. Only those live shrubs permitted by Codified Ordinance Section 935.10 shall be planted beside monuments.
3. Live plantings at monuments must also be within an area separated from turf by an approved landscape edging as previously stated.

4. So that trees do not interfere with monuments, and are allowed to grow to maturity, the location for planting a tree must have prior approval by the Cemetery Foreman/Superintendent.
5. The Cemetery Foreman/Superintendent has the authority to remove any and all plantings, including shrubs and/or trees which are dead, have outgrown their usefulness, have spread beyond control, were planted without permission, are infested, or have become a nuisance.
6. Flowers and shrubs around columbariums and cremorials shall only be planted by Cemetery Staff . The use of artificial decorations in such areas is prohibited.
7. Trees and other plants donated by private individuals become the property of the City of Troy.
8. No plants on the Federal or State Invasive Plant List shall be planted on cemetery grounds, and shall be removed without notice.

#### **VIII. Monuments and Grave Markers:**

1. Grave markers provided by funeral homes at the time of burial are intended to be temporary markers only. All such markers will be removed when a permanent headstone is placed, or when the temporary marker is damaged or unreadable.
2. Design sketches for all monuments and markers must be submitted to the Cemetery Foreman/Superintendent for approval, to ensure correct positioning of names and consistency with the aesthetics of the cemetery.
3. Monuments shall be no taller than 20 feet, measured from the foundation.
4. Monuments shall be sized to allow for a 4” foundation margin around all sides of the monument.
5. Only one headstone and one footstone are allowed per grave.
6. In the case of multiple cremated remains placed in one grave, or a combination of cremains and a casket burial, only one standing monument shall be installed at the head of the grave, and one footstone at the foot of the grave. All other markers must be installed flush with the ground.
7. If a family lot is purchased, one family monument is permitted at the head of the graves, and individual markers shall be installed above ground at the foot of each grave.
8. No homemade monuments or markers are acceptable and will be removed.

9. Monuments and/or markers installed prior to the adoption date of these rules and regulations are exempt unless they become unsightly or deteriorated. The adoption date is located at the end of this document.
10. Monuments and markers shall be constructed of natural stone (marble, granite, other) or bronze, or a combination of natural stone and bronze.
11. All monuments and benches shall be set upon a foundation installed by Cemetery Staff, per the fee set for installing foundations, monuments and markers.
12. Foundations are poured in the order requests are received.
13. Funerals and mowing operations are a higher priority than foundations, and weather directly impacts when foundations will be poured.
14. The City of Troy Cemetery Department does not guarantee foundations will be completed and ready for a monument by any date, or time period.
15. The foundation will not be installed by the Cemetery Staff if the surrounding soil has not properly settled following the burial, or is otherwise unstable.
16. All foundations shall have a 4 inch border around the monument or bench, and shall not extend past the grave(s).
17. Monument or bench foundations shall only be made of poured cement; no pavers. Cement shall also be used to install commemorative plaques, and as a purchased pre-formed base for in-ground markers of a specific size, such as military plaques.
18. A maximum of six identification makers are allowed per grave in a combination of one headstone, one footstone, and flush markers.
19. The Cemetery Staff has the authority and discretion to remove any and all broken monuments or grave markers under certain conditions:
  - a. The monument or marker has nothing to identify who it memorializes.
  - b. The original location of the grave is unknown.Broken monuments shall be kept in storage by the City for one year and, if not claimed by the heirs within that time, the broken pieces will then be disposed of.
20. Maintenance and repairs to any monuments, markers, or other permanent installation is the responsibility of the Burial Rights Owner(s) or their heirs when the damage is caused by, but not limited to:
  - a. Natural aging from weather
  - b. Water freezing and thawing
  - c. Mold or Lichen
  - d. Settling of the ground caused the foundation to move
  - e. Other, such as visitor vehicle damage, traffic accident

21. Monuments may be insured against damage by the owner. Please consult your insurance agent, or the monument company for more information.

**IX. Statues, Sculptures, Benches, and Other Items:**

1. Designs for statues, sculptures, benches, and/or any other permanent or semi-permanent landscape features that are not part of a monument, shall be submitted to the Cemetery Foreman/Superintendent for approval prior to installation to ensure consistency with the aesthetics of the cemetery.
  - a. The Cemetery Foreman/Superintendent may request additional information in order to make a decision.
  - b. The Cemetery Foreman/Superintendent may permit placement of such items provided they do not violate these Rules and Regulations, the Codified Ordinances of the City of Troy, or encroach upon the property of another lot owner.
  - c. All statues, sculptures, benches, and/or other landscape features, which meet the above specifications must have a foundation that is installed by Cemetery Staff at the cost of the owner or heirs.
2. No homemade statues and sculptures are acceptable and will be removed.
3. Except for statues and/or sculptures, installed prior to the adoption of these Rules and Regulations, statues and/or sculptures shall be made from natural granite, marble, bronze, or a combination of natural stone and bronze. No painted statues or sculptures shall be permitted.
4. All statues, sculptures, thin concrete stepping stones, and/or other landscape features, shall be placed within a landscaped area as defined in Section IV, to prevent damage from mowers and trimmers.
5. Benches must be made of the following material only: granite, marble, non-ferrous metal, or concrete. Wooden benches shall not be permitted under any circumstances. Painted benches shall not be permitted.

## **X. Graves and Interments:**

1. By City of Troy Ordinance Section 935.03, graves must be used only for the burial of human remains.
2. The scattering of ashes over graves is prohibited. Scattering of ashes may be done only in a specially designated Scattering Garden if one exists.
3. Concrete, metal, or durable polymer burial vaults or grave liners of sufficient size for the casket or cremation urn (or other container), must be used for all interments with the exception of the following:
  - a. Scattering of ashes, only in a designated scattering area if one exists.
  - b. "Green burials", only in a designated Green Burial area if one exists.
4. Infants interred in the designated infant area must be placed in a vault/casket combination specifically made for such purpose, i.e. McCord.
5. The number of interments permitted for a single gravesite is: One casket (full body) burial, or one casket burial and up to six cremations, or six cremations per grave.

## **XI. Interments/Deceased's Representative:**

1. Pursuant to Ohio Revised Code Sections 2108.70 through 2108.90, the Cemetery Staff and the City of Troy shall provide the final disposition of a deceased's body per arrangements made by the funeral home in conjunction with the deceased's representative. If a representative was not previously named by the deceased, the priority of representatives is as follows:
  - a. The surviving spouse.
  - b. The surviving children.
  - c. The surviving parent(s).
  - d. The surviving sibling whether whole or half-blood, or if there are more than one sibling of the whole or half-blood, all surviving siblings collectively.
  - e. The surviving grandparent(s).
  - f. The surviving grandchildren.
  - g. A person who was the deceased's legal guardian at the time of death.
  - h. Any other person willing to assume the right of disposition including the personal representative of the deceased's estate.
2. If the deceased owns more than one grave, and grave assignment is not already recorded in the cemetery records, the Deceased's Representative shall determine which grave is to be used for burial.
3. Cemetery Staff shall assume control of all funeral processions upon their arrival at the cemetery. Each driver will be required to carefully observe and obey all directions given by Cemetery Staff.

## **XII. Ownership Rights of Graves:**

1. Cemetery graves are conveyed by the City of Troy to the owner by a Warranty Deed. The Warranty Deed grants the holder the right to be interred in the grave. The City of Troy remains the property owner.
2. Mausoleum crypts and cremains niches are not issued a Warranty Deed. When permitted by law, cemetery staff reserves the right to: move, repair, and/or replace crypts and cremation niches when necessary to ensure the preservation of remains.
3. The sale of burial rights by the owner is permitted via a Conveyance Form (available at the cemetery office).
  - a. The City of Troy will not re-issue a Warranty Deed upon the sale of burial rights.
  - b. A notarized copy of the Conveyance Form must be submitted to the Cemetery Office.
4. The trading of purchased burial rights from one grave(s) to a different available grave(s) is permitted provided the buyer(s) pay the difference between the price paid at the time of original purchase and the current price.
5. A person may request burial, for themselves or another, in an empty space already purchased by a deceased family member if the following conditions are met:
  - a. The person(s) prove they are a descendant of the person who purchased the burial right.
  - b. Any and all people having inherited interest in the space provide written approval of the request.
  - c. If there are no other descendants, the person(s) making the request shall provide to Cemetery Staff, a written and notarized statement that no other persons shall claim rights to the space.

## **XIII. Indigent Burial:**

1. The City of Troy Codified Ordinance Section 935.12 authorizes the Director of Public Service and Safety to set aside a section of Riverside Cemetery for the burial of persons meeting the criteria for indigent status.
2. To qualify for indigent burial at the City's expense, the person must qualify as a resident of the City of Troy at the time of death, and must meet any other criteria set forth in Ohio Revised Code Section 9.15. All persons qualifying for indigent burial will be cremated. The person applying for indigent burial will acknowledge that the deceased will be cremated.
3. The City of Troy will pay no more than, \$800.00 to any funeral home for all services relating to an indigent person. The funeral home shall submit any paperwork the City of Troy requires for the approval of indigent status to the Cemetery Foreman/Superintendent.
4. The Deceased's Representative shall complete the Indigent Burial Application and Affidavit to the best of his or her ability and provide as much documentation as possible.

5. Refer to the policies in the Troy Indigent Application and Affidavit for further information, a copy of which may be obtained upon request.

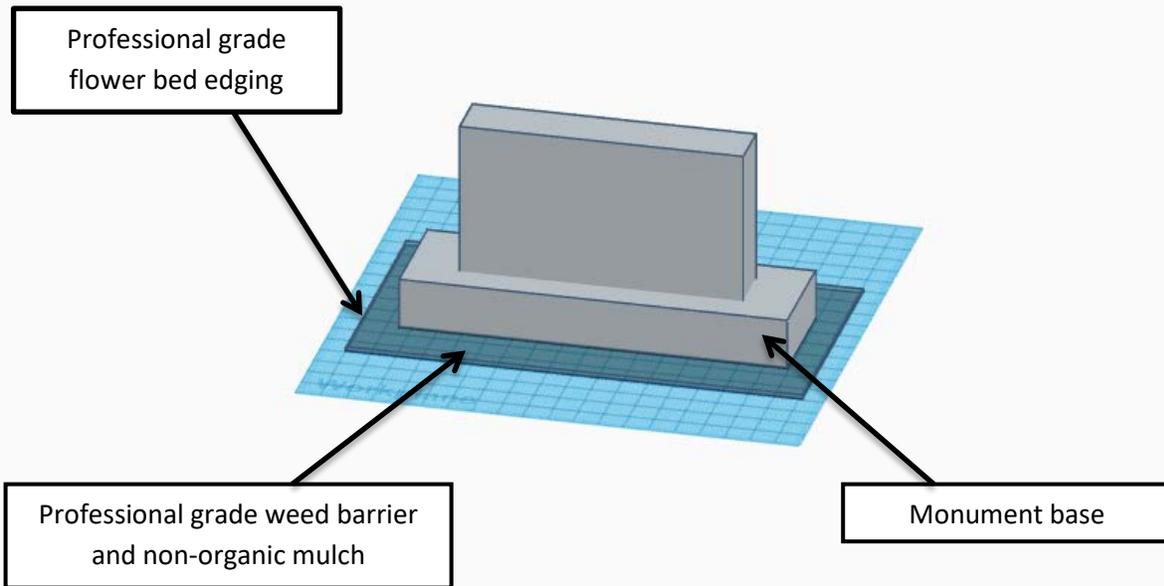
If there are any questions regarding these regulations, please contact the Cemetery Staff at (937) 335-2710, Monday – Friday, 7:00 AM – 4:00 PM, or at the Cemetery Office, 101 Riverside Drive, Troy, OH 45373.

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Patrick E. J. Titterington  
Director of Public Service and Safety

Established Date: \_\_\_\_\_

## INSTALLING A LANDSCAPED AREA FOR DECORATIONS



1. Determine where the grave is located in relation to the headstone. This determines how far out the area can extend. If the grave is in front of the monument the area can extend further out in front. If the grave is behind the headstone keep the area in front a maximum of 6 inches. Sides must not extend past the limits of the grave(s) which is 4 feet per grave (4 feet times the number of graves).
2. Remove sod around the monument foundation, and install some type of professional grade landscape edging, plastic, metal, stone, or concrete. Plastic, stone, or concrete edging shall be no higher than 1 inch above the ground. Metal edging shall be flush with the ground.
3. Place a weed barrier on bare ground. Professional grade weed barrier is recommended.
4. Fill area with a non-organic much material, rubber mulch, stone, etc.
5. Place all ground decorations in landscaped area.

Professional grade edging and weed barrier is available at most nurseries, nursery supply companies, retail stores, or online.

Please contact a member of the cemetery staff if you have any questions.