



CEMETERY

RULES AND REGULATIONS

Revised May 1, 2014
Parks and Recreation
749 Main Street
Louisville, CO 80027

1.0 **PURPOSE**

1.1 **Declaration of Purpose**

These Rules and Regulations are adopted as the RULES AND REGULATIONS COVERING LOUISVILLE CEMETERY, and are for the mutual protection of all burial space owners and the City of Louisville and to ensure the Cemetery a uniform and permanent beauty.

2.0 **DEFINITIONS**

2.1 **Words and Terms Defined**

As used in these rules and regulations, the following terms shall have the meanings indicated:

Cemetery – The term “cemetery” is hereby defined as a burial park for earth interments.

Interment – The term “interment” shall mean the permanent disposition of the remains of a deceased person by earth burial.

Disinterment – The term “disinterment” is the removal of the buried remains of a deceased person by earth burial.

Lot – The term “lot” refers to an area consisting of multiple burial spaces (plots).

Plot – The term “plot” shall mean a single space within a plotted lot designed for the interment of one body.

Block – The term “block” refers to a section consisting of multiple lots.

Burial Space – The term “burial space” means any block, lot, plot or portion thereof in the cemetery designed and intended for interment and either used or to be used for such purpose, as the context shall require.

Memorial – The term “memorial” shall designate a monument, marker, tablet or headstone for family or individual use.

Monument – The term “monument” shall designate a memorial which extends above the surface of the ground.

Resident – The term “resident” refers to a person who currently resides in the City of Louisville.

Non-Resident – The term “non-resident” refers to a person who does not currently reside in the City of Louisville.

Former Resident – The term “former resident” refers to a person who previously lived in the City of Louisville and has immediate family members interred in the City of Louisville Cemetery.

Immediate Family – The term “immediate family” refers to one’s parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, sibling in-laws, grandparents, great grandparents, step-great grandparents, grandchildren, aunts, uncles, nieces, & nephews.

Approved Headstone Space – The term “approved headstone space” refers to the section of the plot in which a memorial or decorations can be placed by the plot owner. This section is 36 inches by 24 inches located at the western most portion of the plot. Decorations or memorials outside of this section are not allowed (excluding a flat memorial for cremains on a full-size plot) unless prior written approval by the Director is obtained.

Transfer – The term “transfer” means and includes any sale, assignment, grant, transfer, conveyance, pledge or encumbrance.

Director – The term “Director” means the City of Louisville Director of Parks and Recreation and such Director’s designees, agents and authorized representatives.

3.0 APPLICATIONS OF REGULATIONS

3.1 Compliance with Regulations

All plot owners, visitors, Parks employees, persons working directly or indirectly for lot owners and others entering the cemetery, as well as all burial spaces, shall be subject to these rules and regulations, and subject further, to such other rules and regulation, amendments or alterations as shall be adopted by the City of Louisville from time to time. The reference to these rules and regulations in any deed, certificate of purchase, consent or other instrument concerning burial spaces shall have the same force and effect as if set forth in full therein.

3.2 Exceptions and Modifications

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City of Louisville, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations, when, in its judgment, the same appear advisable; and such exceptions, suspensions or modifications shall in no way be construed as effecting the general application or enforcement of such rules or regulations.

3.3 Amendments

The City of Louisville hereby expressly reserves the right, at any time or times, to adopt new rules or regulations, to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these rules or regulations. Such new or amended rules and regulations shall be binding on the owners of all lots or burial spaces regardless of date such owner acquired title.

3.4 Adoption of Regulations

These rules and regulations are adopted by the City Council pursuant to the provisions of chapter 2.76 of the Louisville Municipal Code governing cemeteries within the City. Failure to comply with any rule or regulation promulgated herein shall be deemed a municipal violation subject to the enforcement provision of the Louisville Municipal Code.

4.0 ADMINISTRATION AND ENFORCEMENT

4.1 Owned and Controlled by the City of Louisville

The Louisville Cemetery is owned and managed by the City of Louisville, Colorado. The Director of Parks and Recreation (“Director”) and the Director’s authorized representative shall be responsible for general control and management of the Cemetery, in all matters, whether or not they are specifically covered by these regulations.

4.2 Managed by the Director of Parks and Recreation

The management of the Cemetery shall be under the direction of the Director, who shall employ such other persons as may be necessary for the care and maintenance of the Louisville Cemetery.

All funerals upon reaching the Cemetery shall be under the supervision of the Director.

4.3 Duties of the Director of Parks and Recreation

It shall be the duty of the Director or persons appointed by the Director to ensure that the rules and regulations governing the Cemetery are followed and adhered to.

4.4 Business Office

All applications for purchase, transfer or assignment of interment rights in Cemetery lots, interment and disinterment orders, foundation and monument permits, or annual care or special permits of any kind must be made through the Parks and Recreation Department 717 Main Street, Louisville, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

4.5 Admission to Cemetery

Entrance into the Cemetery, except through the designated entrances, is strictly forbidden. The City of Louisville reserves the right to refuse admission to the Cemetery and to refuse the use of any of the Cemetery facilities to any person or persons whom the Director may deem objectionable to the best interest of the Cemetery or City.

5.0 PURCHASE OF PLOTS & BURIAL FEES

5.1 Applications for Purchase

Applications for the purchase of interment rights in Cemetery lots must be made at the Parks & Recreation Department where plats showing the size, location and description of all lots and burial spaces and the schedule of prices will be kept on file.

5.2 Payment for Right of Interment

The right of interment to a plot or burial space will not be delivered to any purchaser until the purchase price of the same has been paid in full to the Parks and Recreation Department.

5.3 Purchase of Odd Shaped and Leftover Lots for Right of Interment

Burial spaces that are odd shaped or odd sized or fractional sized spaces along walks or drives or in odd shaped blocks shall be priced according to available burial space therein; the actual price to be determined by the Director at the time of application for the purchase of such burial space.

5.4 Conveyance of Only the Right of Burial

All purchases for right of interment shall grant to the owner or owners the right to use such burial space for burial of human remains only, subject to City ordinances and these rules and regulations.

5.5 Map and Records – Burial Permits

The Director shall require application for all burial permits to be made before the funeral. It shall be the duty of the Director to keep a map of the records of the Cemetery, and to issue required burial permits. No permits shall be issued without the name and address of the plot owner, and the plot, lot and block number for which application is made. All burial permits shall be issued by the Director and shall give the plot, lot and block number for burial.

5.6 Application for Burial Space to Become Contract When Executed

Applications for the purchase of burial spaces shall contain a description of the space, the purchase price and the method of payment. When executed by the purchaser and the City, the application shall become a binding contract of purchase and sale of a right of interment only. Upon payment of the full purchase price to the City, a certificate of purchase by the City, executed by the Mayor or

the Mayor's designee and conveying the right of interment free and clear of all encumbrances, shall be executed and delivered to purchaser. All certificates of purchase shall grant to the owner or owners the rights to use such plots for burial purposes only, subject to City ordinances and these rules and regulations.

5.7 Price of Spaces

The sale price of burial spaces and burial fees shall be established by the Director.

6.0 TRANSFERS OF RIGHT OF INTERMENT

6.1 Consent of City

No transfer or assignment of any right to a burial space, or interest therein, shall be valid without the prior written consent of the City endorsed upon such transfer or assignment, and thereafter being recorded on the books of the City. The City shall have the right to refuse to consent to a transfer or an assignment as long as there is any indebtedness due the City by the owner of record. No transfer or assignment of any right to a burial space, or interest therein, will be recognized by the City except when accompanied by surrender of old Cemetery Deed or previously issued Certificate of Purchase.

6.2 Consent to Transfer Right of Interment or Inurnment by Descent

The City of Louisville requires that the descendant(s) provide legal documentation of their heirship to the City prior to any right to interment in any burial space or that, in the absence of a specific disposition of a burial space in the owner's last will and testament, the right to interment in the burial space shall descend in regular line of succession as described in state statute.

6.3 Charges for Transfer and Assignment

All transfers of rights to burial spaces shall be subject to a fee determined by the Director, which charge must be paid to the City at the time of City consent to the transfer.

6.4 Selling Plots for Resale

No plot shall be sold to or purchased by a funeral director or other persons for purposes of resale or speculation.

7.0 RESPONSIBILITIES OF OWNERS OF RIGHT OF INTERMENT

7.1 Responsibilities of Owners of Right of Interment

A husband, wife or civil union partner of an owner of a right in interment in a burial space shall have a vested right of interment of his or her body in any burial plot conveyed to the other. No conveyance or other action, without the joinder therein or by written consent attached thereto, shall divest such husband, wife or civil union partner of such vested right of interment; provided, however, that a final decree of dissolution of the marriage or civil union between them shall

terminate such vested right of interment, unless it shall be otherwise provided by such decree of dissolution.

7.2 Subdivision of Plots

The subdivision of plots is not allowed, and no person shall be buried in any plot not having an interest therein, except by prior written consent of all parties having an interest therein and of the City; provided, however, a relative of any record owner may be buried in said plot as provided in these rules or in the laws of the State.

7.3 Plot Inalienable by Interment

Whenever an interment is made in a plot for which the right of interment has been transferred to an individual owner or owners by the City and is held as separate, it therefore shall be indivisible and the whole of such plot thereby becomes inalienable and shall be held as the family burial plot of the owner in which one grave may be used for the owner's interment, one for the interment of the surviving husband, wife or civil union partner, if any, of the owner who by law has a vested right of interment therein, and in those remaining, if any, the parents and/or children of such deceased owner may be interred, in the order of need, without the consent of any person claiming an interest therein. In the event there shall be no parent or child surviving, then the husband, wife, civil union partner and any parent, child or heir of such deceased owner, may waive his or her right of interment in said plot in favor of any other relative of such deceased owner, or in favor of his or her wife, husband or civil union partner, and, upon such waiver, the body of the person in whose favor the waiver is made may be interred therein.

7.4 Descent of Right of Interment

If no interment has been made in plots for which the right of interment has been transferred to an individual owner or owners by the City, or if all bodies have been lawfully removed therefrom, and in the absence of specific disposition thereof in the owner's last will and testament, the whole of said plot, except the one grave which must be reserved to the surviving husband, wife or civil union partner of the owner, unless waived by such survivor, shall, upon the death of the owner, descend in regular line of succession to the heirs of said owner.

7.5 Change of Address of Plot Owner

It shall be the duty of the owner of the right of interment to notify the City of any change in his/her post office address. Notice sent to such owner at the last address on file in the office of Department of Parks and Recreation, shall be considered sufficient and proper legal notification.

8.0 RIGHTS AND RESPONSIBILITIES OF THE CITY

8.1 Control of Work by City

All grading, landscape work and improvements of any kind, and all care of plots, shall be done, and all trees, shrubs and herbage of any kind shall be planted,

trimmed, cut or removed, and all grave digging, including cremains plots, along with opening and closing of plots and all interments, disinterments or removals shall be made by the City or by those who may be authorized by the Director.

8.2 City Must Direct and May Remove Improvements

All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the Director and should they be made without written consent, Director shall have the right to remove, alter, or change such improvements or alterations at the expense of the plot owner, or, in the event, at anytime, in his/her judgment they become unsightly to the eye.

8.3 Right to Replat, Regrade and Use Property

The right to enlarge, reduce, replat and/or change the boundaries or grading 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 and regrade roads, drives and/or walks, or any part thereof, is hereby expressly reserved to solely the City. The right to lay, maintain and operate or alter or change pipelines and/or gutters for sprinkling systems, drainage, etc., is also expressly reserved solely to the City; as well as is the right to use Cemetery property, not sold to individual plot owners, for Cemetery purposes, including the interring and preparing for interment of dead human bodies or for anything necessary, incidental or convenient thereto. The City reserves for itself, and those lawfully entitled thereto, a perpetual right to ingress and egress over plots for the purpose of passage to or from other plots.

8.4 No Right Granted in Roadways

No easement or right of way is granted to any plot owner in any road, alley, drive or walk within the Cemetery, but such road, alley, drive or walk may be used as means of access to the Cemetery or buildings as long as the City devotes it to that purpose.

8.5 Right to Close Roadways

The Director shall have the right at any time to close any road, drive, alley or walk in the Cemetery heretofore existing or hereafter constructed, and to establish grades.

8.6 When City is Not Responsible

The City shall take reasonable precautions to protect lot owners and the rights of lot owners, within the Cemetery from loss or damage; but the City distinctly disclaims responsibility for loss or damage from causes beyond its control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage may be direct or collateral, other than as herein provided.

8.7 Liability for Damages

Any person damaging, or causing to be damaged, any Cemetery property, whether owned by the City or an individual, will be held liable to repair said damaged property or to replace the property damaged to its former estate, without delay, and in a manner satisfactory to the Director. The City shall not be liable for any act of plot owners, visitors, licensees or trespassers within the Cemetery, or for any damage to person or property while within the Cemetery.

8.8 Violation – Penalty

Any person who violates or resists the enforcement of any of the provisions of chapter 2.76 of the Louisville Municipal Code or the rules and regulations adopted by the City Council regulating the Cemetery, shall be guilty of a municipal violation and subject to the enforcement provisions of the Louisville Municipal Code.

9.0 INTERMENTS AND DISINTERMENTS

9.1 Subject to Laws

Besides being subject to these rules and regulations, all interments and disinterments shall be subject to the orders and laws of the properly constituted authorities of the City, County and State.

9.2 Time and Charges of Interments and Disinterments

All interments and disinterments must be made at the time and in the manner and upon payment of such charges as are fixed by the City.

9.3 Sundays and Holidays

No interment or interment services, or disinterments will be allowed on Sundays or on any of the following holidays:

- | | |
|------------------|------------------------|
| New Year’s Day | Veteran’s Day |
| MLK Day | Thanksgiving Day |
| Memorial Day | Day after Thanksgiving |
| Independence Day | Christmas Eve |
| Labor Day | Christmas Day |

or upon the days that these holidays are legally observed.

9.4 Notice of Interment and Disinterment Required

The Department of Parks & Recreation office business hours are 8:00 AM to 5:00 PM, Monday through Friday. During the week at least 48 hours’ notice prior to any interment must be given. Any exceptions must be approved by the Director and is subject to additional fees. The City reserves the right to require at least ten days notice prior to any disinterment. No disinterment will be made on any Sunday or legal holiday or on the day upon which any holiday is legally observed.

No disinterment will be allowed except upon the written permission by the Director.

9.5 Interments

Application and permission for interment, interment charges and payment, and permissible use of burial space shall be governed by the rules and regulations of the Cemetery. It shall be conclusively presumed, unless written notification to the Cemetery is filed with the Director, that any space purchased in the Cemetery is being acquired for family use; and the City shall have the right upon the receipt of written permission from the record owner of the right of interment to said burial space to allow interment in such space of any member of the family of the owners.

9.6 Authorization of One Plot Owner Sufficient

The City reserves the right to make interment of any member of the immediate family of any one of several joint owners upon written authorization of such joint owner. No other person may be interred in any plot without the written consent of all owners of the right of interment to said plot who are recorded as such on the books of the City.

9.7 Emergency Burials

Arrangements for emergency burials must be made through the Director and upon proof of emergency.

In the event of a disaster, which results in numerous burials for the Cemetery, the Cemetery crew will work whatever hours deemed necessary by the Director. The Director has the authority to temporarily suspend any and all regulations necessary in order to handle the numerous burials as orderly and as quickly as possible.

9.8 Casket Not to be Disturbed

Once a vault containing a body is in the confines of a Cemetery, no funeral director or his/her embalmer, assistant, employee, agent, Cemetery official or employee, or any other person shall be permitted to open a casket or to touch a body without the consent of the legal representatives of the deceased, or without a court order.

9.9 Approved Grave Liners

Every earth interment must be made in an outside receptacle of concrete, fiberglass, or polypropylene structural foam, or other as approved by the Director. Installation of approved liners will be made by those approved by the Director. The Director reserves the right to refuse any such receptacle that is damaged or in any other way inadequate.

In the older portion of the cemetery, blocks 1 through 24, concrete vaults may be authorized subject to and at the sole discretion of the Director subject to the

completion and approval of a special permit for placement of a concrete vault in blocks 1 through 24. If a determination is made by the Director that a concrete vault will not work on this plot, a fiberglass or polypropylene vault must be used.

9.10 Number of Interments

In order to maintain accurate records, not more than one body or the remains of one body may be interred in one burial space except as provided below:

- A) Two cremains, such as husband-wife, parent-child, or brother-sister.
- B) One regular interment and one cremain. In the case of double occupancy, only one upright headstone will be allowed in the approved headstone space. One additional flat headstone is allowed for cremains.

9.11 Interment or Cremated Remains

In case a casket containing the cremated remains of any person is to be interred in the Cemetery, either in the ground or in a monument, a burial permit shall be obtained as for earth burial.

9.12 Location of Interment Space

The applicant for an interment permit must specify the exact location on the plot of the grave desired to be opened. All graves should be dug to a minimum depth of four and one-half (4 ½) feet. When instruction regarding the location of an interment space on a lot cannot be obtained, or is indefinite, or when for any reason the burial space cannot be opened where specified, the Director may, in the Director's discretion, open it in such location on the burial lot as the Director deems best and proper, so as not to delay the funeral; and the City shall not be liable in damages for any error so made.

9.13 Orders Given By Telephone

The City shall not be held responsible for any orders given by telephone, or for any mistake occurring for want of precise and proper instructions as to the particular space, size or location in a plot where an interment is desired.

9.14 Error May Be Corrected

The City shall have the right to correct any errors that may be made by it either in making interments or disinterments, or in the description, transfer, or conveyance of any right of interment, either by cancelling such transfer and substituting and transferring in lieu thereof other burial space for interment of equal value and in similar location as far as possible, or as may be selected by the Director; or, at sole discretion of the Director, by refunding the amount of money paid on account for said purchases. In the event such error shall involve the interment of the remains of any person in burial space, the City reserves the right to remove and/or transfer such remains interred to such other burial space of equal value and similar location as may be substituted and transferred in lieu thereof.

9.15 No Interment Permitted Unless Property Fully Paid For

No interment shall be permitted or any memorial placed in or on any burial space for which the right of interment has been fully paid for except by special consent of the Director in writing in each and every case and prior to the interment. In the event such consent is given, any and all interments or memorials placed in or on such burial space shall be considered as temporary, and a note shall not be considered as payment, and no rights shall be acquired by the purchaser of said right of interment until fully paid for in cash, including principal and interest; and in case the purchaser shall fail to make all payments within thirty days after the same are demanded by the City, the City may enter said burial space and hold the same as itself and the City thereupon shall be released from all obligations to purchaser, and the City may retain such payments as have been made toward the purchase of such right of interment as liquidated damages. The City reserves the right and shall have the right, immediately or at any time thereafter, without notice, at its discretion, to disinter such remains and inter in a plot of the City's choosing.

9.16 Removal for Profit Prohibited

Removal by the heirs of a body so that the right of interment to a plot may be sold for profit to themselves or to any other persons, or removal contrary to the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

9.17 May Obtain Larger Plot

A body may be removed from its original plot to a larger or better plot in the Cemetery when there has been an exchange or purchase for that purpose approved by and recorded on the books of the City.

9.18 Care in Removal

The City shall exercise the utmost care in making a removal, but it shall assume no liability for any damages to any casket incurred in making a removal.

9.19 Permission for Disinterments

No disinterment of a body will be made without either a court order of a court of competent jurisdiction or a signed affidavit from the surviving spouse or next of kin, on a form provided by the City, stating that the disinterment is being requested for a valid reason, that the application is being made by a proper person, that there is no opposition to the disinterment by the surviving spouse, next of kin, or by the expressed wishes of the decedent, and that the affiant agrees to indemnify the City and hold it harmless from any liability that might result from the disinterment, and that the affiant releases the City from any claims the affiant may have, then or in the future, by reason of the disinterment. The Director shall have the right to require a court order for disinterment at any time prior to the disinterment when circumstances exist or arise which indicate that there is a question as to the reason for the disinterment or as to whether there is opposition to the disinterment.

9.20 Fees for Opening Graves and Use of Equipment

Fees for opening graves, disinterring bodies, and the use of equipment shall be governed by the rules and regulations of the Cemetery.

9.21 Payment of Service Charges

The payment of the Cemetery service charges must be made in full at the time of the issuance of the order of interment or disinterment and removal, unless prior arrangements for payment have been agreed to in writing approved by the Director.

9.22 Past Due Indebtedness

Arrangements satisfactory to the Director for the payment of any past due indebtedness must be made before interment will be made on any plot.

9.23 Amount of Charges

All charges for permits or any service rendered by the City must be paid for at the time such permits or orders are issued and at rates established by the Director pursuant to Louisville Municipal Code section 2.76.060 Price of Spaces.

9.24 Perpetual Care

All grave spaces in the Cemetery shall be perpetually cared for by the City.

9.25 Perpetual Care Fund

The City Finance Director shall place the money derived from the sale of lots and opening graves in a separate fund to be known as the "cemetery perpetual care fund." The interest derived shall be used exclusively to support care and maintenance of the Cemetery. Unless otherwise provided by City ordinance, there shall be maintained in the cemetery perpetual care fund a minimum principal balance of \$300,000. As authorized by the Louisville City Council, principal fund balances in excess of such amount may be transferred to the cemetery fund for care, operation, maintenance, improvement and expansion of the Louisville Cemetery and other cemetery purposes and expenses.

10.0 DECORATION OF LOTS

10.1 Allowable Area for Decorations

All decorations must be contained within the approved headstone space.

10.2 Decoration of Plots

No flower receptacles may be placed on any plot unless of metal or concrete and of approved size and design, and set wholly beneath the level of the lawn. The City shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind, from the Cemetery, as soon as in the judgment of the Director they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards maintained. The City

shall not be liable for frozen pieces, baskets or frames which are used for funeral services held in the Cemetery. The City shall not be liable for frozen plantings or herbage of any kind, or for plants damaged by the elements, thieves, vandals, or by causes beyond its control. The City reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained.

Tree planting is prohibited.

10.3 Certain Ornaments Prohibited

The placing of boxes, shells, stones, boulders, toys, metal designs, ornaments, chairs, settees, glass vases, wood or metal containers and similar articles, upon plots shall not be permitted and if so placed, the City reserves the right to remove and dispose of them without notice or liability.

10.4 Decorative Obstructions

Fences, railings, hedges and other obstructions and decorations other than flowers, vases, wreaths, and flags are prohibited, and the City reserves the right to remove and dispose of prohibited items without notice or liability. All decoration of lots or spaces and planting of vegetation within the Cemetery shall be under the control, supervision, and direction of the Director, who will be governed by the rules and regulations of the Cemetery.

10.5 Lot Owners May Make Certain Improvements

Owners of the right to interment shall have the right, after obtaining the consent and approval of and under the direction and supervision of the Director, to plant and cultivate flowers on any grave within the approved headstone space except those graves in single grave sections of the Cemetery. When, in the opinion of the Director, such flowers become unsightly or are not properly cared for, the City may remove and dispose of them without notice or liability. Subject to the consent and approval of the Director, any plot owner may engage a private florist to plant and cultivate on any grave. Florists engaged to plant and cultivate graves must leave a list of plantings with the Director and obtain the Director's written permission before doing any work.

11.0 CONDUCT WITHIN THE CEMETERY

11.1 Children

Children under fifteen years of age shall not be permitted within the Cemetery grounds or their buildings, unless accompanied by proper persons to care for them.

11.2 Removal of Flowers, Etc. Forbidden

All persons are prohibited from gathering flowers, either wild or cultivated; obstructing any drive or path, or in any way injuring, defacing, or destroying any stone structure, grave, flower, tree, shrub, vine or any other thing in the Cemetery.

11.3 Visitors

Visitors are welcome on the Cemetery grounds during the regular hours. Visitors are asked to be considerate of others and respect the solitude and decorum of the environment.

11.4 Rubbish

Throwing rubbish or other unsightly articles on any part of the Cemetery grounds or in the buildings is prohibited. Receptacles for waste material are to be located at convenient places.

11.5 Automobiles

Automobiles shall not be driven within the Cemetery grounds at a speed greater than five miles per hour, and must always be kept on the right hand side of the Cemetery roadways.

11.6 Trucks and Heavy Hauling

Heavy hauling, trucks or commercial vehicles of any kind are not permitted within the Cemetery grounds, except when on business or in connection with the Cemetery work, and then only by permission of the Director.

11.7 Peddling or Soliciting

Peddling of flowers or plants, or the soliciting of any commodity is absolutely prohibited within the confines of the Cemetery.

11.8 Firearms

No person shall discharge any firearms or have possession of any firearms within the Cemetery grounds, except for military funerals, law enforcement officers or on Memorial Day, without the written permission of the Director.

11.9 Notices and Advertisements

No signs or notices and advertisements of any kind shall be permitted within the Cemetery.

11.10 Dogs/Animals

Dogs or other animals shall not be allowed on the Cemetery grounds or in any of the Cemetery buildings with the exception of service animals. The owner or keeper of any dog or animal which trespasses upon the Cemetery grounds shall be responsible for any damage done by said dog/animal. The City shall not be liable for any damage done by dogs or other animals and does not assume responsibility for keeping dogs or other animals out of the Cemetery grounds.

11.11 Hunting

Hunting or in any way disturbing birds or fowl, or discharging fireworks or other missiles within or over any portion of the Cemetery or around the gates, fences or roads adjoining the same is prohibited.

11.12 Additional Private Work

No person shall cause any employee to do work for lot owners without an order from the Director, or give to any employee any valuable consideration to do work for a lot owner or work on the grounds, except by permission of the Director.

11.13 Hours that Grounds and Buildings are Open

The Cemetery shall be open from 7:00 a.m. to sunset.

11.14 Improprieties

It is of the utmost importance that there should be strict observance of the proprieties of the Cemetery, whether embraced in these rules or not, and no improprieties will be allowed, and the Director shall have the power to prevent improper assemblages.

11.15 Damage of Cemetery Property

No person shall deface damage, destroy or injure any monuments, markers or other property or thing in the Cemetery or perform other acts which may be prohibited in the Louisville Municipal Code or these rules and regulations.

12.0 MEMORIAL WORK IN THE CEMETERY

12.1 Producers and Retail Dealers

Letter cutters, persons or firms who engage in the business of cleaning monuments and who are not connected with established retail dealers, and all other persons or firms must secure permission from the Director before any work in the Cemetery is commenced. In order to procure such permission, it will be necessary for the person or firm to submit satisfactory evidence of their ability to properly perform work for which they have been engaged.

Workers employed in erecting or placing monuments or other structures or bringing materials into the Cemetery shall not be deemed agents or employees of the City, but rather are deemed to be operating as independent contractors and in so operating shall at all times be under the general supervision of the contractor.

Persons engaging in erecting monuments or other structures are prohibited from attaching ropes or other devices to monuments, trees, or shrubs, and are prohibited from scattering their materials or tools over adjoining lots or from blocking roadways or walks; or from leaving their materials or tools on the grounds longer than is absolutely necessary. They must do as little injury to the

ground, trees and shrubs as is possible and must remove all debris and restore the ground to its original condition as specified.

Damage done to plots, walks, trees, shrubs, drives or other property by the dealers or contractors or their agents shall be repaired by the persons causing the damage and such cost of such repair shall be paid by the dealer or the contractor or to this principal. All work shall be inspected by the Parks Superintendent and meet all established standards as outlined by the Director.

No material, machinery or other thing for the construction of vaults, monuments or other structures, or the monuments or structures themselves shall be brought into the Cemetery until required for immediate use; nor between Saturday afternoon (4:00 p.m.) and Monday morning (8:00 a.m.); and no work shall be done during said time; nor shall such material be placed on lots adjoining the one which such structure is to be erected, without special permission of the Director. Work shall proceed promptly until the erection of the memorial is completed.

While a funeral or an interment service is being conducted nearby, all work of any description shall cease.

Approaching the bereaved and soliciting memorial business within the Cemetery is absolutely prohibited.

Any retail dealer or producer who violates the rules and regulations of the Cemetery will be removed from the list of approved retail dealers and producers.

12.2 Monuments and Markers

No memorial or grave marker will be allowed (or marked) on any plot until the plot has been paid in full and a monument permit has been issued by the City.

All monuments must be contained within the approved headstone space. Only one upright headstone will be allowed in the approved headstone space. One additional flat headstone is allowed for a cremain.

No lot owner shall erect or place, or cause to be erected or placed, on any lot in the Cemetery, any memorial in respect of which the Director disapproves.

While the City will exercise due care to protect raised lettering carving or ornaments on any memorial or other structure on any lot in the Cemetery, it disclaims responsibility for any injury thereto.

No coping, curbing, hedging, grave mounts, borders, enclosures of any kind, or walks of any kind shall be allowed to be built or placed on any lot in the Cemetery. The City reserves the right to remove and dispose of the same without notice or liability.

The use of tiles, bricks, sand, gravel, crushed rock, oyster shells, cinders or other material on any lot in the Cemetery is strictly forbidden. Any of these used may be removed and disposed of by the City without notice or liability.

Iron crosses or other ornaments suggesting war or violent death or destruction are out of harmony with the ideals which the Cemetery is trying to portray. Their use immediately after interment is considered as temporary and they shall be removed within thirty days after they are placed on any plot.

12.3 Design, Finish and Workmanship

Memorial dealers may be required to furnish for the approval of the Director a blue print or sketch of the proposed memorial or marker, specifying size, inscription, kind and quality of stone and the name of the producer supplying said stone.

If, in the opinion of the Director, any plan or design for any memorial, which on account of size, design, inscription or kind or quality of stone is unsuited for the plot on which it is to be placed, the Director has the authority to not allow such memorial.

All monuments shall be made of stone, granite, marble or real bronze; and shall be erected upon a foundation. Erection, construction, specifications, materials and placing of marker foundations, monuments, vaults and cornerstones, shall be governed by the rules and regulations of the Cemetery.

No monument or grave marker will be permitted which is cut in imitation of a log, stump or animal, or of any object which would itself not be allowed to remain in the Cemetery.

The City reserves the right for the Director to stop all work of any nature, whenever, in the Director's opinion, proper preparations therefor have not been made; or when work is being executed in such a manner as to threaten life or property; or when any reasonable request on the part of the Director has been disregarded; or when work is not being executed in accordance with specifications; or when any person employed on the work violates any provisions of the Louisville Municipal Code or Cemetery rules and regulations.

The completed work is subject to the approval of the Parks & Recreation Office, and if unsatisfactory, may be requested to be removed or be removed by the Parks & Recreation Office at the expense of the owner.

The name or inscription on each monument or marker must correspond with the name on record in the Parks and Recreation office, and no changes shall be made thereon except upon request of the proper parties and by permission of the City.

12.4 Foundations

The top of all foundations shall be flush with the ground surface. Foundations shall be at least 4 inches in depth for flower urns and for markers or monuments of 20 inches or less in height. For markers or monuments of 20 inches, a 6 inch foundation is required. Larger and deeper foundations may be required if in the opinion of the Director the safety of the structure demands it. All structures must be securely cemented to foundations.

All foundations shall be built to a depth as specified by the Director and noted in the monument permit.

12.5 Miscellaneous

Should any monument or marker become unsightly, dilapidated or a menace to the safety of visitors, the City shall have the right to either correct the condition or to remove the same, at the expense of the lot owner.

No monument or marker shall be removed from the Cemetery except by the City, unless the written order or permission of the lot owner be presented to the City and permission granted by the City.

By presenting to the City proper written evidence to prove that any person ordering a memorial cannot or will not complete the contract for the purchase of the same, the dealer who sold the said memorial may obtain permission from the Director to remove the memorial from the Cemetery. In the event the memorial is removed by a memorial dealer, it shall be the duty of such memorial dealer to reimburse the City for the expense of returning the Cemetery lot to its original condition. The City shall not be responsible or liable for the removal of any memorial and before granting permission for the removal of the same, may require written guarantee or bond from the person or dealer removing the same and in favor of the City, to protect and save the City harmless from any and all liability of whatsoever kind or nature.