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ORDINANCE NO. 2005-4

***AN ORDINANCE ESTABLISHING
RULES AND REGULATIONS
FOR SUNSET HILL CEMETERY***

WHEREAS, the Common Council, City of Rockport, Indiana, having established a cemetery board pursuant to Indiana Code 23-14-65-11, is desirous of establishing rules and regulations for the governance of Sunset Hill Cemetery and any other cemeteries that may come under its jurisdiction, to foster the mutual protection of every owner or owners of burial spaces in the Sunset Hill Cemetery, and for all persons who have an interest in the operations of said Cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL FOR THE CITY OF ROCKPORT, INDIANA AS FOLLOWS:

ARTICLE I

Definitions

- A. Burial space: Any space within the Cemetery used or intended to be used for the interment of human remains and includes earthen interments.
- B. Burial space owner: Any person in whose name a burial space is of record as owner in the office of the Cemetery.
- C. Cemetery: All land and structures comprising Sunset Hill Cemetery and Road D150 South Annex.
- D. Cemetery Purposes: Any and all things requisite or necessary for or incident or convenient to the establishment, maintenance, management, operation, improvement, and conduct of a Cemetery, the preparation for interment and the interment of the human dead, and the care, preservation, and embellishment of Cemetery property.
- E. Cremation: The incineration of the body of a deceased person.
- F. Human Remains: The body of a deceased person, and includes the body in any stage of decomposition and cremated remains.
- G. Interment: Any lawful disposition of the remains of a deceased person.
- H. Common Council, City of Rockport: Persons duly elected, and qualified pursuant to law, to serve as the governing body of the Cemetery. (Referred to as "Council" in the remainder of this document).

I. Cemetery Board: Persons appointed by the Mayor according to Indiana Code 23-14-65-11. Referred to as the Board in the remainder of this document.

ARTICLE II

General Supervision

- A. Sunset Hill Cemetery was established in the 1800's. In 2005, the City of Rockport by ordinance shifted day-to-day responsibility for Sunset Hill Cemetery to the Cemetery Board.
- B. The Board has exclusive jurisdiction and control of all the property, real and personal constituting the assets and cemetery and shall control all expenditures under five hundred dollars (\$500) made on account thereof, board cause such needed repairs and improvements to be made as it may deem necessary, fix from time to time a scale of prices for the sale of burial spaces and other services, and manage, control and invest the funds in its treasury, and such other rights as they may have or be granted by law. The Board shall request permission from the Council for and amount above \$500.
- C. The Board is charged with the duty of enforcing the rules and provisions of the Municipal Code of the City of Rockport pertaining to the operations of the City Cemetery, and shall make and enforce such rules and regulations consistent with the Municipal Code and the laws of the State of Indiana as may be necessary for the care and management of the cemetery.
- D. When these rules and regulations contemplate the performance of certain duties by the City Personnel, such duties may also be performed by any person or persons so designated by City Personnel or the Board. This does not relieve the City of these responsibilities and should be used as an aide in the performance of his or her duties. All employees of the Cemeteries are under the supervision of their respective Superintendents.

ARTICLE III

Sales of Burial Spaces/Legal Descent of Burial Spaces

A. Payment and Issuance of Instrument of Ownership:

All burial spaces must be paid for in full before any interment will be permitted, purchase price to be paid at City Hall. Purchaser shall receive a receipt for same, which shall entitle purchaser to an instrument of ownership executed by the Mayor and acknowledged by the City Clerk. It is recommended that the purchaser of more than one burial space place the instrument of ownership on record with the County Recorder.

B. Original Purchaser:

All instruments conveying ownership to burial spaces shall be construed as simply granting the right to use the same for burial purposes, and for the interment of the original

purchaser and such other person as are so designated in writing by the original purchaser, or as provided by law or these rules and regulations.

C. Legal Descent of Burial Space:

All burial rights in burial spaces granted to individuals shall be the sole and separate property of the person named as grantee in the instrument of grant: provided, however, that the spouse of the grantee of any such burial space containing more than (1) burial space if otherwise consistent with the grant shall have a vested right of interment of his or her remains therein and any person thereafter becoming the spouse of grantee shall have a vested right of interment in such burial spaces if more than one (1) burial space remains unoccupied at the time such person becomes the spouse of such grantee. No transfer or other action of such grantee without joinder therein or written consent endorsed therein or attached thereto of the spouse of such grantee shall divest such spouse of such vested right of interment.

D. Purchase of Burial Spaces by Two or More Persons:

In all grants of burial spaces to two (2) or more persons as joint tenants, each joint tenant shall have a vested right of interment of his or her remains in the burial spaces so granted. Upon the death of a joint tenant, the title to the burial space theretofore held in joint tenancy vests to the burial space theretofore held in joint tenancy vests in the survivor or survivors, subject to the vested right of interment for the remains of the deceased joint tenant owner. Any burial space held in "joint tenancy" is the ownership by two (2) or more persons, not husband and wife, with the right of survivorship. An affidavit by any competent person setting forth the fact of the death of one (1) joint tenant and establishing the identity of the surviving joint tenant, named in the instrument or grant of burial space in the Cemetery, when filed with the Cemetery in which such burial space is located, shall be complete authority to the Cemetery to permit the use of the unoccupied burial spaces in accordance with the direction of the surviving joint tenant or his successor in interest.

E. Purchase of Burial Space by Husband and Wife:

When the owners of the burial spaces are husband and wife the title shall be recognized as "tenancy by the entireties" and right of interment shall be vested and controlled equally by both while living, or the surviving spouse or the immediate next of kin.

(1). A vested right of interment as herein provided may be waived by an instrument in writing or shall be terminated upon the interment elsewhere of the remains of a person entitled thereto.

(2). No such vested right of interment shall be construed to give to any person the right to have his or her remains interred in any interment space in which the remains of any deceased person having a prior right of interment therein shall have been deposited, to any person the right to have the remains of more than one (1) deceased person interred in a Single burial space in violation of the rules and regulations of the Cemetery.

F. Divorce:

In cause of divorce of husband and wife owning burial spaces as "tenancy by the entireties" who have not both made any written designation of same, and if not otherwise provided in the final decree of divorce between them, such burial spaces shall then be held by them as "tenants in common" as with the consent of the Board, either may transfer his or her burial spaces to the other by an instrument executed under his or her hand and seal and duly acknowledged before any officer authorized to take subsequently placing such instrument on file with the City Hall.

G. Death of Record Owner of Burial Spaces:

Upon the death of the record owner of burial spaces, then unless such owner shall have disposed of such burial spaces by a specific devise thereof in his last will and testament, or by a written designation filed with the Cemetery, such burial spaces shall thereby become inalienable, and such burial spaces shall thereafter be held as the family burial spaces (1) for the surviving spouse of the record owner, and in those spaces remaining, if any, the parents and children of said deceased record owner in order of need may be interred without the consent of any person claiming any interest therein. In the event there shall be no parent, or Child surviving such deceased record owner, the right of interment therein shall go in order of need first, to the spouse of any Child of said record owner and second, in order of need to the heirs at law of said record owner as specified by the statutes of descent or the spouse of any such heir at law.

H. Waiver of Burial Rights:

Any surviving spouse of any parent, Child or heir of such deceased owner having a right of interment in such burial spaces, may be written instrument recorded with the Cemetery waive such right in favor of any other relative or spouse of such relative of such deceased recorded owner; upon such written waiver the body of the person in whose favor the waiver is made may be interred therein.

I. Affidavit Required:

An affidavit setting forth the fact of the death of the owner and the name of or persons entitled to use such burial spaces in accordance with the provisions hereof, shall be complete authority to the Cemetery to permit the use of the unoccupied burial spaces by the person or person so designated in the affidavit, to be entitled thereto.

J. Selling Burial Spaces to Third Party:

When a record owner of burial spaces desires to sell and convey such burial spaces to a third party, such conveyance must be by written instrument, the same to be approved by the Board, and filed with City Hall Office. A reasonable fee shall be charged for recording the transfer information. The Board may repurchase burial spaces, nor do Cemetery personnel act as agent or broker in such transfer transactions.

K. Right of Ingress and Egress:

The Board for the purpose of performing necessary Cemetery operations and maintenance reserves a perpetual right of ingress and egress over and across all burial spaces.

ARTICLE IV

Interments and Disinterment

A. Human Remains Only:

All burial space shall be used only for interment of deceased human beings. The remains for only one (1) person shall be interred in a burial space except that permission shall be granted when the remains of more than one (1) person, are desired to be placed in the same burial space.

B. Prior Notice Required:

Interment and/or entombment arrangements are to be made only with the Mayor or appropriate contact during normal business hours. The right is reserved by the Cemetery Board to insist upon at least twenty-four (24) working hour's notice prior to any interment and/or any entombment, and at least one (1) week's notice prior to any disinterment and/or removal.

C. Time and Charges:

All interments, disinterment and removals must be made at the time and in the manner and subject to such charges as fixed by the Board. Additional charges are made for funerals conducted after 3:00 P.M. on weekdays, Saturdays and designated holidays.

D. Outer Container Required:

Every adult and junior size earth interment shall be made in an outer container of concrete or steel, of sufficient strength and durability to provide a reasonably permanent support for the weight above such container. The firm furnishing such container shall make the actual installation of such. The Board shall not be responsible for any delay of interments because of not being able to use an outside container that is too large for the designated burial space. In some cases, due to size of outside container, it shall be necessary that two (2) burial spaces be utilized for one interment.

E. Combination Baby Casket/and Vault:

For stillborn and infant interments the Board will permit the use of the baby casket/Vault combination. This Vault measures 26 inches long, 12 inches wide and 11 inches high and is made of plastic material.

F. Closing of Burial Space:

All human remains interred in the earth shall have a cover of not less than two (2) feet of earth at the shallowest point over the outside container in which the remains are deposited.

G. Authorization for Interments:

The Board shall have authority to make an interment of the body of a deceased person or the cremated remains thereof, upon the receipt of a written authorization of a person representing himself to be the surviving spouse, or surviving Child or parent, or next of kin, of such descendant, or person who represents himself as having acquired the right to control the disposition of such body or cremated remains, and any person signing any authorization for the interment of any remains shall be deemed to warrant the truthfulness of any fact set forth in the authorization and the identity of the person whose remains are sought to be interred, and his authority to order such interment, and shall be personally and individually liable for all damages, losses and costs to the Cemetery and/or Board occasioned thereby or resulting there from.

H. Burial Permit and Information:

The City shall not suffer or permit the remains of any person to be interred without first receiving from the funeral director in charge of the funeral service, a "Permit for Disposition of Human Remains" issued by the County Department of Health, and such permit shall form a permanent part of Cemetery records. Records shall be kept at City Hall of every interment in the Cemetery, showing the name of the deceased, age, marital status, cause of death, last place of residence, date of interment, and the section, lot and burial space number where interment was made. Any person or persons performing the interment shall first execute a written agreement prepared by the City, and keep same on file at City Hall.

I. Special Instructions:

Should there be any special instruction or wishes in reference to conducting or arrangement of interment, it shall be the duty of the funeral director or person in charge to make such known to the Superintendent or authorized representative of the Cemetery before the burial service, who shall make reasonable efforts to comply with all requests thus made, but shall be under no obligation or duty to do so.

J. Procession Supervision:

Funeral directors are in charge of all funeral processions entering the Cemetery until the burial service is completed and the funeral procession has departed from the Cemetery grounds.

K. Opening of Casket:

Once a casket containing a body is within the confines of the Cemetery, no one shall be permitted to open the casket or touch the body without the consent of a member of the family of the deceased, and then only by the funeral director conducting the service.

L. Delays in Interments:

The City of Rockport, it's officials, agents, and employees shall be in no way liable for any delay in the interment of a body, or for any delay in the fulfillment of any of its contract or legal obligations, including but not limited to maintenance, care, memorial work or construction, which may arise from causes beyond its reasonable control, and especially, from delays caused by the elements, an act of God, common enemy, thieves, vandals, strikes, unavoidable accidents, riots, or order of any military or civil authority.

M. Right to Remove:

The remains of a deceased person interred in the Cemetery may be removed with consent of the Board and the written consent of the surviving spouse, or if there be no surviving spouse, then of the children, or if there be no spouse nor children, then of the surviving parents of the deceased, or should there be no surviving spouse nor children nor parent, then of the brother and sisters of the deceased. If the consent of any such person or of the Board cannot be obtained, then no such removal shall be made without a judgment of the Circuit or Superior Court of Spencer County, State of Indiana; provided, further, that this paragraph shall not apply to the disinterment of remains upon the written order of the Coroner of Spencer County for the purpose of autopsy.

N. Care in Removal:

The City of Rockport, it's officials, agents and employees shall exercise all reasonable precautions in making a removal, but will in no way be liable for damage to any casket or burial case or urn incurred in making such removal.

O. Cremains:

When cremains are to be interred, it is required that the urn containing the ashes be placed in an outer receptacle made of concrete or metal.

P. Right to Correct Error:

In the event the Cemetery Board, or any city employee should make an error in fulfilling their duties relative to the operation and use of the Cemetery, including, but not limited to interments, disinterment, removals and making inaccurate descriptions or improper transfer of burial space, then the Board reserves the right to take such action as they deem reasonably fair and proper in order to correct any such error. In the event an error shall involve the interment of the remains of a person in an improper space, such remains may be removed to another space, providing the Board determines that the other space is comparable in value and similar in location.

ARTICLE V

Care, General & Perpetual

A. General Care:

The "General Care" of the Cemetery, as the term implies, means any and all things requisite or necessary for the general upkeep, care and maintenance of the Cemetery grounds and improvements. Included in General Care, but not limited thereto, is the maintaining and keeping in good working condition, all machinery, tools and equipment required for Cemetery operation. Also, the keeping in a good state or repair, the drains, water lines, roads, fence, and other Cemetery buildings, structures and property owned by the Cemetery.

B. Not Applicable to Memorial or Burial Structures:

In no case, shall "General Care" be construed as meaning the maintenance, repair or replacement of any memorial, monument, marker or tomb within the confines of the Cemetery. It is required that each burial space owner shall keep in good repair all stone or monumental work placed upon his or her burial space.

C. Filling & Seeding Burial Space:

The Cemetery Board hereby assumes the responsibility of filling and seeding the burial space.

D. No Floral Agreements:

The cemetery Board reserves the right to refuse perpetual funds which are conditioned upon the purchasing and placing of floral decorations upon burial spaces, or which otherwise requires the performance of other special services.

ARTICLE VI

Burial Space Description

A. Burial Space Descriptions:

Descriptions of lots and burial spaces are in accordance with the Cemetery plats which are kept on file in the administration building. The Cemetery is platted into sections, which are subdivided into Blocks, which are subdivided into Rows, with designated lots. Example: Section Old, Block 7, Row 9, Lot 14 100,

ARTICLE VII

Markers & Monuments

A. Check With Office:

Before any owner of burial spaces signs a contract for a marker or monument, it is required that such owner, or his contractor, determine whether the desired marker or monument may be installed upon the burial space, and if the size thereof complies with rules and regulations established by the Board. This should be confirmed and if the marker does not comply the request must be submitted to the Board for approval.

Criteria for the placement of markers, monuments, and ledgers:

(1) The marker will in no way block access to or prevent the utilization of burial space in the surrounding area.

(2) The marker will not hamper any of the landscape maintenance needs of the Cemetery including, but not limited to grass mowing and trimming.

B. Consent of Owner and Foundation Required:

No person will be permitted to erect a marker or monument on a burial space without the written consent of the owner thereof; and no marker or monument shall be erected unless it is firmly placed on a suitable foundation of solid masonry to be constructed by Owner's contractor and which meet specifications listed under Section D of this ordinance.

C. Quality of Materials:

All markers or monuments must be of good quality granite, marble or comparable materials of good quality approved by the Cemetery Board.

D. Markers: Maximum Sizes:

Markers are to be centered at the head or the foot of the burial space and in line with the marker row. The Board recommends the following sizes:

- (1) Single Burial Space: 28" X 12". Foundation to be 24" deep.
- (2) Double Burial Spaces: 54" X 12". Foundation to be 24" deep.
- (3) Triple Burial Spaces: 60" X 12". Foundation to be 24" deep.
- (2) Babyland: 16" X 18" X 12" in height. Foundation to be 24" deep.

E. Monuments: Maximum Sizes:

Monuments, within the meaning of these rules and regulations, shall apply to any memorial composed of two (2) or more pieces. Only one (1) monument will be permitted on a burial space, regardless of the number of burial spaces composing said lot. Monuments can be placed over one (1), two (2) or three (3) graves in monument row of lot owner's choice.

The following size monuments depending upon number of burial spaces in the lot are recommended.

(1) Single Burial Spaces: 28" x 12" foundation must be 24" deep.

(2) 2 - Burial Spaces: In a consecutive row, two burial spaces may have a monument 54" x 8" x 24" . Foundation must be 24" deep and must use two (2) steel fence posts and/or steel rebar/posts.

(3) 4 - Burial Spaces: In a consecutive row, may have a monument 72" X 14" wide. Foundation to be 3 feet deep.

(4) 5 - Or More Burial Spaces: In a consecutive row, may have a monument 84" long, 16" wide. Foundation to be at least 3 feet deep.

The above-listed articles (1)-(5) will be at the expense of the plot owner(s).

F. Foot Stones:

Lots having monuments may also have footstones, which are to be installed in the foot stone row. Foot stones are not to exceed 24" in length, 12" wide. Must be flush with sod markers.

G. Insure Against Perils:

It is suggested that owners of markers and/or monuments insure same against such perils as vandalism, storms, lightning, explosion, fire and theft, etc.

H. Veterans Markers:

If Veteran's family wants VA marker in addition to monument/marker, they have to use a flat bronze marker placed at foot of grave if not mounted to stone. When the family of a deceased veteran desires to remove the government marker and replace same with a conventional type marker, the family must receive permission from the Veteran's Administration and upon removal of the government marker it must be destroyed and certification filed by the Veteran's Administration attesting to this fact.

Markers made of bronze must be returned to Veterans Administration.

I. Veteran's Burial Space

1. The availability of honorably-discharged veteran's graves for Indiana residents will be reduced by fifty (\$50.00) dollars.
2. Spouse may purchase grave for current price.

J. What Urns are Permitted:

Metal cups affixed to a monument or markers are permitted where there is ample room for same on the monument or marker. Vases will not be allowed between marker or ground mounted.

K. Ledgers, Fences, Enclosures and Benches:

Ledgers are permitted to be installed upon burial spaces. The installation of fences or enclosures around burial spaces is prohibited. The placing of benches upon burial spaces is likewise prohibited.

Criteria for Ledgers:

- (1). Must be made of granite, minimum four (4) inches thick.
- (2). Foundation must be the length and width of the ledger and 18 inches deep.

L. Removal of Marker or Monument:

Markers or monuments shall not be removed from the Cemetery except by written authority of the marker or monument owner; however, in cases where it is necessary for Cemetery personnel to remove a marker and foundation to permit a burial space to be utilized, a charge in addition to the regular opening and closing fee shall be made to cover the cost of the extra labor and material involved in removing and replacing such foundation and marker.

M. Inspection of Markers and Monuments:

The Board reserves the right to inspect all markers and monuments placed upon the burial space, and may order the removal of a marker or monument if it is not in compliance with the restrictions herein contained or if it does not meet the acceptable standards of good taste and fails to conform with surrounding markers and monuments.

N. Workmen in Cemetery:

Any person, firm, corporation or other organization, who sells, erects, installs or places markers and/or monuments upon burial spaces, shall be considered independent contractors, and the placement of marker and/or monuments upon burial spaces shall be

the sole responsibility of the contractor providing same. Workmen employed in placing markers and/or monuments upon burial spaces shall be subject to all rules and regulations of the Board, and when a funeral or interment is being conducted nearby, all work of every description shall cease.

O. Certificate of Insurance Required:

All persons, firms, corporations, or other organizations bringing equipment into the Cemetery and performing labor therein, shall have on file in City Hall a current Certificate of Insurance, as related to Workmen's Compensation, Employers Liability, Public Liability and Manufacturers and Contractors Liability Insurance Coverage, and such other insurance coverage as may be reasonably required by the Board.

P. Obligation of Burial Space Owner:

It shall be the obligation and duty of burial space owners to keep all markers and/or monuments in a good state of repair, and upon failure to do so, the Board may notify owner of needed repairs.

ARTICLE VIII

Burial Space Decorations/Trees & Shrubs

A. Funeral Flowers:

Funeral designs and cut flowers will be removed within seven days from the burial space as soon as the flowers become wilted or unsightly, and persons wishing to retain any floral design or decoration are urged to remove them immediately following the funeral service. The Cemetery Board shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the Cemetery.

B. Artificial Flowers:

Artificial flowers may be placed upon burial spaces beginning November 1, and may remain thereon until the following March 1, after which date all such artificial floral decorations shall be removed. Persons desiring to keep such decorations for future use must remove prior to March 1. Artificial flowers may be placed on the markers, monuments or in hanging baskets from Jacob Hooks and in vases mounted to monuments year round, as long as they do not interfere with the maintenance of the Cemetery or cause any type of danger to visitors, cemetery workers or equipment. Any floral arrangements that are deemed dangerous or hamper the maintenance of the Cemetery will be removed.

C. Artificial Flower Disposal

On or before March 1st of each year all artificial floral arrangements are to be removed from the ground to accommodate the mowing season. After such date the

Cemetery will remove all floral arrangements that are not mounted on the markers, monuments, in hanging baskets or that may hamper mowing and maintenance. The Board will make these items available to a "Not for Profit" organization to be used for educational and/or rehabilitation purposes, if this is not convenient they will be disposed of.

D. Potted Plants and Fresh Cut Flowers:

During the period March 1, to October 31, potted plants and cut flowers may be used only on the stone, stone base, or shepherd hooks. The Cemetery assumes no responsibility for the care of such burial space decorations, and upon their becoming wilted or unsightly they shall be removed without notice to the owner thereof. No live flowers or plants are allowed in the mausoleums at anytime. Prior arrangements must be made with the Cemetery Board prior to the planting of any flowers in front or behind of any burial spaces.

E. Items Prohibited:

The placing of all articles on burial spaces except flowers outside the mowing area is prohibited; no toys, cases, boxes, globes, shells, cans, jugs, bottles and bric-a-brac of every description. If anything be placed upon any burial space which shall be deemed offensive, improper or injurious to person or property, or which violates any rule or regulation, the Superintendent shall have the right, and it shall be their duty to enter upon said burial space and remove said article or articles there from without notice.

F. Receptacles for Waste:

Receptacles for waste material are located at convenient locations in the Cemetery. The throwing of rubbish on the drives, or any part of the grounds is prohibited.

G. Planting of Trees and Shrubs:

The planting of trees on burial spaces is prohibited. Shrubs will be permitted under the direction of the Board, however, if any tree or shrub situated on any burial space shall, by means of its roots or branches, or otherwise become detrimental to the adjacent burial spaces or avenues; or dangerous or inconvenient to passerby, the Superintendent shall have the right, and it shall be their duty to enter upon such burial space and remove such tree or shrub, or any part thereof considered dangerous, detrimental or inconvenient. The planting of cone-bearing evergreens is prohibited without prior written permission of the Cemetery board.

H. Expense of Removing Trees and Shrubs:

Plants, trees and shrubs now growing on burial spaces shall be removed by the owner or claimant of said burial spaces on which same are situated, however the Cemetery Board shall order the same removed: and the owner or claimant shall receive ninety (90) day notice thereof, on the failure of such owner or claimant to remove such

plant, tree, or shrub, the Board may cause the same to be moved at owner's or claimant's expense, and if necessary, recover the cost of same in an action at law. All such removals must be done under the direction of the Superintendent.

ARTICLE IX

General Cemetery Rules

A. Business Transactions:

All business must be transacted at City Hall, including the registering or complaints, and lost and found article should be turned in at the office.

B. Cemetery Personnel:

Employees of the Cemetery are not permitted to do work for burial space owners except upon order of the Superintendent and/or the entire Cemetery Board.

C. Children:

Children under 12 years of age, must be accompanied by an adult who shall be responsible for their conduct.

D. Disturbing The Peace:

Any person disturbing the quiet and good order of the Cemetery, either by making a noise or by any boisterous or improper conduct, shall be removed from the confines of the Cemetery by order of the Rockport City Police.

E. Fees and Charges:

All fees and charges for services are payable at Rockport City Hall. Patrons of the Cemetery are requested not to pay any fee or gratuity to any Cemetery employee. Patrons shall always receive a receipt for any payments made pursuant to the following schedule:

- a) \$250 for Rockport residents
- b) \$300 for residents residing outside the corporate boundary at the time of death
- c) Less \$50 discount for honorably-discharged veterans and their spouses.

F. Firearms:

Persons bearing firearms (excluding law enforcement officers) have permission to enter the Cemetery only when participating at military funerals or exercises.

G. Hunting - Fishing:

No person shall hunt or fish or drive or chase any game or wildlife within the confines of the Cemetery.

H. Loitering Not Permitted:

Loitering or loafing within the confines of the Cemetery is prohibited.

I. Mischievous or Unlawful Conduct:

No person shall deface, pencil, desecrate or otherwise defile or damage any monument, marker, curial structure or other improvement within the confines of the Cemetery; nor shall any person injure, damage, or destroy and tree, shrub or plant therein. Any person or persons committing such acts shall be subject to arrest and prosecution.

J. All Terrain Vehicles:

All terrain vehicles not owned by the city will not be permitted to enter the Cemetery except by permission of the Board.

K. Refreshments:

The bringing of alcoholic beverages into the Cemetery is prohibited.

L. Removal of Flowers:

Permission from City Personnel must be obtained before removing any flower, shrub or plant from the Cemetery.

M. Soliciting and Advertising:

Soliciting the sale of any commodity or memorial shall be prohibited within the confines of the Cemetery, and the Board will permit no sign of any advertising nature.

N. Speed of Vehicles:

Vehicles of all types must be operated at a speed commensurate with the traffic within the Cemetery. 10 M.P.H. is the posted speed limit.

O. Traffic in Cemetery:

Vehicles within or leaving the Cemetery shall yield to incoming funeral processions.

P. Animals:

Pets are permitted on cemetery grounds only if on a leash and attended to by the owner.

Q. Penalty for Violations:

Convictions for any violations contained in this ordinance shall be punishable by a fine of not less than \$25.00 and no more than \$250.00.

R. Cemetery Hours:

Sunrise to Sunset

ARTICLE X

Protection Against Lost

The Common Council, City of Rockport, and Cemetery Board shall take reasonable precaution to protect owners of burial spaces, and their successor or successors to burial spaces, from loss or damage; but said Board expressly disclaims all responsibility for 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, strikes, unavoidable accident, riots, or order of any military or civic authority, whether the damage be direct or collateral, other than herein provided. It is suggested that owners of private mausoleums, markers and/or monuments insure same against such perils as vandalisms, storms, lightning, explosion, fire, theft, aircraft, vehicles, and other perils.

ARTICLE XI

Exceptions and Amendments

A. Exceptions:

Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship. Therefore the Board reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations when, in its judgment, the same appears advisable; and such action is taken, shall in no way be construed as affecting the general application of such rules and regulations.

B. Amendments:

The operation of the Cemetery is under the charge and control of the Common Council who have the right hereby expressly reserved, at any time to change, modify or add to these rules and regulations whenever in its judgment the best interest of the Cemetery will be served by such action.

C. Interpretation:

In the event of a dispute or controversy arising with regard to the intent and interpretation of any rule or regulation here in contained, the matter shall be referred to the Board, and their decisions in such matters shall be final and conclusive.

ARTICLE XII

Subject to Laws

The operation and use of the Cemetery shall be subject to all applicable laws, orders and regulations of federal, state, county and municipal authorities, and also, subject to the direction of the public officer or officers pursuant to law who shall impose any regulation, order or duty upon the use and operation of the Cemetery.

Passed and Adopted by the Common Council of the City of Rockport on
this 22 day of June, 2005

COMMON COUNCIL OF THE CITY
OF ROCKPORT, INDIANA

Dean Farber

Gerald Payne

Robert M. Kelley

Robert M. Kelley

T. Dudley Keenan

ATTEST:

Terri P. H.

Clerk Treasurer

Bob Parker

Mayor