

CLEARWATER CEMETERY DISTRICT

P. O. BOX 453 – CLEARWATER, KS 67026 – PHONE 620-584-2311 – FAX 620-584-3119

Rules, Regulations and Restrictions Revised August 2021

The Clearwater Cemetery District Includes:

Clearwater (Main) Cemetery
Harrington Cemetery
Ruby Cemetery
Noel Cemetery

District Board

Trustee, Ninnescah Township
Trustee, Ohio Township
Mayor, City of Clearwater

Cemetery Office

Located at City Hall

Office Hours

7:30 a.m. to 5 p.m. Monday through Thursday
7:30 to 1 p.m. Fridays

The Cemetery office can be contacted at

620-584-2311 or at 316-633-8609

Cemetery visiting hours are as follows:

Walk in gates are open 24 hours a day, 7 days a week
Drive-in gates are open 8 a.m. to 5 p.m., 7 days a week

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1. Purpose

1.1.The following Rules and Regulations have been adopted as a guide for the use and management of All Cemeteries under the Clearwater Cemetery District (Cemetery) as identified herein. The Rules and Regulations are created to protect all who have interest here. All owners of Interment rights, visitors and contractors performing work within any Cemetery listed herein, shall be subject to these Rules and Regulations, Amendments or Alterations as adopted by the Clearwater Cemetery District Board.

2. General Rules and Regulations

2.1.Rules and Regulations of the Cemetery are made by the Cemetery and become effective upon approval by the Cemetery.

2.2.The cemetery may, and if hereby expressly reserves the right at any time without notice to lot owners, to adopt new rules and regulations or to amend, alter and/or repeal a rule, regulation and/or article, section or paragraph in these Rules and Regulations. Special cases may arise in which the literal enforcement of the rule may impose unnecessary hardship. The Cemetery therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations when, in its judgment, the same appear advisable, and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such.

2.2.1.The Cemetery retains to itself, for the benefit of all interment right owners, full and complete supervision control and management of the land, buildings, improvements, roads, walks, utilities, development, books and records, and full and complete authority, rights and privileges to make, change administer and enforce all rules and regulations and restriction not inconsistent with the laws of the State of Kansas.

2.2.2.All costs and fees are subject to update and change without notice. The Cemetery is not responsible for any cost incurred by the funeral service.

2.3.All lots in the Cemetery are sold in accordance with the provisions of the laws of the State of Kansas and shall not be used for any other purpose than as a burial place for deceased human beings. All lots sold shall include the cost of perpetual care, which is defined to include keeping graves filled, seeded and the turf maintained.

2.4.All graves on lots sold in the cemeteries shall be filled and seeded flat so as to be level with the surrounding surfaces of the lot; in other parts of the cemetery no

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mounds shall be permitted on any grave, except when soil is wet following back filling the grave.

- 2.5.** Lots MUST be paid in full before a burial is made. Full purchase price must be paid before a certificate of ownership (Deed) is issued.
- 2.6.** The Cemetery issues to each owner of the rights of burial for its lots, a Certificate of Ownership (Deed) describing the location and naming the owner or owners of the said location. The naming of more than one owner is indicative of joint ownership in common with rights of survivorship. The issuance of such certificate is the Cemetery's sole for of recognition of ownership. Possession of the Certificate by a person who is not listed on the Certificate is not in itself evidence of ownership. Purchasers of lots simply acquire the right of burial.
- 2.7.** The Cemetery may, at its discretion, buy back a sold lot from a valid owner. The Certificate of Ownership (Deed) must be presented as proof of ownership. The amount paid will be determined by the District, based on factors which include; original price paid, location and position of the lot, and number of lots to be returned. The District is not required to buy back previously sold lots.
- 2.8.** The owner of interment rights hereunder may dispose of same by will or, should the owner die in testate, such interment right shall pass according to the laws of this State governing intestacy provided, however the Cemetery shall not be bound by such transfers unless and until an exemplification of record of same has been presented to it and such change has been recorded on the books and records of the Cemetery.
- 2.9.** Any lot in which there are no burials, entombments or interments may be transferred to a new owner, providing the original Certificate of Ownership is submitted to the Cemetery together with proper transfer agreement, upon payment of transfer fee in accordance with the Cemetery's established schedule of charges.
- 2.10.** In the event of loss or destruction of a Certificate of Ownership and upon the presentation of a written request, accompanied by a properly executed affidavit by owner setting for the circumstances of the loss or destruction and indemnification for the Cemetery, the Cemetery will prepare a duplicate Certificate from its records.
- 2.11.** Lot owners are prohibited from allowing interments to be made on lots for compensation.

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- 2.12.** If a lot owner sells or transfers title to his or her lot, as provided by these regulations, he or she must pay any and all indebtedness due the Cemetery before such transfer of title will be allowed.
- 2.13.** No person, other than employees of the Cemetery, shall be allowed to perform any work within the Cemetery without permission from the Cemetery.
- 2.14.** All maintenance on the grounds within the Cemetery will be performed only by Cemetery staff, agents, or contractors under the supervision of the Cemetery staff.
- 2.15.** All grave openings or closings will be performed by Cemetery staff, agents, or contractor under the supervision of the Cemetery staff.
- 2.16.** The Cemetery shall direct all improvements within the grounds and upon all lots before and after interments have been made herein.
- 2.17.** The Cemetery will take all reasonable precautions to protect lot owners and their property within the Cemetery from loss, damage or injury but it shall not be responsible for any loss, damage or injury.
- 2.18.** The use of the Cemetery land as a thoroughfare will not be permitted.
- 2.19.** The right to use automobiles or other vehicles in the Cemetery is authorized solely and exclusively for the purpose of transporting persons to visit burial plots. The speed limit within the Cemetery is fifteen (15) miles per hour. Parking and/or driving on any gardens or grassy areas are prohibited for purposes other than those obtained from the Cemetery.
- 2.20.** Bicycles, skates, snowmobiles, motorcycles, horses, etc., may not be used on Cemetery property except with the approval of the Cemetery. Dogs are not permitted except when kept on a leash or in a vehicle.
- 2.21.** Bringing alcoholic beverages or illegal drugs into the Cemetery is strictly prohibited.
- 2.22.** The Cemetery shall have the right to enter upon or use any adjoining lots or lots to carry out its duties as to interments, erections of monuments or markers, etc., without prior notice to the lot owner.
- 2.23.** No signs, notices or advertisements of any kind shall be allowed in the Cemetery unless placed by the Cemetery.
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2.25. Peddling of any kind or soliciting the sale of any commodity, other than by the Cemetery, is prohibited within the confines of the Cemetery.

3. Interment & Funeral Regulations

3.1. Interments into a lot are restricted to those entitled to burial therein according to these rules and regulations.

3.2. All interment fees shall be paid prior to the graveside service.

3.3. When interments are to be made, notice shall be given to the Cemetery not less than 24 hours prior to the time of such interment, providing the size of urn to be used and location. If in question, proof of legal ownership must be provided.

3.4. The use of one grave space shall be limited to interments as follows unless otherwise permitted by the Cemetery:

3.4.1. One (1) Adult burial, or

3.4.2. Two (2) Infant burials, or

3.4.3. Four (4) Urns of cremated remains, or

3.4.4. Combination burials may be authorized by the Cemetery but must be declared and approved prior to the initial burial. Minimum requirements must be met with regards to minimum depth of burial types (vaults and urns, etc.) to ensure sufficient ground coverage and spacing. For common types of combination burials refer to the “definitions” section.

3.5. The use and placement of memorials shall be accordance with Cemetery guidelines.

3.6. No burial of a casket over three feet in length will be made unless there has been provided an outer container or receptacle of concrete or such other material which the Cemetery will deem to have comparable strength or resistance to deterioration.

3.7. Funerals are to be at the Cemetery by 3:00 PM, Monday thru Friday and by 2 PM on Saturday or be subject to overtime fees.

3.7.1. No disinterment will be allowed without written permission of next of kin, the lot owner, and the Cemetery; and as necessary, the proper authorities.

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3.7.2.Families or authorities wishing to exhume any human remains, either burial or cremation, must contact a funeral home of choice and ask to execute an “authorization of disinterment of remains”. Once the funeral home has ensured property authorization, the Cemetery will be provided with the signed and properly executed documentation.

3.7.2.1.In any situation where a funeral home has not been involved and provided the necessary executed documents to have a body exhumed, a court order must be provided to the Cemetery. In the event that a court order is issued, the Cemetery will comply as necessary. (Kansas Statutes Chapter 19, Article 7, Section 19-724).

3.7.2.2.The Cemetery is not responsible for the disinterment, or any damage or the container or remains upon removal.

3.8.The Cemetery shall in no way be liable for any container, receptacle or urn of cremated remains placed in any lot. The scattering of cremated remains over a family lot is prohibited.

3.9.The Cemetery is not responsible for any updates or request to amend a death certificate. All request for changes must be handled through the funeral home who issued the death certificate or via the Kansas Department Health & Environment (KDHE) Amendment Unit, Office of Vital Statistics.

4. Flowers & Decorations

4.1.The cemetery reserves the right to remove all flowers, wreaths or other decorations from lots as soon as they become unsightly. The only exception to this is for Memorial Day. Flowers can start to be placed the weekend before Memorial Day and will be picked up 2 weeks and 1 day later. That would be the 3rd Tuesday after Memorial Day. On the following Wednesday they will be picked up so the grounds can be mowed

4.1.1.Fresh and artificial flower arrangements are allowed on lots and must be placed within the vase that is attached to the headstone or can be secured in a temporary vase (inserted into the ground). Any flowers or other articles left on the memorial are subject to removal if they hinder the maintenance or become unsightly or create a safety concern.

4.2.Items are not allowed to be placed on a lot within the Cemetery include, but are not limited to, the following: shepherd’s hooks, standup decorations, coping, curbing, decorative rocks, fencing, hedging, grave mounds, borders or enclosures. No decorations of any type are permitted in trees or Cemetery plantings.

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- 4.3. Flags may be placed on graves on Memorial Day, the Fourth of July, Flag Day, and Veterans Day. Flags should be kept to 12” by 18” in size or smaller. Flags are subject to removal by Cemetery with ten (10) days of the Holiday.
- 4.4. Trees and shrubs are placed throughout the Cemetery by the Cemetery for overall beauty and serenity of the grounds. Individual graves are not permitted to have trees or shrubs. Any such tree or shrub not approved by the Cemetery may be removed without notice to the lot owner.
- 4.5. Devotional (solar) lights of any type are prohibited in the Cemetery, unless put in vases attached to the headstone.
- 4.6. The Cemetery shall have the right to remove all objects considered unsafe, or whose appearance and condition warrant removal and/or violate the Cemetery’s rules and regulations. The Cemetery also will not be liable for any flower or decorations removed or lost by any cause.

5. Markers and Monuments

- 5.1. All Memorials must be made of non-deteriorating material.
- 5.2. All markers and monument foundations shall be placed by employees or agents of the Cemetery Only.
- 5.3. Corner markers are allowed on all lots and must be installed at grade level.
- 5.4. In the event a memorial is placed where it is necessary to remove it for an interment or disinterment, the Cemetery shall have the right to remove such memorial without notice to the lot owner.
- 5.5. The Cemetery may, at its owner expense, without any liability, correct any error that may occur in the placing of a foundation or memorial.
- 5.6. Memorials shall be set in accordance with the general plan of the cemetery. Not more than two (2) memorials (headstones or foot stones may be placed on a grave, one at the other at the foot, unless otherwise approved by the Cemetery. The one at the foot MUST be flat to the ground.
- 5.7. Monuments cannot exceed one-half of the width of the position(s) or a six foot maximum, if it is going over two positions. The foundation must be at least 5 to 6 inches thick. If there are vases on either side of the tablet, there should be 6 inches more for the apron.

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5.8.All Monuments, headstones, foot stones, benches, or other displays on a grave site, must not contain any words, language, or images that are not consider vaguer, slanderous, or otherwise inappropriate.

6. Definitions

6.1.Lot is a space of four (4) positions

6.2.Memorial is a monument, tombstone, grave marker or headstone identifying a grave or graves or a nameplate with inscription identifying a grave.

6.3.Monument is an upright memorial made principally of stone.

6.4.Grave types/configurations – Once a grave site utilization/configuration has been determined (upon the initial burial) the future use of the site will be restricted as set forth below:

6.4.1.*Single grave* is for “One” Adult burial – buried to allow a minimum 24 inches from the top of the vault to the surface. No further burials may be placed in this grave site.

6.4.2.*Multi-purpose grave* – buried to allow a minimum 24 inches from the top of the vault to the surface.

6.4.2.1.*Combination grave options;*

6.4.2.1.1.*Two adult burials, one on top of the other. First burial must allow for a second burial with a minimum of 24 inches from the top of the vault to the surface.*

6.4.2.1.2.*Two Infant burials, OR*

6.4.2.1.3.*“Four” urns of cremated remains or infant burial, OR*

6.4.2.1.4.*Combination of 1 infant burial and “two” urns of cremated remains.*

6.5.Urn is a container used for cremated remains.

6.6.Vaults

6.6.1.A burial vault is required in all our Cemeteries. A burial vault (also known as a burial liner, grave vault and grave liner) is a container, formerly made of wood or brick but more often today made of concrete, which encloses a

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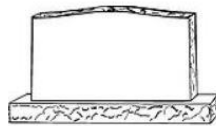
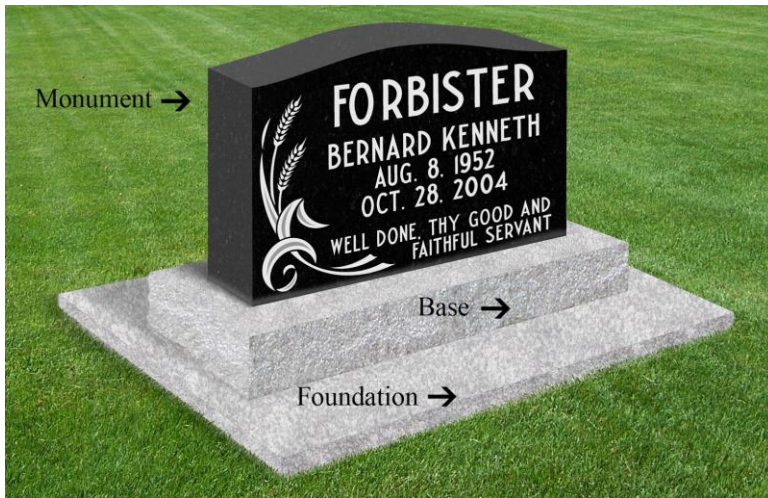
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coffin to help prevent a grave from sinking. Wooden coffins (or caskets) decompose, and often the weight of the earth on top of the coffin, or the passage of heavy cemetery maintenance equipment over it, can cause the casket to collapse and the soil above it to settle.

6.6.2. Cremation Urn Vault – A cremation urn vault is a lined and sealed outer receptacle that houses the cremation urn, protecting it from the weight of the earth and cemetery maintenance equipment that will pass over it. Lined urn vaults provide protection from subsoil elements while preventing the ground from settling, thus maintaining the beauty of the grounds. These are not required at this time in our Cemeteries.

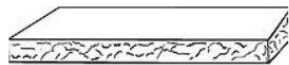
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UPRIGHT

UPRIGHT MONUMENTS GIVE THE BEST VISIBILITY FROM A DISTANCE, AND AFFORD THE BEST PROTECTION DUE TO BEING SET ON A BASE.



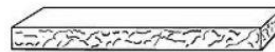
BEVEL

BEVEL MONUMENTS ARE SLIGHTLY RAISED IN THE BACK, GOING FROM 4 INCHES IN THE FRONT TO 6 INCHES IN THE BACK AND ARE SOMETIMES CALLED 'PILLOW' MONUMENTS.



SLANT

SLANT MONUMENTS GIVE GREAT VISIBILITY FROM A DISTANCE AND LIKE THE UPRIGHT MONUMENTS THEY ALSO ADD THE ABILITY FOR BACK LETTERING



FLAT

FLAT MONUMENTS NORMALLY SET FLUSH WITH THE GROUND IN A CONCRETE BORDER, BUT CAN BE SET RAISED OR AT AN ANGLE DEPENDING ON CEMETERY REQUIREMENTS.

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