

RULES AND REGULATIONS



2019

SPRING HILL CEMETARY PARK

MISSION STATEMENT

To serve the families and honor the memories of those who have passed before us by keeping the cemetery in good order,

LOCATION

Spring Hill Cemetery Park is located within the city limits of the City of Charleston, West Virginia at the end of Farnsworth Drive north of I-64. The cemetery is also accessible from the west by way of Hinton Terrace and Sunset Drive.

Mailing Address: 1555 Farnsworth Drive
Charleston, West Virginia 25301

Phone: (304) 348-8010

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AUTHORITY

Every burial right in Spring Hill Cemetery Park is held subject to the Acts of the Legislature of the State of West Virginia, the ordinances of the City of Charleston and the rules and regulations created and approved by the Spring Hill Cemetery Park Commission.

The Spring Hill Cemetery Park Commission was created on March 16, 1998, by an ordinance of the Charleston City Council. The Commission is vested with appropriate powers to administer the cemetery.

The following rules and regulations have been adopted by the Commission and apply to all activities and rights of-burial in the Cemetery regardless of when rights of burial or other rights were created. These rules and regulations may be amended by the Commission from time to time and such amendments may be retroactive.

The Superintendent and such other employees whom the Commission may designate are to enforce the rules and regulations, maintain the buildings and grounds, exercise control over all activities within the Cemetery and effectuate the day-to-day operations.

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BRIEF HISTORY

Spring Hill Cemetery Park occupies over 150 acres of a hilltop less than a mile from the heart of downtown Charleston. Its name, "Spring Hill", was chosen because of the large number of natural springs that dot its slopes.

Officially established as municipal burial grounds in 1869 and used as early as 1818, it is the burial grounds for many of the prominent early settlers of Charleston and Kanawha County. However, there are several markers dating from earlier years - as far back as 1700¹s. These represent remains moved there from pre-1869 burials elsewhere.

A.J. Vosburgh, a civil engineer, designed the cemetery, now considered the first known example of landscape architecture in West Virginia.

Entering the cemetery at Farnsworth Drive, the first striking sight is the mausoleum, with its stone facade and red tiled roof. Its Moorish architecture visually dominates the area. On a slight rise to the left, near the mausoleum is the Old Circle, where many of the city's earliest families, including the Ruffners, Quarriers and Dickinsons were buried.

The Old Circle is part of 20 acres purchased by the city in 1869 for \$2,118, although people were buried in the area as early as 1818. The city gradually bought surrounding additions from descendants of the Charleston families that founded it. Many of the additions that surround the original Spring Hill Circle were named after families that had farms in the area, such as Wehrle, Middleton, Capito, Scruggs, Woods, Riggs, Burdette and Jeffries. Most hold graves dating back to the early 1800s.

Each area of the cemetery has its own history. One section for black families has been called the "pay ground" where they could pay to be buried. If they had no money, they would be placed in a "free ground." Poor whites also went to a free ground. The cemetery was segregated until 1971.

It is estimated that over 37,000 persons are buried in Spring Hill Cemetery Park. Another 30,000 are estimated to be buried in the private cemeteries surrounding Spring Hill Cemetery Park.

Judges, lawmakers, and soldiers lay among city pioneers on the grassy hilltop. Two sections of the cemetery are reserved for veterans, with one containing only Civil War soldiers.

The architectural styles represented in the array of markers and crypts include Gothic, Art Deco, Romanesque and Neo-Classical Revival. Various types of marble were used as marker materials as well as granite, limestone and cast metal. Many unusual memorials may be seen in the cemetery, including a monument molded in the shape of a tree stump. The name of the person who lies beneath the marker is, not surprisingly, "Stump". Other stones are engraved with favorite lines of poetry or Bible verse,

In 1985, Spring Hill Cemetery Park, along with its adjoining private cemeteries, Mt. Olivet, Hebrew Cemetery, the Loewenstein Cemetery, and Mountain View Cemetery, had the distinct honor of being admitted to the National Register of Historic Places through the efforts of Frances Buckanon and Rodney Collins.

In March of 1998, the Charleston City Council established a commission to oversee the affairs of the Cemetery. One of the first acts of the commission was to change the name of the Cemetery to Spring Hill Cemetery Park to emphasize the scenic and leisure aspects of the Cemetery. Likewise, the commission is named the Spring Hill Cemetery Park Commission. The commission has undertaken a long-term program for improvement and development of the Cemetery.

INTRODUCTION

The rules and regulations which follow have been promulgated by the Spring Hill Cemetery Park Commission in order to protect the rights and interests of all lot owners, to keep good order within the Cemetery and to preserve and insure the permanent beauty of the cemetery grounds. By safeguarding the interests of the cemetery as a whole, the interests of each individual holding burial rights is safeguarded.

These rules and regulations apply to all activities and rights of burial within Spring Hill Cemetery Park regardless of when these rights may have been created. These rules and regulations are subject to revision by the Commission and such amendments may be retroactive. These rules and regulations supersede any previous rules, regulations or policies pertaining to the administration, maintenance, or operations of Spring Hill Cemetery Park. All persons are required to comply with these rules and regulations; copies of which, revised and corrected to date, may be obtained upon request from the Cemetery office.

GENERAL PROVISIONS

- 1) Special cases may arise in which the literal enforcement of a rule may cause unnecessary or undue hardship. The Commission, therefore, reserves the right, without notice, to make temporary exceptions, suspensions, or modifications to any of the rules and regulations when, in its judgment, it appears advisable to do so. Such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such rules.
- 2) All persons are reminded that Spring Hill Cemetery Park is sacredly dedicated to the honor and memory of our deceased loved ones and that conduct appropriate to their memories is to be observed at all times whether or not any specific instance is embraced in these rules.
- 3) No burials other than those of the remains of deceased human beings may be made anywhere within the boundaries of Spring Hill Cemetery Park. Nor shall any property within the Cemetery be used for non-cemetery purposes without specific written permission from the Spring Hill Cemetery Park Commission.

- 4) Rights of burial: Notwithstanding any references in these Rules and regulations or any deed, purchase agreement or other document to sale or ownership by a purchaser of burial rights, all such titles to property or to burial rights are held subject to the governance of the Spring Hill Cemetery Park Commission, the ordinances of the City of Charleston and the statutes of the State of West Virginia. The rights of purchaser or subsequent owner shall be limited to use of the designated space for the placement of the remains of deceased human beings subject to all applicable rules, ordinances and statutes as aforementioned. In cases where title to a lot has heretofore been conveyed by the Cemetery, the rights of owners shall be no more and no less than if only rights of burial had been conveyed.
- 5) Rights reserved to the Cemetery: The Cemetery reserves the right, without changing the locations of places of burial previously sold to all or any part of the Cemetery; to install, alter, relocate or close any roadway or path; and to lay and maintain pipelines, gutters, and any other facilities deemed necessary for the operation of the Cemetery. All property in the Cemetery is subject to the right of ingress and egress in favor of the Cemetery personnel and persons authorized by the Cemetery.
- 6) Purchasers: Purchase of Cemetery rights by more than one person, other than husband and wife, and purchase by a corporation or other entity, will not be permitted without approval by the Commission. Cemetery rights may be purchased only for personal and family use, and purchase of Cemetery rights for resale or speculation is prohibited.

Likewise, no mausoleum or columbarium may be erected on Cemetery property for purposes of resale except by the Spring Hill Cemetery Park Commission. However, nothing herein shall prevent the Commission from entering joint ventures with private parties to develop any aspect of the Cemetery if the Commission deems such an undertaking to be in the best interest of the taxpayers of the City of Charleston and/or the Cemetery rights owners.

- 7) Facsimile, etc., The Cemetery may, but is not required to, accept authorizations and other documents by facsimile transmission, electronic message, telegram, or other similar means, and the

Cemetery may rely upon any such message as having been authorized by the purported sender.

- 8) Sales and gifts by lot owner: Sales or gifts of grave burial rights by the owner will be permitted upon compliance with applicable Cemetery rules and procedures provided that such transaction does not involve speculation or profiteering from Cemetery property. The Cemetery may disapprove or reverse any transaction which involves the appearance of speculation. All sales must be processed and recorded in the cemetery office. Proper documentation is required and Fees may apply.
- 9) Records: No transfer of Cemetery rights will be recognized by the Cemetery until entered into the Cemetery software and recorded at the City Clerk's Office, and supported by such legal documentation as the Cemetery may require.

INTERMENTS

(Burials, Entombments, Inurnments)

General

- 1) Whenever an interment is to be made, the Cemetery must be notified at least twenty-four (24) hours (one working day) in advance of the time of the committal service during weekdays, and forty-eight (48) hours advance notice for weekend services. Such notices are always given by the funeral director. All openings and closings of any kind, whether graves, crypts or columbarium, will be performed by Cemetery personnel only. The Cemetery Superintendent may refuse to hold a committal service at a specific time if, in his judgment, a disruptive conflict may occur, the cemetery is experiencing a shortage of personnel and/or equipment or other extreme circumstances.
- 2) Interments will be made only after:
 - a) Authorization by the owner of the cemetery right, mausoleum crypt or columbarium niche has been obtained. The Cemetery will not be responsible for errors in location.
 - b) Authorization by the nearest relative of the deceased has been obtained.
 - c) The grave space, mausoleum crypt, or cremation niche is paid for in full.
 - d) The opening and closing fee is paid in full.
 - e) All required forms and documents have been processed.
- 3) Burials may be delayed if cemetery regulations have not been complied with in such instances, the Cemetery will bear no liability.
- 4) No remains except those of human beings may be interred anywhere in Spring Hill Cemetery Park.
- 5) Committal services may be held any day except:

Sunday

New Year's Day

Memorial Day

Independence Day

Election Day Thanksgiving Day Christmas Day and such other holidays as from time-to-time may be designated by the Spring Hill

Cemetery Park Commission. Exceptions will be made when ordered by the Kanawha County Health authorities or by Court order.

- 6) An extra charge will be made for weekend services or for any instance where overtime pay for Cemetery employees is incurred. (See pricing)
- 7) Safety is number one and therefore no burials will be made after dark. The cemetery will not store bodies. It is the responsibility of the funeral director to return the body the following day between 9:00am - 11 am for burial should a funeral service fall after darkness. The funeral director is responsible for arranging funerals to meet the burial schedule of the cemetery. The cemetery accepts no responsibility for any charges, inconveniences or distress this may cause the family or funeral director.
- 8) The family member in charge is to read and sign the burial contract prior to services being rendered. All cemetery charges are to be paid in full prior to goods and services being rendered. The cemetery accepts cash, credit cards (credit card transactions will have service fees applied by the provider), certified checks and money orders for payment of services. Personal checks are accepted with proper photo id.

Interments - In Ground

- 1) Cemetery personnel are not permitted to open a casket under any circumstances.
- 2) Caskets to be interred below ground must be enclosed in an outside burial container made of steel. It is the responsibility of the funeral director to see that the vault is properly set and sealed. The cemetery will set steel vaults for the funeral home for a fee. The cemetery has the right to specify if a concrete vault can be used on the site. Walls, terrain, monuments, and weather conditions are determining factors as to the use of a concrete vault. Contact the cemetery office with any questions you might have.
- 3) Second Right of Interment is allowed in a burial space. Should the first right of burial be a cremation, it will be buried in the marker row as to not be disturbed when the second right burial is a full burial. Should the second right of burial be a cremation, it will be buried 12 inches from the face of the memorial in the centerline of the grave. Fees apply for the second right of burial use. The fee is

half of the cost of a full burial space in the same addition. This fee is for the second right use only. Additional fees and applicable taxes for other services apply to a burial.

- 4) It is likewise the responsibility of the Funeral Director to transfer the casket to the gravesite; although Cemetery personnel will be happy to assist upon request.
- 5) Cemetery employees bear the entire responsibility for opening and closing the grave. New burials will be graded and seeded as soon as practicable. No mounding of graves will be permitted.

Disinterment

- 1) Disinterments will not be permitted without the written consent of the next of kin or person having the authority to make decisions pertaining to the person whose body is to be removed or by an order of a court having jurisdiction in such matters. By law an authorized, licensed funeral director must be present for a disinterment to take place. The funeral director is responsible for obtaining all required permits prior to the disinterment taking place.
- 2) In all cases the statutes of the State of West Virginia will prevail.

Interment of Cremated Remains

1) General

- a) Cremated remains (or "cremains") may be interred and memorialized either in-ground or above ground. In-ground burials require the use of an urn vault. Scattering of cremated remains is not allowed. The recovery of scattered cremations is not feasible and Spring Hill Cemetery Park accepts no liability should outside parties choose to do so.

2) In-Ground

- a) Cremated remains may be interred in a standard grave space provided that no more than two (2) such interments be made in any one space. Second right of interment fees apply to a second burial. A monument / marker may be placed on the burial. (Reference monuments and markers for regulations) The exception is that second marker must be flat.
- b) Special sections may be established solely for the burial of cremated remains. Persons electing to make interments in such sections must abide by the specific rules applying to that

section. Moreover, selection of memorials in such sections may be restricted.

3) Above-Ground

- a) Cremated remains may be interred above ground in various ways.
 - i) Columbarium (A structures containing multiple niches to hold cremains) may be erected either free-standing or incorporated within a mausoleum.
 - ii) Other above-ground ways of interring cremains include, but are not restricted to, enclosing the ashes within a monument or memorial bench. However, plans for any such memorialization must be approved, in advance, by Cemetery management.

Public Columbarium

A columbarium has been constructed for sale to the public for the purpose of interment of cremations. The sale of a niche allows for the interment of two standard cremations. Each niche is 12" x 12" and is separate of each other. The Columbarium offers 64 niche units for a possible total of 128 interments. Information specific to each interment is logged into the cemetery data base software. Each niche has a specific id number which allows for tracking of each niche. The following regulations pertain to the columbarium.

- 1) Niches are for the inurnment of human remains only.
- 2) No embellishments are allowed without prior approvals
- 3) Spring Hill Cemetery Park reserves the right to remove any embellishments or decorations that become unsightly or are unapproved without notice.
- 4) Spring Hill Cemetery Park performs all inurnments and disinterments. (Fees Apply)
- 5) The memorial plaque engraving and optional vase design for the columbarium and its location are predetermined for uniformity by Spring Hill Cemetery Park. Engravings of the name, birth date and death

date are preapproved engraving. Additional engraving is limited. Fees apply.

- 6) Each niche is sold as a single unit but is designed to hold two standard cremation containers
- 7) Two inurnments are allowed in one niche
- 8) Flowers are to be placed in approved vases only

CONDUCT WITHIN THE CEMETERY

Conduct Pertaining To Funerals

- 1) Cemetery employees, as well as employees of outside contractors who may be working in the Cemetery, should stop work and stand respectfully if a funeral procession should pass near them. Likewise, if in the immediate vicinity of a committal service, employees should withdraw to a respectful distance.
- 2) No traffic should pass the area where a committal service is being held.

General Conduct

- 3) Permission for any group activity to take place in the Cemetery must be obtained at least two week in advance.
- 4) No individual or group activity which is disrespectful of the dead will be permitted within the boundaries of the Cemetery.
- 5) No event or activity which depicts horror, monsters or other Halloween type subjects will be allowed.
- 6) No persons are permitted on Cemetery grounds during the hours when the cemetery is closed, from dusk to dawn. Trespassers may be subject to arrest.
- 7) The Spring Hill Cemetery Park Commission enthusiastically encourages such activities as history tours, nature study, interdenominational religious services and events designed to educate and promote the appreciation of our culture or the environment.
- 8) Loitering within the Cemetery grounds is prohibited.

- 9) Riders of motorcycles and bicycles must keep their vehicles on paved roads and obey speed limits.
- 10) No loud mufflers will be permitted. Vehicles must be silent.
- 11) No off-the-road vehicles of any kind, except cemetery maintenance equipment, will be permitted anywhere in the Cemetery.
- 12) Except for authorized maintenance vehicles, driving on the grass is prohibited.
- 13) Horses are not permitted in the Cemetery, except for law enforcement officers and special ceremonies.
- 14) Heavy loads will not be allowed to enter the Cemetery except for business pertaining to the Cemetery or by special permit.
- 15) The speed limit within the Cemetery is 20 mph.
- 16) Alcoholic Beverages or other controlled substances are prohibited within the Cemetery.
- 17) Littering is prohibited. Persons bringing refreshments into the Cemetery must remove their trash from the grounds or use trash receptacles provided for your convenience.
- 18) Firearms are prohibited in the Cemetery, except for honor guards at military funerals, special ceremonies and police officers.
- 19) All pets brought into the Cemetery must be leashed and under the close control of their owners. Pets not so controlled, are subject to being picked up by the animal control authorities. Animal Control officers enforce city regulations regarding animal control in the cemetery.
- 20) Soliciting by outside parties is prohibited.
- 21) Advertising, of any kind, is prohibited within the Cemetery, except for displays of merchandise offered for sale at the Cemetery office or by written permission by the Spring Hill Cemetery Park Commission
- 22) Perpetrators of vandalism will be prosecuted.
- 23) Persons involved in illegal activities within the cemetery may be subject to prosecution.

- 24) The cemetery is under 24 hr. video surveillance.

TRUST FUNDS

With an eye to the future, an Endowment fund has been established in order to (1) provide for the future development of the Cemetery and (2) maintain the good appearance of the Cemetery for the generations after the income from Cemetery sales diminishes. Contributions and gifts are accepted. (See the cemetery business manager for details)

Regardless of the configuration of these funds, whether combined, restructured or renamed, the Spring Hill Cemetery Park Commission in cooperation with the Charleston City Council shall designate the percentages of the various sources of Cemetery revenue which shall be held in trust.

Nothing herein is to be interpreted as allowing the corpus of any trust fund to be expended for any purpose. Only the proceeds there from may be used unless an order from a court of proper authority shall permit an invasion of the principal.

Community Mausoleums

- 1) The Commission may erect structures containing multiple crypts for above-ground interment. These crypts may be offered for sale to the public. Such mausoleums are to be constructed according to the soundest principles of engineering and exterior design, to obtain maximum durability and esthetic appeal. The 1910 public mausoleum is sold out.

Family Mausoleums

- 1) Cemetery right owners, after obtaining Commission approval, may construct mausoleums for interring family members.
- 2) The owners shall have sufficient space on all sides of the proposed mausoleum so that no neighboring grave space or structure is compromised.
- 3) Detailed plans and specifications of the proposed structure must be submitted to the Commission for its approval. No construction may commence without such approval. It is intended that any new family mausoleum be erected according to modern and up-to-date principles

of mausoleum design. Adequate ventilation should be provided and each crypt is to be entirely enclosed independently of the exterior walls in such a manner that once a body is entombed therein, it can be hermetically sealed.

- 4) Before commencing construction, the lot owner or his representative must provide for the future care of the mausoleum by placing in trust (as designated by the Commission) a sum to be determined by the Commission but in no instance to be less than 20 percent of the finished cost of the structure. The amount to be so entrusted will be calculated from a certified copy of the sales agreement which is to be furnished to the Commission with the application.
- 5) The construction contractors must obtain all required permits prior to construction.

BURIAL LOTS

- 1) No trees, shrubs, vines or other permanent foliage may be planted on grave spaces, lots, or any other area of the cemetery except by the Commission. An Arboretum program has been established in an effort to control overgrowth in the cemetery. Any overgrowth found to be destroying walls, markers, foundations, encroaching on neighboring plots, or causing visual problems along cemetery roadways will be removed without notice. The removal of any overgrowth materials is to be done by cemetery personnel only. Inquire at the office for assistance in this matter.
- 2) No aggregates, marble chips, stones, glass chips, or similar materials are allowed around monuments, memorials or grave plots due to safety and maintenance problems created by their presence. These materials will be removed without notice, when found.
- 3) No walls, fencing, curbing, borders or barriers temporary or permanent may be constructed or placed around the perimeter of any lot or burial space. Repairs to existing retaining walls is the responsibility of the lot owners. The cemetery commission reserves the right to repair and bill the responsible parties for the walls that have collapsed or have become a hazard. Any defining walls that are broke, create a safety hazard or become unsightly will be removed without notice and will not be replaced. A defining wall is one that simply denotes a specific area and is not retaining. Wall failures create hazards along with maintenance issues that are being addressed in the cemetery.
- 4) Existing fencing around burial lots or plots will be removed if damaged, becomes unsightly or creates a maintenance hazard without notice. The Commission will not allow these fences to be repaired or replaced.
- 5) Perimeter fencing around the cemetery, equipment areas, and secured facilities will be maintained and be the only fences allowed.
- 6) The Cemetery reserves the right to enlarge, reduce, replat, and change the boundaries or grading of the Cemetery or a section, including the right to modify and change the location of, or remove

and regrade, roads, walks, paths or drives. The right to lay, maintain, operate, or change water lines, sanitary or storm water drains, sprinkling systems, gutters, lakes, etc., is also reserved, as well as the right to use Cemetery property not sold to individual rights owners for Cemetery purposes or for anything necessary or incidental thereto. The Cemetery reserves to itself a perpetual right of ingress and egress over lots for passing to or from other lots.

MEMORIALIZATION

General Provisions

- 1) No monument, marker, decorations or other object of any kind may be placed on any place of burial, except as permitted in these rules.
- 2) No owner or any other person (except Cemetery personnel for good cause) shall alter the surface, grade, or any other aspect of a place of burial.
- 3) No memorial may be removed from the Cemetery except by Cemetery personnel. Written permission must be obtained from Cemetery management for any such removal.
- 4) Cemetery personnel will set all markers and monuments, fees apply. The cemetery reserves the right to outsource monument settings.
- 5) No memorials will be ordered or set until all fees are paid in full.
- 6) Repossessed memorials will be charged a setting fee when returned. The markers owner is responsible for the fee. (See pricing)
- 7) All memorials must be made of either granite or bronze as follows.
 - a) All stone memorials are to be made of high quality granite and no such memorial or part thereof shall be less than 4 inches thick. Memorials made of marble are not permitted unless required to achieve an exact match with preexisting memorials in the same family plot. Marble memorials furnished by the U.S. government are permitted. No artificial or synthetic stone will be permitted in the cemetery.
 - b) Memorials comprised of a combination of bronze and granite are permitted as long as they comply with all rules pertaining to both bronze and granite.
 - c) Attachments to memorials, such as, but not limited to, photographs, trinkets or mementos affixed to the memorial are prohibited with the following exceptions:
 - d) Photograph or other pictures or designs that are etched or cast into the surface so as to be an integral part of the memorial.

- e) Vases or cremation urns which are incorporated into the basic structure of the memorial.
 - f) Granite memorials which include artistic bronze components and/or bronze birth and death dates which are permanently bolted in place.
- 8) Attachments which have been placed on any marker or monument prior to the enactment of these rules will be removed by cemetery personnel at such time as they become unsightly, cause a maintenance or safety hazard and may not be replaced.
 - 9) The Commission reserves the right to designate or restrict the type and size of memorialization to be used in the various sections of the Cemetery or the individual spaces therein. The purchase of memorials is available from the Cemetery. Contact the Cemetery office at 348-8010 for details.
 - 10) Temporary markers, made of plastic or light weight metal, may remain on a grave for a maximum of 30 days after an interment.
 - 11) Cemetery management may prevent the installation of any memorial which, for any reason, may be considered objectionable. The owner may appeal to the Commission in writing. Memorials that do not conform to these rules and regulations may be removed without notice.
 - 12) Memorials are considered to be the personal property of the lot owner. The Cemetery disclaims any responsibility for damage or theft of memorials beyond the exercise of reasonable precautions.

Monuments

- 1) A monument may be set on a single grave space if a designated monument space is available on the lot. The size of any monument allowed on a lot is regulated by the monument area available and will vary according to the size of the lot. The cemetery Superintendent must approve the size of the monument and its placement on the lot.
- 2) The Cemetery reserves the right to determine when installation of monuments may take place.
- 3) The Cemetery requires that all markers, monuments and foundations be installed by Cemetery personnel and that a charge is made for

same. The Cemetery reserves the right to outsource any marker or monument setting at their discretion should a situation arise where the cemetery is unable to perform the service. Call the cemetery office at 304-348-8010 should you have any questions.

- 4) The Cemetery reserves the right to repair or to remove any monument or structure which has, through decay, dilapidation, or for any other reason, becomes unsightly or hazardous.

Markers

- I) Any person having a right of burial may have a marker placed on a grave space, a crypt or a niche; however, such placement does not constitute a reservation or give the person placing it any priority in obtaining a right of burial.
- 2) Markers may be placed on any grave, whether or not a monument exists or is contemplated for that lot; however, on any lot where a monument is erected or intended, markers must be placed at the end of the grave farthest from the monument.
- 3) Markers must be aligned with other markers in the same lot and in conformity with the setting pattern for that section of the Cemetery.
- 4) All bronze markers must be set flush with the ground. All stone markers must be set flush with the ground, unless the Cemetery approves an elevated setting for consistency with other preexisting markers on the same lot. Cemetery personnel may reset any marker flush with the ground at any time at the discretion of the Commission.
- 5) All markers, whether stone or bronze, shall have all lettering, numerals and ornamentation on top and shall conform to industry standards so as to provide substantial durability.

Cenotaphs:

- 1) A cenotaph may be placed on any unused place of burial in lieu of a marker, but only if the person so memorialized is deceased and has a right of burial in such space, and further, that such placement is made in compliance with all other requirements applicable to placement of a memorial for such person in such location. No burial, except for the remains of the person named on the cenotaph, may be made in such space subsequent to the placement of a cenotaph. A

properly placed cenotaph may not be removed except with such authorization as would be required for a disinterment. However, a cenotaph may be inscribed, repaired or replaced under the same conditions as would apply to other memorials of similar type.

HEIRSHIP - (DESCENT OF BURIAL RIGHTS)

- 1) Because of the difficulties in determining who may inherit the rights of a right owner in his or her cemetery property and in order to avoid confusion and conflict that may arise subsequent to the decease of a lot owner, it is recommended that the rights owner make provision for the disposition of his or her remaining burial rights during his or her lifetime. In case a lot owner should not provide during his or her lifetime for the inheritance of his or her cemetery burial rights, he or she may:
 - a) Devise - The owner of an inheritable interest in cemetery right of burial may dispose of such interest by will by referring specifically to "rights owned by me at Spring Hill Cemetery Park" or words of like effect. A general residuary provision is insufficient.
 - b) Descent - In cases where an owner dies intestate or leave a will which fails to deal adequately with cemetery rights, his or her interest shall descend to his or her legal heirs as determined by the laws of the state of West Virginia which are in force at the time of the owners' death.

VARIATIONS, EXCEPTIONS, AND DISPUTES

- 1) Variations- There are instances in which prior existing installations are at variance with these rules and regulations. The existence of such conditions does not automatically entitle any owner of cemetery burial rights to create the same or similar variations at any other location. The terms of these rules and regulations supersedes any privileges or practices whether real or assumed which may have existed in the past.
- 2) Exceptions - The Spring Hill Cemetery Park Commission may, for good cause shown, authorize deviations or exceptions to these Rules and Regulations where strict enforcement would work an undue hardship or violate the intention thereof.
- 3) Errors - The Cemetery reserves the right to correct any error which may have been inadvertently caused by its staff at the expense of the Cemetery but with no further liability beyond the cost of correcting the error.

- a) Errors due to external causes may be corrected either by Cemetery staff or by contracting with outside parties to correct the error. In such cases the Cemetery may at its discretion pursue reimbursement from the person or persons who caused the error.
 - b) Errors in documentation that may occur in the description or transfer of any lot or rights of burial may be corrected either by cancellation of such documentation and the substitution therefore of rights in other spaces or spaces of equal value and similar nature and locations as may be selected by the Cemetery; or in the sole discretion of the Cemetery by a refund of the purchase price to the purchaser.
 - c) In the event, any burial is made in a space other than the space in which such remains should have been placed, whether through fault of the Cemetery or otherwise, the Cemetery shall have the right to remove and transfer such remains to the space in which they should have been placed.
 - d) In cases where the Cemetery has sold a memorial, or other merchandise where an error may have been made in the inscription or other specifications of the item, the Cemetery shall have the right to correct said error without further liability.
- 4) Disputes — In case of uncertainty or dispute wherein a customer feels that a satisfactory solution to his or her complaint has not been rendered by Cemetery staff, the complainant may appeal in writing to the Spring Hill Cemetery Park Commission. Should the dispute continue, the Commission may require that complainant petition a court having jurisdiction for a declaratory judgment determining the rights and obligations of all affected parties. Complainant shall be solely responsible for all costs related to such judicial action, including but not limited to the reasonable attorney's fees and expenses of the Cemetery.

DEFINITIONS OF TERMS

As used in these Rules and Regulations, the following shall have the meanings indicated:

Burial space: the ground space stipulated in the cemetery used or intended to be used for an individual interment of human remains.

Second Right of Interment: The use of an existing burial space for a second burial. Generally a cremation buried on top of a full burial.

Cemetery: an area of land together with the various improvements and embellishments thereon dedicated to the burial, entombment, and memorialization of human dead. Specifically, reference is made to Spring Hill Cemetery Park belonging to the City of Charleston and administered by The Spring Hill Cemetery Park Commission.

Cenotaph: a memorial, to a deceased person buried elsewhere or one whose place of burial is unknown.

Columbarium: a structure, either free-standing or part of another building, containing niches for the inurnment of cremated remains.

Commission: The Spring Hill Cemetery Park Commission.

Contractor: any person, firm, or corporation, other than an employee of the cemetery, erecting or repairing any memorial, delivering any material or performing any work in the cemetery.

Cremation: the reduction to bone fragments and powder by heat of the remains of a deceased human being.

Cremains: a contraction of the words "cremated remains".

<u>Crypt:</u>	a space in a mausoleum or lawn crypt which is designed to receive a casket.
<u>Decorations:</u>	objects of a decorative nature such as, but not necessarily limited to, natural or artificial flowers, wreaths, candles, pin wheels, hangers, balloons, flags, or toys which may be placed on graves or memorials.
<u>Disinterment:</u>	the removal of remains of a deceased person from a permanent place of burial. It does not include relocation of remains from a temporary location to a place of permanent burial.
<u>Grave or Grave Space:</u>	same as "burial space". It must be large enough to receive a casket and outer burial container.
<u>Interment:</u>	is the disposition of human remains by burial in the earth, entombment in a mausoleum or inurnment in a columbarium.
<u>Inurnment:</u>	the permanent placement of cremated remains which are contained in an urn in a columbarium, crypt, or in the ground.
<u>Lawn Crypts:</u>	burial vaults, either single or double size, placed underground prior to actual burial. (Not currently available)
<u>Lot:</u>	a particular area designated by map location within a cemetery (this term is sometimes used interchangeably with "grave space").
<u>Right owner:</u>	is the owner of burial rights.
<u>Marker:</u>	any memorial laying flat on the ground, generally set flush with the level of the turf but not to exceed eight (8) inches above the ground.

Mausoleum: a building housing multiple crypts.

Memorial: any monument, marker, tablet, name plate, or structure placed upon or in any place of interment

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or elsewhere in the cemetery for the purpose of identification or in memory of a deceased person or persons.

Monument: any memorial set upright or perpendicular to the grave consisting of multiple pieces. (at least 2)

Niche: a compartment, as in a columbarium, for holding urns of cremated remains.

Perpetual Care: The forever care and maintenance of the cemetery property

Sepulcher: burial of the human dead.

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~~CHECK ACCEPTANCE POLICY AND PROCEDURE~~

By the City of Charleston

Checks will be accepted for goods and services when the following requirements are met.

- 1) The check is to be made to: Spring Hill Cemetery Park.
- 2) The check is signed and dated.
- 3) Proper ID is shown by the check provider. (Photo ID or valid drivers' license)
- 4) The check and ID is photo copied.
- 5) The photo copy is filed along with the other business documents regarding the transaction.
- 6) Checks from contracted customers will be accepted by mail.
- 7) Checks from Funeral Homes or other Care Service Providers will be accepted by mail or in person as approved by the Business Manager.

Any returned checks will have applicable bank penalty charges applied to them and could result in legal actions.

PURCHASING OPTIONS

Cash, personal check, credit card, certified cashers check, or money orders are acceptable forms of payment for goods and services by the cemetery, Insurance assignments are also accepted.

A pre-need payment plan is also available from the cemetery for pre-need purchases.

Contact the Business Manager at the cemetery office at 348-8010 concerning payment questions you may have.