

Winona Cemetery Association

9900 SW Tualatin Rd.

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Cemetery Rules and Regulations

Revision 2. June, 2018

Purpose

The following rules and regulations have been adopted as a guide to the use and management of the Cemetery. The rules and regulations will help protect all who have interest here. All owners of interment rights, visitors and contractors performing work within the Cemetery shall be subjected to said rules and regulations, amendments or alterations as shall be adopted by the Trustees of Winona Cemetery from time to time.

Definitions

Winona Cemetery Association is the non-profit association that manages Winona Cemetery. It consists of all families owning lots in Winona Cemetery or having direct descendants interred at Winona Cemetery. Winona Cemetery Association is managed and directed by a Board of Trustees elected annually.

Board is the Board of Trustees of the Winona Cemetery Association.

Cemetery is The Winona Cemetery and its Board.

Lot / Plot is an area of six lots or more restricted to a group of persons related by blood or marriage.

Grave is a single grave.

Memorial is a monument, tombstone, grave marker or headstone identifying a grave or graves.

Monument is an upright memorial made principally of stone.

Owner(s) is the person or persons to whom the Cemetery has conveyed a burial right or rights or a person or persons who have acquired such rights by transfer in accordance with the rules of the Cemetery or a person or persons who hold such burial right or rights by inheritance.

Single grave is a grave up to two casket burials and one cremated interment.

General Rules and Regulations

1. Rules and Regulations of the Cemetery and prices for burial spaces and services are made by the Winona Cemetery Association and become effective upon approval by the Board.

The Board may, and it hereby expressly reserves the right, at any time, with or without notice to lot owners, to adopt new rules and regulations or to amend, alter and/or repeal any 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. The Board 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 the full and complete authority, rights and privileges to make, change administer and enforce all rules and regulations and restrictions not inconsistent with the laws of this State wherein this Cemetery is located.

3. All lots in the Cemetery are sold in accordance with the provisions of the laws of the State of Oregon and shall not be used for any other purpose than as a burial place for dead human remains.

4. Lots must be paid in full before a burial is made. Full purchase price must be paid before a deed is issued.

5. Visiting hours:

Cemetery Hours

Open: 8:00 AM

Close: Dusk but no later than 9:00 PM

Any person found on the Cemetery grounds after closing will be considered a trespasser.

6. The Cemetery issues to each owner of the rights of burial for its lots, a Certificate of Ownership 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 form of recognition of ownership. Possession of the Certificate by a person whom is not listed on the Certificate is not in itself evidence of ownership. Purchasers of lots simply acquire the right of burial.

7. The owner of interment rights hereunder may dispose of same by will or, should the owner die in testate, such interment rights shall pass according to 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. Any Lot in which there are no burials,

entombments or inurnments 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.

8. 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 the owner setting forth the circumstances of the loss or destruction and indemnification for the Cemetery, the Cemetery will prepare a duplicate Certificate from its records.

9. Lot owners are prohibited from allowing interments to be made on their lots for compensation.

10. 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.

11. All lot owners are required to notify the Cemetery of any change of address. All notices required to be sent shall be sent to the last recorded address and such notices shall be deemed adequate.

12. Any Lot in which there are no burials, entombments or inurnments for a period of more than 50 years will revert its ownership back to Winona Cemetery.

13. No person or hired contractor other than employees of the Cemetery, shall be allowed to perform any work within the Cemetery without permission from the Board or Cemetery sexton.

14. The Board shall direct all improvements within the grounds and upon all lots before and after interments have been made herein.

15. 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.

16. The use of the Cemetery land as a thoroughfare will not be permitted.

17. 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 ten (10) miles per hour. Parking and/or driving on any gardens or grassy areas are prohibited for purposes other than those obtained from the Cemetery.

18. Bicycles, skates, snowmobiles, motorcycles, horses, etc., may not be used on Cemetery lands except with the approval of the Cemetery. Dogs are not permitted except when kept on a leash or in a vehicle.

19. Bringing alcoholic beverages or illegal drugs into the Cemetery is strictly prohibited.

20. The Cemetery shall have the right to enter upon or use any adjoining lot or lots to carry out its duties as to interments, erection of monuments or markers, etc., without prior notice to the lot owner.

21. No signs, notices or advertisements of any kind shall be allowed in the Cemetery unless placed by the Cemetery.

22. Peddling of any kind or soliciting the sale of any commodity, other than by the Cemetery, is prohibited within the confines of the Cemetery.

Interment & Funeral Regulations

23. Interments into a lot are restricted to those entitled to burial therein according to these rules and regulations and the Rules and Regulations of the State of Oregon.

24. The Cemetery and Board shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations have not been complied with; and, further, the Cemetery reserves the right, under such circumstances, to not receive the body until the full rights have been determined.

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

- a) Up to Two adult burials, or
- b) One adult burial and three urns of cremated remains, or
- d) Four urns of cremated remains

The use and placement of memorials shall be governed by Rule 52 below.

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

- a) Up to Two urns of cremated remains

The use and placement of memorials shall be governed by Rule 52 below.

27. No burial of a casket will be made unless there has been provided an outer burial container or receptacle of concrete which the Cemetery will deem to have comparable strength or resistance to deterioration.

28. No disinterment will be allowed without permission of next of kin, the lot owner, the Cemetery and the proper authorities.

29. The Cemetery shall in no way be liable for any container, receptacle or urn of cremated remains placed in any lot.

Flower & Decoration Regulations

30. The Cemetery reserves the right to remove all flowers, wreaths or other decorations from lots as soon as they become unsightly. The grounds will be cleared of decorations twice a year. Spring clean-up begins May 1st. Fall clean-up begins October 1st. Actual cemetery clean-up dates will be announced in the annual mailing. In order for a family to save any decorations placed on a grave, the decoration should be removed prior to these dates or before the decoration becomes unsightly. New decorations may be placed beginning the week before Memorial Day and November 1 respectively.

31. Fresh flower arrangements are allowed on lots. **Glass containers are prohibited.**

32. Artificial flower arrangements are only allowed from October 31st – April 1st.

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

- An exception to decoration restrictions will be in place for 30 days after interment for all decorations that can be easily removed.
- We ask that family and friends remove the decorations prior to the end of the 30 day exception.

34. 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 within ten (10) days of the Holiday.

35. 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.

36. Certain lots embrace a tree that may interfere with space that otherwise might be used for burial. In such a case, the Cemetery recognizes that right to the retention of the trees as prior to the right of use of such space for burial. Should any such tree die naturally, the Cemetery will remove it at its own expense.

37. **Glass is prohibited at all times.**

38. Devotional lights of any type are prohibited in the Cemetery.

39. The Cemetery shall have the right to remove all objects 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 decoration removed or lost by any cause.

Planting Policies

Individual Burial Spaces

40. Planting will not be permitted without express written permission by the Board.

Family Burial Lots

41. The foregoing regulations relative to plants on single grave spaces will apply also to family burial lots except that family lot proprietors may obtain approval from the Board or his or her designee (to be given only in writing) of other forms of planting if considered consistent with the general landscaping of the particular part of the Cemetery and if adequate arrangements are made for the care of the planting and for any added cost of maintaining surrounding grass areas.

Family Monuments

42. Monuments are not permitted except on a lot (consisting of six or more single grave spaces) and except in accordance with these rules. Where the configuration of the lot permits a family monument, the size, material and design of the monument must be submitted for prior approval by the Board. No monument on any lot, other than those so designated in the prior rules, shall be installed without first being reviewed and approved by the Board.

Markers and Monuments

43. All memorials must be made of the highest quality standard bronze or of granite approved by the Cemetery except on the monument lots where all monuments shall be made of granite.

44. The Cemetery shall have the authority to reject any memorial that, on account of its size, type, design, inscription, quality, color or method of construction is unsuitable for the particular lot or grave on which it is to be placed. The Cemetery reserves the right to prevent the placing or to remove any marker or other objects that do not comply with the standards of the Cemetery. Also, the Cemetery reserves the right to require the purchase of any and all markers from the Cemetery or approved producers or retail dealers.

45. No marker or monument will be accepted by the Cemetery for installation unless a sketch has been furnished defining the dimensions, material content and lettering and permission of the lot owner or proper agent of the person having burial rights in the grave to be marked. All markers and monument foundations shall be placed by employees or agents of the Cemetery only.

46. All fees or encumbrances due on a lot must be paid in full prior to any memorial being placed on the lot, including any installation fee.

47. Corner markers are allowed on all lots and must be installed at grade level.

48. 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.

49. The Cemetery may, at its own expense, without any liability, correct any error that may occur in the placing of a foundation or memorial.

50. Memorials shall be set in accordance with the general plan of the Cemetery. Not more than two (2) memorials may be placed on a grave, one at the head and the other at the foot, unless otherwise approved by the Cemetery.

51. No porcelain material may be incorporated into any memorial. No protective glass or breakable material of any kind will be allowed on the memorial.

52. Monuments cannot exceed two-thirds of the width of the lot or a six-foot maximum. The tablet must be at least eight inches thick. The base and tablet together cannot exceed five feet in height except on lots specifically plotted for larger family monuments.