**MOFFETT CEMETERY**

**RULES AND REGULATIONS**

PURPOSE OF RULES AND REGULATIONS

Moffett Cemetery is owned by the people purchasing lots. The Board of Directors are elected by the lot owners/families per the bylaws and are responsible for caring out the wishes of the owners/families.

The Rules and Regulations herein are made for the benefit of all concerned in order that Moffett Cemetery may always be a place of abiding beauty and serve as a source of continual comfort for all.

As provided under Kentucky Code 381.697 (1), (2), these Rules and Regulations are established and promulgated by the Board of Directors of Moffett Cemetery, Inc. (hereinafter, Board of Directors) to establish governance and to serve as guidance for all persons or entities holding a deed(s) to grave plots, for cemetery visitors and those conducting business with the cemetery. (**References to the Sexton includes his or her designee, or appointed board member**)

**ALTERATIONS AND AMENDMENTS**

These Rules and Regulations May require changes from time to time. When changes are identified the Board of Directors will make them available, to the best of their abilities, to owners and family members for review and input, at least 15 days prior to any vote, by the Board of Directors.All changes to these Rules and Regulations shall include a review of any public comments/suggestions, prior to voting. All changes to these Rules and Regulations will require a majority vote of the quorum present at the meeting and will be put into effect within 30 days after approved. The board reserves the right to waive this when an issue requiring immediate attention and change in the Rules and Regulations occurs.

**CEMETERY HOUR**

1. Moffett Cemetery will be open to visitors during summer hours from 8:00 a.m. to 8:00pm (Eastern Time Zone) and during winter hours from \_\_\_\_\_\_\_ to \_\_\_\_\_\_each day of the year and shall be from closed all other times during a 24-hour period.
2. When a Sexton is employed, He/She will be available Monday through Friday from 8:00 a.m. until 4:00 p.m., excluding holidays. When there is no Sexton employed, the Board of Directors will designate a member of the board to be available during these hours. Additional information may be obtained by writing to P. O. Box 74, Milton, Kentucky, 40045, or calling 812- 493-5392.
3. The cemetery does not have employees. All services provided to the cemetery will be through contract arrangements. These people are not on call and **may not** be available for holidays, Saturdays, Sundays, or after office hours.

**RULES OF CONDUCT**

1. While on cemetery property, all persons shall conduct themselves in a considerate, dignified, and respectful manner. Members of the Board of Directors, the Sexton or other persons authorized by the Board of Directors may refuse admission into the cemetery or expel those who violate any of the Rules and Regulations of the Incorporation.
2. Dogs or other pets are not permitted on the cemetery grounds at any time unless the pet is on a leash and controlled by its handler. Any pet droppings shall be immediately removed from the cemetery grounds by the person who is in control of the pet. The pet handler is responsible for any damage done by a pet while on cemetery property.
3. Vehicles in the cemetery shall not exceed 5 miles per hour.
4. Drivers must be aware and courteous. Drivers must be aware that some grave sites are close to the road, therefore all vehicles must stay on the roadway. Drivers must allow vehicles time to move if the roadway is blocked.
5. Except for the installation of a foundation, a marker or preparation of a grave site for interment, or mowing equipment, no automobile, other vehicle(s) or machinery shall be operated on or parked on the cemetery grounds other than upon the designated roadways or parking lot or as otherwise permitted by the Sexton or Board of Directors.
6. Firearms are not to be discharged on cemetery grounds except for military funerals or memorial events approved by the Board of Directors.
7. The burning of any material on cemetery property is prohibited except by cemetery personnel.

PURCHASE OF GRAVE SPACE(S):

1. Persons or entities may purchase grave space(s) (non-possessory rights of access and use) at Moffett Cemetery, but all land in the cemetery shall remain the property of Moffett Cemetery, Inc.
2. Persons or entities desiring to purchase graves are invited to contact the cemetery Sexton (or Board appointed member) to make selections. The Sexton, (or board appointed member) will point out available graves and provide information as to pricing which is established by the Board of Directors. When a selection has been made and the fee has been paid, the Board of Directors, by its Authorized Representative(s), will issue a *deed* form which identifies the grave(s) together with the section and location number(s) in which the grave(s) is located and the amount paid.
3. No grave(s) will be sold in or on non-platted land nor before the price of the grave site(s) is established by the Board of Directors.
4. Graves in which no interment has taken place may be surrendered by owner(s) to Moffett Cemetery, Inc. and owner(s) may receive the amount originally paid to the cemetery. The Board of Directors will consider each request individually, and make a decision, based upon the financial status of the cemetery at the time of the request.
5. The owner(s) of a grave space(s) may **not** sell the grave space(s) directly to any other person, trust, or entity without the Board of Directors’ approval. All re-sale of graves must go through the Board of Directors to assure the proper documentation is created and distributed.
6. Owner(s) of grave space(s) may transfer an unused space by gift to any other living person or entity so long as there is no consideration paid for said grave space(s) and the transfer is not otherwise prohibited by the Rules and Regulations of the cemetery. No transfer, conveyance or assignment shall be valid without the written consent of the Board of Directors and must be documented by a signed deed from the grantor to the grantee. A copy of said document shall be provided to the Board of Directors for its records before any interment in said space(s).
7. The owner(s) may permit a non-owner deceased person to be interred in said grave if the interment is in compliance with the Rules and Regulations of the Cemetery.
8. Upon the death of the owner(s) of grave space(s), the ownership of unused grave space(s) shall descend to the designated beneficiary(s) in a will or trust document of said owner. If the owner did not provide for the transfer of the unused grave space(s) by a will or trust document, right to the space(s) shall pass to the owner’s heirs by the laws of the state of Kentucky. Any one or more of such beneficiaries or heirs may convey to any other beneficiary or heir for no consideration his or her inheritance of grave space(s) pursuant to these Rules and Regulations.
9. **Every person or entity, upon purchase of grave space(s), agrees to be subject to the Moffett Cemetery, Inc. Rules and Regulations and Regulations as may be amended from time to time.**  In the event of a disagreement between co-owners concerning their burial rights, the Board of Directors shall have the power to decide the matter in dispute between or among said owners and to accept or refuse to accept orders from any one said owners.
10. Pursuant to Kentucky Statute KRS381.715, an unused grave space(s) may be reclaimed by Moffett Cemetery, Inc if it has been unused for at least a period of 100 years from the date of sale or last recorded transfer.
11. Every owner will be provided mowing, weed cutting, and other maintenance for their grave space(s) (not including marker maintenance).

**CONCRETE FOUNDATIONS**

1. All concrete foundations installed after the adoption of these Rules and Regulations must be installed in conformity with them.
2. All foundation installers must have and provide (upon request) evidence of worker’s compensation insurance covering employees and general liability insurance with policy limits in an amount not less than $100,000. **The same installer must complete the full installation, this includes the foundation and setting of the monument/marker.**
3. No concrete foundations installed may be installed until the purchase amount, burial fee(s) or any other fee due to the cemetery have been paid in full.
4. No concrete foundation may be installed until the Sexton (or board appointed member) shall have reviewed the foundation request, confirmed that there are no outstanding debts due the Cemetery Inc. and the Sexton (or board appointed member) has physically located the place of the foundation with the installer. The physical placement of a concrete foundation shall be in line with other foundations. All foundations must be set so that mowers and other lawn care equipment can service the grave without obstruction.
5. No marker may be erected on the foundation until the Sexton (or board appointed member) has inspected the foundation to ensure that the foundation and proposed marker comply with the cemetery Rules and Regulations. Any concrete foundation installed in violation of cemetery Rules and Regulations may be required to be moved or modified at the expense of the installer and/or owner(s) of the lot to comply with the Rules and Regulations.
6. Foundations must comply with the requirements described on the Monument Installation Permit Application Form for Moffett Cemetery, Inc. The diagram page of this form may be found at the back of this booklet and/or any monument company supplying these services will be provided the Installation Permit Application Form. All foundations must consist of concrete poured at the grave site. All foundations shall be level so that the marker resting on top of the foundation is level. After the installation of a foundation, the installer and/or owner(s) shall be responsible for grading the site, removing debris, and grass seed the area around the foundation.
7. Foundation installers must use planks or other means to protect grass and cemetery grounds from damage from equipment. Any damage to grass or grounds or dislocation of other markers shall be promptly repaired by the installer and/or owner(s) of the grave site to the satisfaction of the Sexton (or board appointed member) and installers shall be responsible for the costs of any repairs incurred by the Cemetery, Inc.

MARKERS

**IT IS RECOMMENDED THAT ANYONE PREPARING TO ORDER ANY KIND OF GRAVE(S) MARKER READ THIS SECTION CAREFULLY BEFORE ORDERING THE MARKER. Also refer to the section of Foundations for specific information.**

1. For a grave site not to lose its visible identity, every grave must be identified by an approved marker within one calendar year of interment. All markers installed after these Rules and Regulations are adopted must comply with these Rules and Regulations.
2. At a minimum, all markers shall display the name of the deceased, his or her birth date and death date on the side facing the grave site or on the top of the marker if it is a flat marker lying on the concrete foundation. If two persons (one of whom must be an infant or cremains) are buried in the same grave, their names and other required information shall also be on the marker, be placed on a separate marker that is on the foundation at the head of the grave or on a separate marker that has its own foundation placed in front of the marker that is at the head of the grave. However, a second marker must be flat with its top surface to be level with the top surface of its foundation. No marker may be installed until the burial charges and any other fees due the Cemetery have been paid in full.
3. No marker may be placed in the cemetery without first having a foundation installed in compliance with the Rules and Regulations. No marker may be installed on the foundation until the Sexton (or the Board appointed member) has inspected the foundation to ensure that the foundation and proposed marker comply with the Rules and Regulations. Any marker installed contrary to the Rules and Regulations is subject being required to be removed or modified at the expense of the installers and/or owner(s) so as to comply with the Rules and Regulations.
4. There shall be a single marker for a single grave. A marker for a single grave shall not exceed 36 inches in length and 16 inches in width. Any marker for two adjoining graves shall not exceed 76 inches in length and 16 inches in width. Any marker that exceeds any of these dimensions must be approved by the Board of Directors before installation.
5. All markers must have a smooth flat bottom and be set on a concrete foundation. No marker shall be set other than level.
6. All markers must be made of granite or marble and be of the same quality throughout. A bronze mounted plaque may be attached as a marker. A flat marker may be granite, marble, or bronze and attached directly to the concrete foundation.
7. Written notice must be given to the Sexton or Board of Directors (if no Sexton) and approved prior to any marker being renovated or any inscription being made.
8. The Board of Directors may, at the expense of the owner(s), and as a charge against said space, repair or remove any monument or memorial which is deemed by the Board of Directors to be improper or offensive, dangerous, or dilapidated. The Board of Directors may trim or remove any tree, flower or plant that is deemed dangerous, is unkept, or placement has intruded into other grave space(s).

INTERMENTS

1. The interment requirements for a grave are included in the contract agreement with the company providing the interment services.
2. In a single grave, there may be buried one human body; one human body and one infant (2 years in age or less); one human body and a maximum of one separate cremains. A maximum of two cremains is permitted in a single grave space in which only cremains are buried.

**GRAVE DECORATIONS**

**FOR THE SAFETY OF THOSE MAINTAINING THE CEMETERY GROUNDS**

ALL ITEMS REMOVED FROM A GRAVE MUST BE DISPOSED OF PROPERLY. BE PREPARED TO TAKE THESE ITEMS WITH YOU AT THE TIME YOU ARE CLEANING YOUR AREA. There is limited trash disposal available at the cemetery.

1. No glass is to be used as containers to hold floral decorations, or as ornamental decorations. These may be removed when discovered without notification.
2. No metal cans/containers(s) are to be used, due to rusting and becoming hazardous, as containers. These may be removed when discovered without notification.
3. For headstones/markers that do not have space for vases:
   1. concrete, ceramic, or other type of permanent/semi-permanent pot(s)/containers/urns, may be placed at each side, or front, as close as possible, to the headstone/marker.
   2. If any container(s) become broken, or deteriorate so they are no longer usable, or become a hazard to mowing, they must be replaced or will be removed. The Sexton (or board appointed member) will attempt to contact the family before removing, if possible.
   3. The groundskeeper(s) are not responsible for moving any items in front or beside a headstone before weed eating. These areas are the responsibility of the owner(s)/family. If the weeds become overgrown the cemetery may move the items to a different location or remove them from the grave(s).
4. **Shepherd’s hooks can be a safety hazard to the groundskeeper(s).** These tend to turn easily and will hit the person mowing causing injuries. If there is a shepherd’s hook on a grave, the mower may move them to a position they feel is safe. If they become bent, rusted, broken, or unkept they may be removed without notice.
5. If family members desire to extensively decorate a grave site, (including placing benches), **the family assumes maintenance for that site.**  If at any time the grave site becomes discarded, the Sexton (or board appointed member) will make the full Board of Directors aware and the Sexton (or board appointed member) will attempt to contact the family. If unable to resolve, the area will be physically evaluated by the Board and/or Board appointed member, who will determine what steps to be taken which may include the removal of some, or all, decorations hindering mowing, and/or normal maintenance.
6. ANY KIND OF PLANT MUST BE APPROVED BY THE BOARD OF DIRECTORS PRIOR TO BEING PLANTED. IF ANY ITEM IS PLANTED WITHOUT APPROVAL, THEY ARE SUBJECT TO REMOVAL WITHOUT NOTICE AND AT THE EXPENSE OF THE OWNER(S).
   1. Any plant, shrub, tree, etc. that requires additional care (trimming, shaping, etc.) will be the responsibility of the owner/family.
   2. At any time, a planted item(s) become unkept, overgrown, a hazard to mowing or other visitors, it will be addressed by the Sexton (or board appointed member). The Board of Directors will be made aware and attempt to contact the owner/family. If it becomes necessary, the Sexton (or appointed board member) will address the issue to include, but not limited to, pruning, trimming, or removal. Any expense incurred by Moffett Cemetery, Inc. will be the responsibility of the owner/family.
   3. If any planted item invades other surrounding graves not belonging to the same owner, the plant may be pruned, trimmed, or removed at the expense of the owner/family.
7. Headstone floral saddles should have the name that appears on the headstone written on the bottom side of the saddle so that it does not fade if wet. This will make it possible to return the item to its proper location in the event it becomes dislodged. Due to the strong winds, it is strongly recommended the saddle be secured to the headstone in a way it will not be easily blown away.
8. Any decorative item(s) that are found out of place (i.e. from wind) and cannot be determined where it belongs may be discarded no matter what the condition of the item.
9. All items removed from a grave MUST BE DISPOSED OF PROPERLY. NO DUMPING ALLOWED. ANYONE OBSERVED DUMPING ITEMS OVER THE HILL OR INTO THE WOODS/WEEDS WILL BE REPORTED AND LEGAL ACTIONS MAY BE TAKEN.
10. Any decoration deemed inappropriate, or offensive to others, may be removed without notice. The Board of Directors appointed member may attempt to reach the owner/family to resolve the concern. The Board of Directors will have the responsibility to determine the appropriateness of any item brought to their attention.

**LIABILITY**

The Moffett Cemetery, Inc. and its Board of Directors shall not be liable for loss or damage caused by an act of God, common enemy, thieves, terrorist, vandals, strikers, malicious mischief makers, unavoidable accidents, riots, or order of any military or civil authority, or other acts or events beyond our control. The Board of Directors assumes no responsibility for any actions, events, sales, wrong interments, damages that occurred by prior persons operating the cemetery, including but not limited to, graves sites being sold to multiple people, burial of remains in the wrong grave site, poorly set foundations and/or poorly set monuments. It will the Board of Directors decision, by a majority vote, on how each individual occurrence of improper actions of prior operators will be addressed.

These Rules and Regulations were duly approved by the Board of Directors of the Moffett Cemetery, Inc. on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.