

CHAPTER 943

Municipal Cemeteries

- 943.01 Rules and regulations adopted.**
- 943.02 General regulations.**
- 943.03 Lots.**
- 943.04 Interments.**
- 943.05 Disinterments and relocations.**
- 943.06 Markers, monuments, foundations and niche coverings.**
- 943.07 Decorations, ornaments and flowers.**
- 943.08 Operating Fund, Perpetual Ordinary Care Fund and Cemetery Improvement Fund.**
- 943.09 Special Lot Endowment Fund.**
- 943.10 Charges and fees.**
- 943.11 Schedule of charges and fees.**
- 943.12 Indigent burial policy.**
- 943.99 Penalty.**

CROSS REFERENCES

- Burials may be prohibited - see Ohio R.C. 759.05
- Management and control - see Ohio R.C. 759.09
- Burial permits - see Ohio R.C. 3705.24 et seq.
- Burials of indigent persons - see Ohio R.C. 5101.521
- Dogs and other animals running at large; impounding dogs - see GEN. OFF. [505.01](#), [505.02](#), [505.08](#)
- Birds: annoying, killing, etc. - see GEN. OFF. [505.13](#)
- Disorderly conduct - see GEN. OFF. [509.03](#)
- Destruction of shrubs and trees - see GEN. OFF. [541.06](#)
- Desecration - see GEN. OFF. [541.07](#)
- Disinterments - see Ohio R.C. 517.23
- Application for disinterments - see Ohio R.C. 517.24

943.01 RULES AND REGULATIONS ADOPTED.

The Rules and Regulations governing the Medina Municipal Cemeteries, Spring Grove Cemetery and Old Town Graveyard, as codified herein are hereby approved and confirmed for use and operation.

(Ord. 25-05. Passed 2-14-05.)

943.02 GENERAL REGULATIONS.

- (a) The Director of Public Service shall have the power to delegate authority and enforce all rules and regulations adopted by Council pertaining to this chapter. All persons and property in the Medina Municipal Cemeteries shall be under the control and subject to the direction of the Director of Public Service or his designee.

The Director of Public Service, pursuant to Ohio Revised Code Section 759.09 currently has charge of management, control and regulation of the City of Medina's public burial ground and cemetery known as Spring Grove Cemetery. The Director of Public Service is authorized to and does hereby appoint the Parks and Recreation Director to equally share in duties that involve the charge of, management, control and regulation of the Spring Grove Cemetery. The Parks and Recreation Director shall be paid in accordance with her or his regular salary for these duties and shall not be paid additional monies for completion of these duties. This appointment shall remain in effect for so long as there is a Parks and Recreation Director properly appointed by the Mayor and confirmed by Medina City Council.

(Ord. 15-16. Passed 2-8-16.)

(b) The City retains control and supervision of all lots which have been sold. The Director of Public Service may enter upon any lot and prohibit, modify or remove any structure, object, adornment or improvement on such lot which may have been placed thereon in violation of cemetery rules or which may be considered, in the Director of Public Service's judgment, to be objectionable or injurious to the lot or adjoining lots, or to the general appearance of the cemetery.

(c) Visitors are prohibited from damaging or removing any plants, whether cultivated or wild, unnecessarily disturbing or harming any wildlife, breaking or injuring any tree or shrub, damaging any monument or landmark, or in any way defacing cemetery property.

(d) No advertising or soliciting shall be permitted on cemetery grounds unless approved in writing by the Director of Public Service.

(Ord. 25-05. Passed 2-14-05.)

(e) No person shall discharge firearms within the cemetery except for military funerals or Memorial Day exercises.

(f) The cemetery grounds are closed from dusk to dawn to everyone except cemetery employees or authorized persons.

(g) Motor vehicles or other vehicles may be operated in the cemetery at a speed not greater than 10 miles per hour and such vehicles shall at all times be operated with due care.

(h) No person shall swim, ice skate, or fish in ponds or pools of water on cemetery grounds. (Ord. 7-23. Passed 1-9-23.)

943.03 LOTS.

(a) The deed to a lot conveys burial rights only. The ownership of the land remains with the City of Medina.

(b) Lots are sold and intended for the family, relatives and descendants of the deeded lot owner, and other persons designated in writing to the Director of Public Service by lot owners during their lifetime.

(c) When a lot owner dies intestate or without having designated on file in the office of the Director of Public Service the name of the person to be interred in a lot, the heirs are recognized according to the laws of Ohio.

(d) Where there are two or more persons interested as owners of a lot, no dividing lines within the same shall be recognized. All owners shall have equal rights of interment.

(e) Refer to Section [943.11](#) for lot descriptions, types, sizes and pricing.

(Ord. 25-05. Passed 2-14-05.)

943.04 INTERMENTS.

- (a) Refer to Section [943.11](#) for interment fees.
- (b) The number of interments which may be properly made on a grave space is definitely fixed at the time of purchase, and no more shall be permitted. Double deep graves are not permitted. The Director of Public Service shall determine the location of graves on a lot.
- (c) Only one (1) body in a permanent vault shall be allowed in a grave.
- (d) All cremains must be in a permanent container and interred by employees of the cemetery. Scattering cremains is permitted only in an area designated for that purpose and with the permission of the Director of Public Service.
- (e) A cremains or infant burial may be permitted over an adult grave provided that the adult burial is of sufficient depth, in a permanent vault, and approved by the Director of Public Service.
- (f) A single cremains lot shall be for cremains only and will contain a maximum of two (2) cremains.
- (g) All grave openings shall be done by employees of the cemetery or a contractor designated by the Director of Public Service.
- (h) All interments shall be accompanied by a burial transit permit.
- (i) Only permanent vaults such as steel or concrete are acceptable for casket burials, and a container or urn is acceptable for cremains. No bottom seal concrete vaults are permitted.
- (j) Funerals are not permitted to enter the cemetery later than 2:00 p.m. on weekdays and 12:00 Noon on Saturday, except by prior written approval of the Director of Public Service. The Director of Public Service shall be contacted before setting the time of any funeral to avoid conflict with another funeral. Notice of not less than forty-eight (48) hours shall be given for the opening of a grave. (Ord. 25-05. Passed 2-14-05.)
- (k) No interments are permitted on Sundays, legal holidays, or holidays observed by the City of Medina except as required by law or to conform to religious requirements or regulations of the Health Department or as approved by the Director of Public Service. (Ord. 184-17. Passed 12-11-17.)

943.05 DISINTERMENTS AND RELOCATIONS.

- (a) Disinterments are permitted as authorized by Ohio R.C. 517.23 and Ohio R.C. 517.24 or upon court order.
- (b) Disinterments and relocations are permitted when applicant has complied with all State application forms and regulations and rules of the local health authorities. Final approval for disinterments shall be determined by the Director of Public Service.
- (c) Should any single grave be vacated and the remains removed from either Medina Municipal Cemetery, the burial rights shall revert to the City.

(Ord. 25-05. Passed 2-14-05.)

943.06 MARKERS, MONUMENTS, FOUNDATIONS AND NICHE COVERINGS.

- (a) All burials and cremains interred in Spring Grove Cemetery may be identified with a monument or marker.
- (b) Monuments may be erected in all sections except Section 16, Rows A, B, F through L, Cremains Section and Baby Section.

(c) A single monument or marker is permitted on each grave space at the head of the grave. All lots are permitted a foot marker except in the Cremains and Baby Sections.

(d) No markers or monuments shall be erected or placed in the cemetery unless application, specifications, plans and location have been first submitted to and approved by the Director of Public Service. (Ord. 25-05. Passed 2-14-05.)

(e) To ensure permanency, all foundations shall be built by cemetery employees or contractors approved by the Director of Public Service at the expense of the grave owner with the exception of foundations for private mausoleums. Foundations for private mausoleums will be dug and poured by the monument company at the Owner's expense. (Ord. 141-23. Passed 9-11-23.)

(f) The Director of Public Service shall have the authority to inspect the setting of any monument or marker, and if improperly set, order the resetting of same.

(g) After a monument or marker has been placed in the cemetery, it shall not be removed without written permission of the Director of Public Service.

(h) All inscriptions, whether raised or engraved, shall be at least one eighth inch (") deep.

(i) All engraving on niche coverings must conform with specifications on file in the office of the Director of Public Service.

(j) Deceased who served in the armed forces, and who are entitled to receive a bronze or granite marker from the United States Government, shall be allowed to have that marker at the foot of their grave in all sections, except the Cremains Section due to limitations of size. Military markers to be attached to a monument must be professionally installed.

(k) Bronze military markers are permitted to be placed on the back of upright monuments or set in concrete as a flush marker. (Ord. 25-05. Passed 2-14-05.)

(l) The following dimensions shall not be exceeded for monument bases and tablets in all Sections. The minimum monument width of a base shall not be less than six (6) inches, or wider than fourteen (14) inches. The maximum height of the base shall not exceed (10) inches. the maximum tablet height shall not exceed (48) inches.

Number of Grave Spaces	Width of Grave Space	Length of Marker	Height of Tablet
One (1)	36 inches	32 inches	48 inches
One (1)	48 inches	34 inches	48 inches
Two (2)	48 inches	60 inches	48 inches
Two (2)	36 inches	48 inches	48 inches
Baby Section	24 inches	18 inches	N/A
Cremains Section	36 inches	24 inches by 12 inches wide	N/A

The dimensions for private mausoleums shall be as follows:

Single Private Mausoleum: Not to exceed 55 inches in width, 115 inches in length, and 58 inches in height.

Double Private Mausoleum: Not to exceed 96 inches in width, 115 inches in length, and 58 inches in height. (Ord. 141-23. Passed 9-11-23.)

943.07 DECORATIONS, ORNAMENTS AND FLOWERS.

(a) All monuments are permitted a seasonal planting area extending no more than ten inches (10") from the foundation on the burial side of a monument. All decorations, ornaments and flowers must be installed within this area.

- (b) Only one (1) shepherd's hook or one (1) potted plant is permitted on a marker.
- (c) Seasonal items on lots will be removed by City employees on or after the following dates. Items not removed prior to these dates will be discarded:
 - Summer decorations shall be removed from lots on or before October 15th.
 - Fall decorations shall be removed from lots on or before December 15th.
 - Winter decorations shall be removed from lots on or before March 15th.
- (d) Funeral designs, floral pieces, and wreaths shall be removed from graves when they become wilted or unsightly. Persons desiring to retain funeral designs or floral pieces must remove the same within forty-eight (48) hours after the interment or they will be discarded. In no case shall City employees attempt to locate designs, floral pieces or wreaths after their removal from a lot. (Ord. 25-05. Passed 2-14-05.)

943.08 OPERATING FUND, PERPETUAL ORDINARY CARE FUND AND CEMETERY IMPROVEMENT FUND.

All charges and fees collected from the Medina Municipal Cemeteries shall be divided into three distinct funds, namely the Perpetual Ordinary Care Fund, the Operating Fund and the Cemetery Improvement Fund.

- (a) The Perpetual Ordinary Care Fund shall be funded from the sale of in ground burial lots, in ground cremains, and footer fees for the Medina Municipal Cemeteries. This money shall be placed in a permanent care fund of the Medina Municipal Cemeteries with one hundred percent (100%) of the total price of a lot and forty-five percent (45%) of the footer fees allocated to the Perpetual Ordinary Care Fund.
- (b) The Operating Fund money shall be placed in the General Fund of the City from which the current costs of operating and maintaining the cemetery are drawn. Fifty-five percent (55%) of footer fees and one hundred percent (100%) of burial expenses shall be allocated to the Operating Fund.
- (c) Funds from Columbarium Niche sales shall be distributed as follows: fifty-eight percent (58%) shall be placed in the Cemetery Improvement Fund (fka Mausoleum Fund) for the building of a future columbarium wall or other cemetery improvements, thirty percent (30%) shall be placed in the Perpetual Ordinary Care Fund, and twelve percent (12%) shall be placed in the Operating Fund. One hundred percent (100%) of Columbarium Niche interment funds shall be placed in the Operating Fund. (Ord. 57-18. Passed 3-26-18.)

943.09 SPECIAL LOT ENDOWMENT FUND.

Specially endowed lots shall no longer be available for purchase after December 31, 2021. Specially endowed lots purchased prior to December 31, 2021 shall continue to receive special care. Special care of endowed lots shall include one decoration for Memorial Day and one winter wreath each Christmas. (Ord. 197-21. Passed 11-22-21.)

943.10 CHARGES AND FEES.

- (a) All cemetery charges and fees are payable in advance in accordance with this chapter.

(b) All lots for sale in the Medina Municipal Cemeteries shall be classified according to their value and location as determined by the Director of Public Service, shall be designated on the cemetery maps, and shall be priced at the rates indicated in the schedule of lot prices listed in Section [943.11](#). The deed to a lot conveys only burial rights and perpetual care as outlined in Sections [943.03](#) and [943.08](#) herein.

(d) The status of a resident or nonresident shall be determined by the State laws governing legal residence for voting purposes, and shall be the same for minor children.

(e) Transfer of Lot Ownership. Lot owners are permitted to sell, transfer or assign their interest in lots only to residents of the City, subject to the consent of the Director of Public Service, and upon payment of the fee specified in the schedule of charges and fees in Section [943.11](#) herein. (Ord. 25-05. Passed 2-14-05.)

943.11 SCHEDULE OF CHARGES AND FEES.

LOT FEES PER GRAVE:			
Lot Type	No. of Lots	Resident	Non-Resident
A	per grave	\$650.00	\$750.00
B	per grave	\$850.00	\$950.00
C	per grave	\$750.00	\$850.00
Cremains Section	per grave	\$300.00	\$350.00
Baby Section	per grave	\$300.00	\$350.00
Private Mausoleum: Single \$3,000.00 centered over 2 graves spaces			
Private Mausoleum: Double \$4,500.00 centered over 3 graves spaces			
DESCRIPTION OF SALEABLE LOTS:			
Class "A" lots, single or multiple graves: All Sections except 14, 17, 18 and 19			
Class "B" lots, single graves: Section 14 and 17			
Class "C" lots, single graves: Section 18 and 19			
Cremains Section: Section specifically located in Section 8			
Baby Section: Single grave only, available in sequential order			
Private Mausoleum: Section 13 only and at the discretion of the Cemetery. A complete set of construction plans must be submitted for review and approval by the Cemetery.			
INTERMENT FEES:			
Interment of Residents or Non-residents	Before 2:00 p.m. Weekdays	After 2:00 p.m. Weekdays and until 12:00 Noon Saturday	After 12:00 Noon Saturday or Sunday (Court Ordered) and approved holidays (Ord. 184-17. Passed 12-11-17.)
Adult	\$600.00	\$900.00	\$1,200.00
Cremains	\$350.00	\$450.00	\$700.00
Baby Section	\$350.00	\$450.00	\$700.00
Crypt	\$600.00	\$900.00	\$1,200.00
DISINTERMENT AND REINTERMENT FEES:			
	Adult Vault	Adult Cremains	Infant
Disinterment	\$2,000.00	\$600.00	\$500.00
FOUNDATION FEES:			
A fee of \$0.75 shall be charged per square inch of surface material of concrete. All footers shall have a two inch (2") border around the entire base. Flush markers shall not have a mandatory border.			

COLUMBARIUM/NICHE WALL: (cremains interments only)

CLBM - 1 and CLBM-2: SOLD OUT

CLBM - One (1) Niche - Top Row - \$3,250.00

CLBM - One (1) Niche - Middle Row - \$2,750.00

CLBM - One (1) Niche - Bottom Row - \$2,250.00

Interment - (max. two (2) urns per Niche)

Engraving - Actual cost

ADDITIONAL SERVICES:

1. Upon request, the Director of Public Service shall give written estimates of work to be done by cemetery employees on the cemetery grounds not covered in the foregoing schedules.
2. There shall be a \$100.00 charge for chapel use for a funeral or memorial service.
3. There shall be a \$100.00 Transfer of Lot Fee for all lot transfers.
4. There shall be a \$250.00 administrative fee for all columbarium niches sold back to the City.
5. There shall be a \$600.00 charge for replacement niche covers, as applicable.

NOTE: NOTICE OF NOT LESS THAN FORTY-EIGHT (48) HOURS

SHALL BE GIVEN FOR OPENING OF A GRAVE PER SECTION 943.04(j).

(Ord. 102-24. Passed 5-28-24.)

943.12 INDIGENT BURIAL POLICY.

(a) Purpose. This indigent burial policy is enacted to comply with the provisions of Ohio R.C. 9.15 pertaining to the burial of indigent persons found within the City who are not claimed by any person for private interment or cremation at the person's own expense, or interment or cremation when the body of an indigent person is claimed by an indigent person. The purpose of this policy is to provide for the burial of indigents, or the burial of an indigent person claimed by an indigent person, for reasons of public health and sensibilities.

(b) Application of Policy.

When the body of a dead person is found within the City and such person was not an inmate of a correctional, benevolent, or charitable institution of this State; and the body is not claimed by any person for private interment or cremation at the person's own expense; or delivered for the purpose of medical or surgical study or dissection in accordance with Ohio R.C. 1713.34, the City shall be liable for the cremation and interment expenses, in the amounts set forth herein, if:

deceased is determined to be an indigent person; and

person was a legal resident of the City of Medina at the time of death.

When the body is claimed by an indigent person simply as that of a loved one, without undertaking to arrange and pay for private interment, the City shall be liable for the cremation or interment expenses, in the amounts set forth herein, if:

deceased is determined to be an indigent person; and

person was a legal resident of the City of Medina at the time of death; and

claimant is determined to be an indigent person.

(c) Administration. The Service Director is hereby appointed as the proper officer of the City, in accordance with Ohio R.C. 9.15, to be responsible for the administration of this indigent burial policy. If the next-of-kin of the deceased are not available or are unknown, the Service Director shall have the authority to sign all documents necessary for the cremation.

(d) Determining Indigence.

Prior to the cremation authorization, the Service Director shall make reasonable attempt to determine whether the deceased person is in fact indigent and, where the deceased person is claimed by an indigent person, whether the claimant is in fact indigent.

"Indigent decedent" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State or County Veteran's Administration. The estate of the decedent shall include, but is not limited to, the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.

The term "indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty. The criteria for determining whether an individual is indigent include the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation, inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.

(e) Determining Legal Residency.

Prior to the cremation authorization, the Service Director shall make reasonable attempt to determine whether the deceased person was a legal resident of the City.

"Legal Residency" means a physical presence in a particular location, coupled with the present intent to make that place a permanent residence for a period of time.

In cases where the decedent was living in a nursing home or hospital located within the City, legal residency shall mean intent to make the nursing home or hospital a permanent residence.

(f) Policy.

Upon finding that the deceased was a legal resident of the City and an indigent person, and where the deceased person is claimed by an indigent person, that the claimant is indigent, the Service Director shall authorize the funeral director or other party to cremate the decedent.

The City shall dispose of the remains of indigent persons by cremation only. The City shall pay a maximum of seven hundred and fifty dollars (\$750.00) for the cremation and interment of the remains of the deceased. Said services shall include transportation of the deceased to the funeral home, necessary supplies and procedures, and provide a temporary urn for the storage of the deceased's cremated remains. The Finance Director is hereby authorized to pay such expenses, upon certification from the Service Director and receipt of an invoice or bill from the funeral director.

The cremated remains of the deceased may be released to the decedent's family. If the cremated remains are not claimed, the City may cause the remains to be buried, and the Finance Director is hereby authorized to pay such expenses, upon certification by the Service Director and receipt of an invoice or bill for the burial.

The City shall also provide at the grave of the person's cremated remains, if such remains are buried, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

(g) Limitations.

If the body of an indigent person is claimed by relatives or friends who arrange for the funeral according to their wishes, the City shall not pay all or any part of the expenses for the same.

The City's Indigent Burial Policy is not supplemental. The funeral director or funeral home personnel shall not ask for nor accept any funds above the amounts set forth herein. Upon completion of the cremation, the funeral director shall submit an itemized bill to the Service Director containing the following information:

- A. Name and age of the deceased;

- B. Place of burial;
- C. Services performed;
- D. Total costs of services;
- E. Amount received from other sources; and
- F. Amount due from the City.

The funeral director or funeral home shall reduce the cost to the City by the amount of funds received from any other source. If additional funds are paid to the funeral director or funeral home after the City has paid as herein provided, the City shall be refunded the exact amount of the additional funds paid to the funeral director or funeral home within thirty (30) days of the receipt thereof. The funeral director shall submit a notarized statement to the Service Director indicating his understanding and compliance with the provisions of this Policy.

In the event that it is found after the cremation of the deceased and payment of the cremation and/or burial expenses by the City, that such indigent decedent and/or indigent claimant had means, assets, insurance or other benefits or allowances available for the payment of all or part of such expenses, such proceedings may be taken to recover such costs and expenses as may be authorized by law.

(Ord. 92-10. Passed 5-24-10.)

943.99 PENALTY.

Whoever violates any provision of this Chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 25-05. Passed 2-14-05.)

