



CITY OF
ELYRIA

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City of Elyria Cemetery Division
Brookdale | Ridgelawn | North Murray Ridge

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Rules & Regulations

Cemetery Division – 2024

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Rules & Regulations

OVERVIEW

The City of Elyria's cemeteries are non-profit, non-denominational grounds dedicated to the burial of human decedents.

These rules and regulations have been adopted in accordance with the City of Elyria Charter to ensure respect and care is given to each burial lot herein, and to give all lot owners equal rights and protections. The Rules shall be uniformly enforced by the Office of the Safety Service Director, who reserves the right to interpret or modify these rules as necessary.

Ownership & History

The City of Elyria's cemeteries are owned and operated by the municipal government. A portion of the purchase price of each lot is reserved in an interest-bearing Cemetery Trust account, through which Cemetery grounds are maintained and preserved. The original 42-acre Brookdale Cemetery was purchased by the City of Elyria in 1925, and an additional 50 acres was purchased by the City in 1952. North Murray Ridge Cemetery was acquired from Elyria Township on February 26th, 1965 and contains two acres of land. The historic Ridgelawn Cemetery is situated at the corner of Ridge Street and Gulf Road, and is approximately 14 acres. Also called The Old Elyria Cemetery, Ridgelawn is the final resting place of many of Elyria's earliest settlers, including its founder Heman Ely and his family, and a large population of military veterans.

Cemetery Visiting Hours

Visiting hours for all cemeteries are from sunrise to sunset, 365 days a year. Visitors are permitted during these hours only and at the discretion of the City of Elyria or the Cemetery staff.

Plats & Records

All official records and deeds are public information and are available for viewing during normal business hours *by appointment only*. These records contain information including ownership, location, and grave occupant data, where available.

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GENERAL RULES

- ⌘ **Visitors are admitted to the Cemetery** at the discretion of the Cemetery staff and the Office of the Safety Service Director. Pets are not allowed on cemetery grounds.
- ⌘ **The City of Elyria disclaims any responsibility from,** and is not liable for, any accidents or damages to markers, vases, mausoleums, or other property resulting from the ordinary hazards of Cemetery work, or as a result of defects of machinery, implements, tools, and equipment used in its work. Reasonable efforts are made to protect flowers, vases, and wreaths placed upon graves.
- ⌘ **All items are left upon graves at the Visitor's own risk.** Prohibited items listed herein should not be left on graves. The Visitor will assume any items left on a grave will be disposed of if not removed prior to posted clean-up dates. Items will not be held by staff, nor returned nor recovered after disposal, regardless of said item's real or perceived value.
- ⌘ **Cemetery clean-up shall take place the last Friday of each month, year-round,** weather permitting, and as necessary when items become displaced due to wind or other circumstances. Official clean-up dates will be posted on the City of Elyria website, in the Chronicle Telegram, and conspicuously on or near the entrance to the Cemetery Office.
- ⌘ **The outlining of headstones with mulch, rocks, or glass beads or marbles is not permitted.** No fences or walls within the Cemetery made of any type of material shall be permitted. Hedges, trellises, posts, chains, railings, steps, boxing, or borders used for the purpose of enclosure are prohibited.
- ⌘ **Nothing such as statues, boxes, baskets, balloons, food and beverages, smoking paraphernalia,** toys, crockery, wire arches, watering pots, glassware, solar lights or other such objects may be placed upon any grave or lot. Any such items discovered will be disposed of by Cemetery staff without warning. No items will be held for retrieval. **Balloon releases are strictly prohibited.**
- ⌘ **No decorations are to be placed on trees within the Cemetery,** including streamers, balloons, windchimes, bird houses, lighting of any kind, holiday ornaments, and any other décor not specifically listed. These items will be removed and disposed of by Cemetery staff without warning. No items will be held for retrieval.
- ⌘ **No person shall discharge firearms nor fireworks within the Cemetery.** Veterans Organizations are permitted to discharge firearms at military funerals or during Memorial Day exercises.
- ⌘ **No driving or parking is allowed over the lots or upon the lawns.** The speed limit inside all cemeteries is 15mph.
- ⌘ **It is forbidden, under penalty of law, to deposit within the Cemetery grounds debris, rubbish, or waste material of any kind.** Cemetery staff may expel from the Cemetery any person disturbing its sanctity with noisy, boisterous, or other improper conduct; or those who violate any of the Cemetery Division's Rules and Regulations detailed herein.

The Rules and Regulations governing the Cemeteries shall be strictly enforced. Trespassing upon the grounds of any Cemetery is strictly prohibited.

BURIAL PLOTS

Pricing & Deeds

Under the statutes of the State of Ohio, no profit may be realized from the sale of Cemetery lots by a municipal corporation; therefore, the fixed prices of grave spaces in the City of Elyria's cemeteries reflect the actual cost of Cemetery development and maintenance only. Prices have been reviewed and approved by City Council. Every grave space sold is subject to the Rules and Regulations now in force, or that may be hereafter adopted. The Safety Service Director reserves the right to modify the present Rules and Regulations if he/she deems it necessary for the protection of lot owners or for the general wellbeing of the Cemetery.

The City of Elyria does not repurchase lots or niches. Burial space is exempt from taxation and cannot be seized for debt, nor attached by any process of law; nor can it be mortgaged. A deed to a Cemetery lot represents personal property, not real estate. The deed to a lot conveys only Burial Rights to the purchaser(s). The Title to the land remains with the City of Elyria.

A Deed will be issued in the name or names requested by the purchaser (i.e., daughter requests deed to be in mother's name, as mother will be the grave's occupant); or in the name of the decedent if no other owner is specified. This Deed conveys only Burial Rights to its owner, and does not give the owner any rights or liberties over the physical plot of land. The Deed will be issued for the space or spaces specifically chosen by the purchaser, and the Deed is not transferrable to any other grave space within the Cemetery. The Deed is the **only document provided** that serves as proof of ownership may be requested by the Cemetery staff at the time of burial. While deeds are recorded at City Hall, duplicate copies are not kept and deeds cannot be reissued.

When a lot is deeded to two or more persons, burial will be permitted by order of any of the owners. If a deed is made to a married couple, upon the death of one, the entire title rests in the name of the surviving spouse. Upon the death of both, all heirs must agree as to the use of the lot and written documentation may be required.

Grave Space

The ownership of a deed to a lot does not permit nor imply any right to do planting or erect a monument, mausoleum, vase or such upon said lot. The deed does not confer the right to sell, transfer, or assign such lot or any portion thereof. Such sales, transfers, or assignments are privileges which may be granted or refused by the Safety Service Director, and his/her approval endorsed on the conveyance. The City of Elyria reserves the right to repurchase a lot at the price paid for same, when the owner has been granted permission to dispose of same.

The boundaries of all plots are established before lots or graves are sold and shall not be changed. The City retains control and supervision of all lots which have been sold. Cemetery staff retains the right to prohibit, modify, or remove any structure, object, improvement, or adornment on lots which may have been placed thereon in violation of the Rules, or which may be considered objectionable or injurious to the lot or adjoining lots, or to the general appearance of the Cemetery.

Columbaria

Columbarium niches are available for purchase at Brookdale and Ridgelawn cemeteries, the pricing for which has been determined by City Council. It is the purchaser's responsibility to have the granite faceplate engraved at his or her own expense. For uniformity, the engraving must be done in the same font and color of the current faceplates. No stickers, flowers, wreaths, or decorations may be attached to, hung on, or set atop the Columbaria.

Mausoleums

Private vaults or mausoleums will be permitted upon lots provided for this purpose. No mausoleum or vault above ground will be allowed unless plans and specifications are submitted to and approved by the Director of Safety Service. When said plans are approved and the lot paid for, the owner of the proposed mausoleum shall pay the City of Elyria a sum sufficient to endow the building for its care and maintenance. Said amount shall be determined by the Director of Safety Service, whose judgment as to the sufficient amount required shall be final. The construction of a mausoleum shall be subject to inspection by the Director of Safety Service or his authorized agent or agents, and the right to reject any material or manner of workmanship is hereby reserved. In all cases, the owner of the lot or lots upon which a mausoleum is to be constructed shall be held liable for any and all damages caused to the Cemetery or to private property which may occur during construction of said mausoleum. Specifics regarding construction and pricing available upon request.

PERPETUAL CARE OF LOTS

The purchase price of every burial space in the City's cemeteries includes a donation to the City of Elyria for perpetual care – the indefinite care for and maintenance of the burial space. The Ohio Revised Code mandates a minimum of ten percent (10%) of the purchase price of each burial space be delegated to perpetual care and deposited in a non-expendable trust, which has been created by Council of the City of Elyria. Only the interest thereof may be made available for the care of lots in the cemeteries. **In no event may the principal funds be used for any purpose.** The City of Elyria agrees to provide perpetual care consisting of the following services: lawn mowing at reasonable intervals; levelling sunken graves with fill dirt/top soil; seeding and reseeding graves as necessary; trimming and/or replacing all trees and shrubbery; maintaining all roadways, buildings, and structures which are necessary to the general use of all lots in the Cemetery; and the levelling of grave markers.

∞ **Neither the purchase price of plots, niches, and mausoleums, nor the Perpetual Care Agreement, include repairing or replacing markers or the repair of damages caused by any act of God, the elements, routine Cemetery operations (lawn mowing, snow blowing, interments, etc.), nor malicious vandalism.**

GRAVE ORNAMENTS & LOT MAINTENANCE

Individual lawn mowers, lawn chemicals, and fertilizers are prohibited. Trimming around headstones is permissible.

Potted Plants & Flower Vases

Potted plants will be permitted upon lots in Brookdale Cemetery three (3) days prior to and seven (7) days after the following holidays: Easter, Memorial Day, Mother's Day, Father's Day and Christmas. All potted plants left after the ten (10) day period shall become the sole property of the City of Elyria and will be disposed of. Fresh-cut flowers are permitted at any time and must fit inside the furnished containers at Brookdale Cemetery. Cemetery personnel shall not be responsible for maintenance of same.

Trees & Shrubberty

The City has the sole authority to plant all trees, shrubs, and grass within Cemetery boundaries. The City reserves the right to remove trees and shrubs planted by lot owners and visitors in violation of these rules; to remove any landscaping that is hazardous, overgrown, or otherwise prohibitive to routine maintenance and operation of the Cemetery; and may use its discretion in determining whether any removed landscaping will be replaced. All persons are prohibited from gathering flowers, either wild or cultivated, and breaking trees, shrubbery or plants within the Cemetery, whether on his lot or elsewhere. All work shall be done by the Cemetery employees. No planting or digging within the Cemetery shall be permitted.

FUNERALS, INTERMENTS, & INURNMENTS

All funerals and interments within the Cemetery grounds are under the direction of the Cemetery Office staff or as designated by the Safety Service Director. Interments will not be allowed until proper arrangements have been made with the Cemetery Office. The number of interments which may be made upon a plot is fixed at the time of purchase of said plot. Each full-size plot may contain the following: one vaulted casket; or one vaulted casket plus one set of cremains; or two sets of cremains. Each cremation plot may contain only one set of cremains in one single urn. At no time, and for no reason, may a decedent be buried with the remains of any family pet, including dogs, cats, reptiles, birds; nor any animal, domesticated or otherwise. The arrangement of the location of graves upon a lot is fixed for purposes of uniformity and ease of maintenance. No burial will be allowed until all arrangements and permits have been completed.

The fees for interment or inurnment are separate from, and in addition to, the price of the burial space. This fee includes the opening and closing of the grave, covering earth with green carpet, the use of the lowering device, and the initial sodding and reseeding of the grave. Interment fees must be paid in-full 24-72 hours prior to the scheduled burial. Prepayment of fees for this and any other ancillary service offered by the Cemetery is not permitted, and these same ancillary services are not subject to any payment arrangement or payment plan the City may offer.

When a lot is held by two or more persons, interment will be granted to any owner. A Deed may be requested by Cemetery staff or the City to approve burial in said space. **An original Deed is required for any burial requested in Ridgelawn Cemetery.**

Funerals shall be scheduled with the Cemetery Office with a minimum 24-hour notice, Monday through Friday, prior to 2:45 p.m. Arrivals and Burials requested after 2:45 p.m. will be subject to an after-hours fee, set forth by City Council, and payment for such must be made at least 24 hours prior to the scheduled burial. Obituaries including service and burial times should not be published publicly until appointment confirmation has been made with the Cemetery Office. The Cemetery Office and Office of Safety Service retains the right to schedule burials on a first-come first-served basis and will work with the funeral home to find availability that meets the needs of the family and the Cemetery.

Arrangements for a Saturday burial may be made at the discretion of the Cemetery Office or Safety Service Director for an additional fee as set forth by City Council, and payment for such must be made no less than 24 hours prior to the scheduled burial. Saturday burials may not be scheduled later than 12:00 noon. Interments on Sunday are not permitted. No burials will take place on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas; no exceptions. Burials on the remaining Federal holidays may be scheduled for an additional fee and with the approval of the Safety Service Director, and are subject to availability. The Safety Service Director reserves the right to correct any errors that may be made either in making interments, disinterment, or removals.

Upon the death or judicially declared incompetency of a lot owner, it is the duty of the heirs, devisees, or guardian to file with the City of Elyria competent proof of their right to the use of the lot. Burial within a lot may not be permitted until such proof is presented. The owner of a lot may, during his lifetime, designate, in writing, to the City of Elyria, the names of those whom he wishes to have interred upon his lot. Such writing shall be filed with the Cemetery Office, and the Safety Service Director will see to it that none but those so designated are interred therein.

Cemetery staff are not permitted to act as pallbearers; to carry a casket in any capacity; to remove or aid in the removal of the casket from the chapel to the hearse; nor to remove or aid in the removal of the casket from the hearse to the gravesite. Cemetery staff are permitted to handle a casket for interment purposes only and may use discretion in determining how and when the casket must be handled to perform said interment.

Services & Celebrations

Funeral attendees, visitors to the Cemetery, and the general public are reminded the Cemetery grounds serve as a final resting place for the deceased, and a place of peace, reflection, and remembrance for family, friends, and loved ones; therefore, loud, disruptive, destructive, and disrespectful behavior will not be tolerated and is grounds for removal from the Cemetery. The Cemetery staff reserve the right to ask anyone in violation of these or any Rules herein to leave the Cemetery grounds.

- ∞ While the Cemetery welcomes private, graveside services or memorials, **Balloon Releases are not allowed under any circumstances.** Balloon releases pose a hazard to the wildlife that live in and around the Cemetery, and litter the trees, powerlines, and creek.

Disinterment & Removal

The removal of human remains of the deceased lot owner or his family by the heirs for profit or other reasons not considered proper by the Safety Service Director shall not be permitted. Remains to be disinterred and removed from the Cemetery must be facilitated by a Funeral Home licensed with the State of Ohio, and remains will **only** be released to said funeral home, who will coordinate the transport, re-interment, or disposal of remains with the family. The City of Elyria will grant its permit for disinterment after the Office of the Safety Service Director has received, reviewed, and approved the following: a permit from the Board of Health; an application for removal made in accordance with the statutes of the State of Ohio; and written consent of the owner of the lot or surviving spouse, children (if legal age), or parents of the deceased (in order stated). Charges for removal may be obtained at the Cemetery Office. No disinterment will take place on Sundays.

Chapel & Tents

The use of the chapel at Brookdale Cemetery is available for a fee and may be used on a first-come first-served basis. Arrangements for chapel use may be made with the Cemetery Office. A Chapel Service provides one hour of chapel use and 30 minutes for setup prior to the scheduled service time. A Chapel Service & Viewing provides one hour of visitation in the chapel prior to the service, and an additional hour for the service. **The Cemetery Office will be closed to the public when a chapel service is in progress to limit any disruption to those in attendance.**

The use of a tent for interment services is available for a fee and may be used on a first-come first-served basis. The supervisor reserves the right to grant or deny the setting of a tent for an interment in the Cemetery. Cemetery grounds crew may decline to set up a tent if ground or weather conditions are unsafe.

GRAVE MARKERS

Headstones

Only one headstone may occupy a grave space; excepting that the individual was honorably discharged from any branch of the United States Military. In this case, the City will allow a VA-Issued marker to be placed at the foot of the grave of the Veteran. The top or face of all grave markers shall, when set, be flush with the ground. Each marker shall consist of one part or piece only. The size of each marker shall be 24" x 12" x 4" thick, and each marker shall rest uniformly upon a foundation of proper depth to prevent settling. No marker shall be constructed of material other than marble, granite, limestone, or standard bronze. No headstone will be set until proper payment for the Footer & Setting Fee has been remitted to the Cemetery Office, the cost of which is set forth by City Council.

Only in Section A, on lots numbered 1 to 89 inclusive, may a family marker be used at Brookdale Cemetery. Only one marker shall embrace two or more graves. The size of such marker shall not exceed fifteen (15) square feet. The family marker must also be flush-mount, no exceptions.

The frequency of headstone settings may be determined by the Office of Safety Service. The Cemetery staff reserves the right to refrain from setting a headstone if the ground conditions are unsuitable due to a recent burial, inclement weather, or in any situation otherwise deemed unsafe or inappropriate. Headstones should not be set within six months of a full casket burial so that additional topsoil and grass seed can be added as the grave settles. Upon request and at no cost, the Cemetery will furnish a "vase" which consists of a piece of PVC pipe four inches in diameter that will be inserted into the center of the grave space, to be used for fresh-cut or artificial flowers only. The Cemetery will install a vase purchased from a monument company for an additional fee as set forth by City Council. Cemetery staff may choose to set headstones (whose concrete foundations have already been poured) and place vases outside of the normal setting schedule, as time and staff availability permits.

A temporary grave marker will be furnished by the cemetery at the time of burial and will remain at the grave site until a headstone is placed, or for a maximum duration of one year from the date of burial, whichever is shorter.

Monuments

A monument shall be defined as any memorial structure erected upon a lot other than a headstone. No monuments shall be erected upon any plot at Brookdale Cemetery; however, monuments are allowed in North Murray Ridge and Ridgelawn Cemeteries.

Excavation & Foundations

Any and all work connected in any way with the placing of markers and the digging and filling of graves shall be done by Cemetery employees or its contracted entities, as approved by the Safety Service Director.

Traffic Regulations

The admission of vehicles upon the roads of the Cemetery has been permitted as a privilege, but is not a right inherent to the ownership of a lot or otherwise. As a privilege, it is restricted to those persons who observe the traffic rules adopted by the Elyria City Council. Failure to comply with the rules renders the offender liable to arrest. Entrance may be made only at a gate which is maintained by the Cemetery as a public entrance. The speed of vehicles is limited to ten (10) miles per hour. Vehicles are not permitted to turn upon roads, but must go around the section when reversing their direction.

Visitors on foot have the primary right to the use of the roads and all vehicle drivers are required to observe this right by careful driving and strict adherence to the rules. This also applies to Funeral Processions. Any driver who runs a vehicle upon the lawns, across gutters, or elsewhere, causing damage as a result, shall be required to compensate for such damage.

ADDITIONAL RESOURCES from the Ohio Department of Commerce:

https://www.com.ohio.gov/documents/real_CemeteryConsumerBrochure.pdf

https://www.com.ohio.gov/documents/real_CemeteryTaskForceFinalReport.pdf

https://www.com.ohio.gov/documents/real_CemeterySuggestedMinimumMaintenanceGuidelines.pdf