

RULES AND REGULATIONS
GOVERNING
McCLELLANTOWN PRESBYTERIAN CHURCH CEMETERY
ALSO KNOWN AS
CHURCH HILL CEMETERY

INTRODUCTION

For the mutual protection of all purchasers of lots or spaces in our cemetery, the following rules and regulations, as well as any amendments hereafter adopted by the management, shall govern the ownership, use and control of all said lots, crypts, tombs, niches or spaces, now owned by or hereafter purchased by any person or persons, and the reference to these, or any preceding rules and regulations in the Deed or in any purchase agreement shall have the same force and effect as if these rules and amendments were set forth therein in full. The title to all land shown on the map of the cemetery is vested in and shall remain vested in the Church subject to the right of sepulture granted in accordance with said rules and regulations.

The management of the McClellandtown Presbyterian Church Cemetery respectfully submits the following rules, restrictions, and regulations for the guidance of the lot owners at the cemetery, visitors, and contractors performing work within the cemetery. Their enforcement will protect your cemetery and preserve its beauty. They shall be subject to amendment by the management from time to time, with or without notice to any lot owner.

As a deed holder with lots in the above cemetery, please read and keep this copy of the following rules and regulations adopted by the cemetery management for the cemetery named above. If, at any time, your lot is found to be in non-compliance with any of these rules, you will be contacted and it is your responsibility to do whatever is necessary to bring your plot into compliance within thirty (30) days. If you do not do this, then the cemetery management has the right to correct any non-compliant issues on your lot, at your expense, if there is any expense incurred by the cemetery management.

DEFINITIONS

Rule 1. Cemetery—The word “cemetery” is hereby defined to include a burial park, garden, or grounds for earth interments, a private mausoleum for crypt interments, a columbarium for cinerary interments, or a combination of more than one thereof. The word does not include undeveloped land.

Rule 2. Space—The word “space” shall mean sufficient ground to accommodate earth interment of one individual and is synonymous with the word “grave”.

Rule 3. Lot—The word “lot” shall apply to a numbered division as shown on the maps, which consists of two or more spaces. A full lot=8 burial plots; a half lot=4 burial plots; a quarter lot=2 burial plots; a plot=1 burial plot.

Rule 4. Interment—The word “interment” shall mean the permanent disposition of the remains of a deceased person by burial and entombment under the direction and control of cemetery employees.

Rule 5. Memorial—The word “memorial” shall include a monument, headstone, marker, bronze tablet or vase, headstone, private mausoleum or tomb for family or individual use, urn, niche or crypt plate or lettering.

Rule 6. Cornerstone—The word “cornerstone” shall mean a post of marble, concrete or other suitable material used by the cemetery management, flush with the ground to locate corners of lots or spaces, when, as and if the management deems them necessary.

Rule 7. Deed—The word “deed” shall apply to the original conveyance by the cemetery management to the original purchaser, or any conveyance of title by a lot or space owner to another person or persons with the management’s knowledge and consent.

Rule 8. Owner’s Declaration of Privilege—The term “owner’s declaration of privilege” shall apply to any document executed by an owner or owners, with knowledge of the cemetery management, designating and specifying the person or persons entitled to be buried in the owner’s lot or lots.

Rule 9. Management—The word “management” means McClellandtown Presbyterian Church Cemetery, which owns, controls, and manages the cemetery. Management means the officers of the Church (Church Session) and the executive employees of the cemetery.

Rule 10. Immediate Family—The words “immediate family” mean the spouse of an owner or a deceased person, the children and parents of such, in that order.

Rule 11. Relative—The word “relative” means the spouse of an owner or deceased person, and those persons directly related to him or her by whole or half blood, who are within a degree of consanguinity not further removed than first cousin, and the “personal representative” of such a person means the administrator or executor of his or her estate, after death.

GENERAL SUPERVISION OF CEMETERY AND GENERAL REGULATIONS

Rule 12. All funerals, on reaching the cemetery, shall be under the supervision and control of the cemetery management.

Rule 13. Ownership of space in the cemetery shall confer only interment rights for the burial of the human dead.

Rule 14. The cemetery shall take reasonable precaution to protect owners, the property rights of owners, within the cemetery, from loss or damage; but, it distinctly disclaims all responsibility of loss or damage from causes beyond its reasonable control; and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral.

Rule 15. The sale or transfer of any interment right by any owner or purchaser, shall not be binding upon the cemetery unless same shall first be duly approved in writing by the properly authorized officer of the cemetery. This procedure is required in order that the cemetery may at all times have a complete and accurate record of all owners and purchasers.

Rule 16. All grading, landscape work, and improvements of any kind, and all care of lots, shall be done, and all trees, shrubs, and herbage of any kind shall be planted, trimmed, cut or removed, and all openings and closings of lots, and all interments, disinterments, and removals shall be made by the cemetery. No enclosure of any kind, such as a fence, coping, hedge, ditch, stones, gravel, walls, or borders of any kind shall be permitted around any grave or lot. Grave mounds will not be allowed and no lot shall be raised above the established grade.

Rule 17. The authorized officers of the cemetery shall direct, generally, improvements within the grounds and upon all lots and graves, before as well as after interments have been made therein. They shall have charge of the planting, sodding, surveying, and improvements generally. No person other than the proper employees of the cemetery shall be allowed to perform any work with the cemetery without written permit from the authorized officers of the cemetery.

Rule 18. Bringing lunches, beer or intoxicating liquors within the cemetery is strictly forbidden.

Rule 19. The cemetery is not responsible for theft or damage to anything placed on graves or lots.

Rule 20. Any person found on the grounds after dark will be considered a trespasser.

Rule 21. In making excavations, the cemetery reserves the rights to temporarily use adjoining lots and to place thereon such material as is necessary to do the work.

Rule 22. All lot owners are requested and required to furnish the management with a mailing address and they are requested and required to notify the management of any and all changes of address.

INTERMENT AND DISINTERMENT

Rule 23. All interments, disinterments, removals and installations must be made at the time, in the manner, and subject to the payment of written charges as fixed by cemetery management.

Rule 24. The legal spouse of an owner of any lot containing more than one interment space has a vested right of interment of his or her remains in the lot as long as the legal marriage relationship was maintained at the time of the first death. A second spouse of said owner shall have the same right of burial, provided, at least two interment spaces are unoccupied at the time of the death of the owner of the lot.

Rule 25. All burials will be with the head in the west next to the headstone or marker. The husband is to be placed on the left side.

DECORATION OF LOTS

Rule 26. Flowers are welcome at the cemetery. Fresh flowers are not only welcome--they are appreciated. They add to the natural beauty of the cemetery.

However, to maintain the beauty of the cemetery and its reputation or careful management, a few rules must be followed:

A.) Management shall have the right to remove all floral designs, flowers, and other decorations of any kind from the cemetery if, in the judgment of the management, they do not conform to the standards maintained by the cemetery. Seasonal plants that are maintained by the lot owner can be planted.

B.) The placing in the cemetery of boxes, statuary shells, toys, metal designs, ornaments, chairs, vases, glass, wood or iron cases, glass and plastic blocks, artificial animals, tin cans, crockery, waste baskets, pails, cardboard cartons, and the like, will not be permitted, except that vigil lights are permitted at the lot owner's risk of theft or damage.

C.) Live flower boxes, not more than one per grave, placed upon lots and graves on special holidays during the growing season (Easter, Mother's Day, Memorial Day, Father's Day), will be removed after a period of one week. If they are allowed to remain too long, they burn the grass and they interfere with mowing and trimming.

D.) Winter decorations, such as natural wreaths placed on easels, and other approved arrangements will be permitted from November until the posted removal dates at the entrance to the cemetery. Winter decorations will be removed when they become unsightly. All winter decorations will be removed according to the posted dates.

E.) All lots shall be cleaned under the direction and at the expense of the management of all leaves, briars, weeds and rubbish of all kinds, at least twice a year; cemetery clean-up dates will be posted at the cemetery entrance. Any seasonal plants or other such items that may be present after the date of the posted clean-up period will be removed.

If in doubt about any decorations, please consult the cemetery management for information and assistance. Your cooperation in helping to keep our cemetery beautiful at all times is greatly appreciated.

Rule 27. Solar lights or candles may be placed within one (1) foot of the headstone or marker.

MONUMENTS, MARKERS (HEADSTONES) AND MEMORIALS

Rule 28. Only one grave monument or marker will be permitted on one grave space. If two people are buried in one burial plot, only one raised headstone or marker may be erected. The second marker must be a flat bronze or stone tablet set flush with the turf. No memorial may be set to embrace two or more grave spaces except a companion or a family memorial, nor shall more than one family name be permitted on any memorial, unless approved in writing by the cemetery management at the time of the sale of the interment right.

Rule 29. If any lot owner desires to use a bronze vase for artificial flowers during the winter months he or she shall be solely responsible for the bursting of a vase that shall collect water which freezes and bursts the vase.

Rule 30. The management reserves and shall have the right to correct any error that may be made by its employees or by any person or persons in the location or placing of a memorial in the cemetery.

Rule 31. No wooden grave markers of any kind are permitted. Stones, monuments, or sepulchral structures are to be composed of marble, granite, or bronze.

Rule 32. All headstones and markers are to be installed in a line on the western edge of the lots.

Rule 33. All inscriptions are to be written on the eastern side of the headstone or marker facing the grave. The family name is permitted on the western side of the headstone or marker.

Rule 34. All markers at the foot of the grave must be ground level.

Rule 35. If any stone monument, effigy, or any structure whatever, or any inscription thereon, be placed in or upon any lot which shall be determined by the cemetery management to be offensive or improper, the management shall have the right and duty to enter upon the lot and remove the offensive or improper things.

PERPETUAL CARE

Rule 36. Perpetual care means that within the limits permitted by the income derived from the perpetual care fund for interment space, the cemetery grounds will be maintained in keeping with a well preserved burial park; keeping in repair the drains, water lines, roads, buildings, fences and other structures, including features and embellishments of a general character applicable to the cemetery as a whole or to a particular area, painting, cleaning or otherwise preserving structures at reasonable intervals; maintaining the necessary information concerning endowment and having same available to the public authorities and other interested persons.

This shall not include maintenance, repair or replacement of any memorial under any circumstances, nor the repair or replacement of buildings, structures or other property when the damage is caused by vandals, thieves, act of God, common enemy, riots, or by the order of any military or civil authority; or acts beyond the control of the cemetery management.

Rule 37. The grass on any lot shall not be allowed to grow over four inches in height during any time in each year.

ADDITIONAL GENERAL REGULATIONS

Rule 38. No lot or grave space may be decorated by its owners or others with any tree or shrub, nor any the trees or shrubs already planted thereon by the management be disturbed in any way, without first obtaining the consent of the cemetery management in writing.

Rule 39. Any person injured while walking on the grass, or while on any portion of the cemetery other than roads, shall in no way hold the management liable for any injuries sustained.

Rule 40. No burials will be performed on a plot unless the plot has been paid for in full. Also, if there have been additional plots reserved, no further burials will be performed unless these plots have been paid for in full. The purchaser has one (1) year from the initial purchase date to pay the balance for all the plots; or, at the end of the year, if there is still a balance due, the cemetery supervisor we contact the purchaser to advise him/her that the year is up, and the balance is due immediately. If payment is not made, the remaining plots revert to the McClellandtown Presbyterian Church cemetery and can be sold to any other interested purchaser. Any money paid for the plots, which does not cover the amount for cost of a plot, will be returned to the purchaser.

Rule 41. Any person/persons interested in purchasing plots in the McClellandtown Presbyterian Church cemetery will be given a copy of the rules and regulations regarding the cemetery at the initial contact with the cemetery supervisor. The supervisor will discuss these rules and regulations with the perspective buyer to be sure he/she understand them. This will be done before the purchase has been made.

Rule 42. Any individual exceptions to any of the above rules and regulations must be, and can only be approved, in writing, by the cemetery management. Before making any changes to the cemetery plot, individuals should contact the cemetery supervisor for permission.

Rule 41. The management may, and it hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter, revise or repeal any rule, regulation, article, section, paragraph, or sentence in these Rules and Regulations. Such adoption, amendment, alteration, revision or repeal shall be made by resolution of the cemetery committee and approved by the Church Session at any regular or special meeting. **It is specifically understood that any changes in the Rules and Regulations will be binding upon owners of record or any person claiming rights by virtue of or through such ownership. Oral statements inconsistent with these Rules and Regulations made by any person shall in no way bind the management.**