



OAK HILL CEMETERY ASSOCIATION

Established 1868
NASHUA, IOWA

RULES GOVERNING OAK HILL CEMETERY

Rules Governing The Oak Hill Cemetery
Oak Hill Cemetery Association
Nashua, Chickasaw County, Iowa 50658

The rules and regulations set forth below are designed to preserve the appearance and dignity of the cemetery ensuring that The Oak Hill Cemetery is a quiet and beautiful place which honors the deceased.

In keeping with this goal, all efforts will be made to maintain the general beauty and harmony of the Cemetery. Peace and the sacredness of this land will always be maintained.

With this overall philosophy in mind, the following rules and regulations have been made effective on January 1, 2023, as established by the Oak Hill Cemetery Board of Trustees.

/s/ Scott Cerwinski
Scott Cerwinski, President of Board of Trustees

/s/ Jerry Adelmund
Jerry Adelmund, Secretary of Board of Trustees

Oak Hill Cemetery Association, and the Board of Directors of said Cemetery are noted and from here known as "Cemetery."

*NOTE: The revisions are for the purpose of updating, consolidating, and clarifying the by-laws by the Board of Directors of Oak Hill Cemetery. Some revisions are waiting the approval of the Board of Directors.

OAK HILL CEMETERY ASSOCIATION
Nashua, Chickasaw County, Iowa

CEMETERY RULES AND REGULATIONS

Part One - PURCHASE OF LOTS OR SPACES

1. Lots or spaces in the Oak Hill Cemetery ("Cemetery") that are owned by the Oak Hill Cemetery Association shall be available to all people who make application to purchase them. The charge for the said lots or spaces in said Cemetery shall be fixed from time to time by the Board of Trustees.
2. Applications for purchase of and payment for lots or spaces shall be made at the office of the President of the Oak Hill Cemetery Association, in Nashua, Iowa.
3. Cemetery lots or spaces are deeded to the purchaser for Cemetery purposes only, and shall be used under the rules and regulations prescribed by the Board of Trustees and the State of Iowa for such use.
4. The Association will have plats available, showing the location, size and price of the lots or spaces.
5. Burial arrangements and payment for grave openings shall be made with the President of the Oak Hill Cemetery Association or a Board member designated by the President of the Board.

Part Two - TRANSFER OF LOTS AND SPACES

Lots or spaces in the Cemetery shall be transferred by a transfer of deed or receipt from the Board Secretary. All deeds shall convey lots or spaces for burial purposes only, subject to the rules and regulations of the Cemetery.

Part Three - ABANDONED LOTS OR SPACES

All abandoned lots or spaces, as set out in Iowa Code Sections 566.20 to 566.27, shall revert to the Oak Hill Cemetery Association. Upon completion of the abandonment of such lots or spaces, the Oak Hill Cemetery Association may sell the same and convey deed thereto.

Part Four - CARE OF LOTS OR SPACES

1. The general care of the Cemetery is assumed by Board of Directors and includes the cutting of grass at reasonable intervals, cleaning of grounds, pruning of shrubs, trimming of trees which have been placed by the Cemetery, and filling and seeding graves and low areas.
2. The general care assumed by the Cemetery shall in no way be construed as meaning the maintenance, repair, leveling or replacement of any grave monument, marker, stone, or concrete base.
3. All grading, landscape work and improvements of any kind, and all care of lots, shall be done, and all trees, shrubs of any kind shall be planted, trimmed or removed, and all interments, disinterment and removals shall be made only by Cemetery or Cemetery contracted personnel.
4. Effective January 1, 2023, all bushes, plantings of floral pieces (either annual or perennial varieties) upon individual graves or lots shall be prohibited unless in permanent urns or in plant hangers secured in cement foundations. All plantings will be removed and Cemetery or Cemetery contracted personnel will seed the area with grass.
5. The Cemetery shall not be liable for damage to gravesites, markers or monuments resulting from the Cemetery's care or maintenance of the cemetery grounds.

Part Five - RESTRICTIONS

1. Out of respect, all work of any description should cease while a funeral or interment is being conducted nearby. It shall also be required that trucks and workmen withdraw to a reasonable distance from the location of the funeral service.
2. Approaching the bereaved for the purpose of soliciting any business within the Cemetery will not be permitted.
3. No fences, hedges, shrubbery, floral pieces (either annual or perennial varieties), landscaping or enclosures of any kind shall be permitted around any lots or spaces.
4. Trees may be permitted to be planted if approved by the Board of Directory, but not within 50 feet of another tree. The Board of Directors must approve the species and location.
5. The use of wooden rough boxes or crypt-beds is prohibited in burials within the Cemetery and only sealed concrete vaults and sealed urns shall be used, except for County burials.
6. No trees, shrubbery, markers, plantings or obstacles will be placed in the walkways or alleys between lots or spaces.

Part Six - GRAVE DECORATIONS

Summer Months- April 15 Thru November 15.

Fresh flowers, plants, artificial wreaths or flowers, and shepherd hooks (plant holders) may be used for decorating graves BUT must be placed within the concrete foundation or on the monument or markers, except for Memorial Day.

For a period of 5 days preceding and 10 days following Memorial Day, the above-mentioned type of arrangements may be placed on graves providing they are in containers other than glass or pottery and set close to the monument or marker.

Cemetery personnel or Cemetery contracted personnel will be instructed to remove all items after this period.

The Cemetery shall not be held accountable or responsible for any items so placed.

Permanent metal vases attached to monuments or ground-style inverted vases cast in place with concrete foundation or granite is recommended. Plant hangers and metal markers are to be placed in cement foundations.

Flowers and arrangements will be removed upon deterioration throughout the year.

Winter Months-November 16 Thru March 31.

All permanent metal vases must be placed in the inverted position to prevent breakage. The Cemetery will not be held responsible for damaged vases.

All flowers, decorations, wreaths, etc. wished to be salvaged by family members must be removed by March 31 due to Cemetery personnel removing all arrangements on graves starting April 1.

Part Seven - VISITORS

1. Any person within the Cemetery shall use only the roads, walks or alleys and at no time shall trespass on Cemetery lots, other than their own, and shall at all times conduct themselves in a quiet and respectful manner.

2. Visitors shall not pick any flowers, injure any trees or plants or mar any stone or monument.
3. Vehicles are permitted on the driveways only. The speed limit within the cemetery is 10 miles per hour.
4. NO DOGS ARE TO BE ALLOWED ON CEMETERY GROUNDS.

Part Eight - INTERMENTS

1. All graves shall be opened by workmen employed or contracted by the Oak Hill Cemetery and no filling, seeding, or other work upon single graves or lots shall be done except by such employees.
2. No interment of any body other than a human being shall be permitted or made in the Cemetery. No cremains may be spread on top of the ground within the cemetery.
3. No more than one body may be interred in any one grave, unless both are cremated, or one traditional burial and the other cremated and put on top. The traditional burial must occur first.
4. The Cemetery must have notice of an interment at least 48 hours in advance of burial. Monday morning openings require notice to be given by noon of the preceding Friday.
5. The Cemetery shall in no manner be liable for any delay in the interment of a body where a protest to the interment has been made or where it has been determined that non-compliance with the rules and regulations of the Cemetery has occurred. The Cemetery shall be under no duty to recognize any protest of interment unless it is in writing and filed with the Cemetery Secretary. The Cemetery shall not be responsible for errors resulting from orders or instructions given by telephone and the Cemetery or its Board of Directors may require such orders to be in writing before finalizing any action. All interment papers must be filled out and signed before the funeral.
6. The Cemetery shall not be liable for the interment permit nor for the identity of the body sought to be interred. The Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in description, transfer or conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Cemetery or, in the sole discretion of the Cemetery, in refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery reserves, and shall have the right to remove and/or transfer such remains so interred to such other property of equal value and location as may be substituted and conveyed in lieu thereof.
7. No cremains will be buried between November 1 and April 15. Grave spaces for cremations are restricted to Row 23 unless in a family lot with casket burials.

Part Nine - DISINTERMENTS

The Funeral Director shall provide a disinterment permit from the State of Iowa and must be present during disinterment. Cemetery employees shall exercise reasonable care in making a removal but neither they nor the Cemetery shall assume any liability for damages to any casket, vault or urn incurred in making the removal. The price of a removal will be three times that of a funeral. Disinterments will only be done Monday through Friday, April 1 through November 1.

Part Ten - MONUMENT AND MARKERS

1. A request for the location of a monument must be made no later than three business days before any work begins. Permit fee of \$50 is required, along with the approval of the Cemetery, prior to the placement of footings, markers or monuments.

2. All monuments, memorials, and markers are owned by the citizen and are not the responsibility of the Association.

3. Any monument that is in conflict with a burial will be moved out of the way at the time the grave is dug.
<TEMPORARY FOOTINGS>

4. Should any monument or stone become unsightly, dilapidated or a menace to visitors, the Cemetery shall have the right, at the expense of the lot owner, either to correct the condition or to remove the same.

5. The Cemetery reserves the right to refuse permission to erect any monument or marker, not in keeping with the good appearance of the Cemetery.

6. There shall be only one stone per grave space.

7. CONCRETE FOOTING/FOUNDATION REQUIREMENTS:

a. Concrete or granite foundations shall be placed flush with the ground and are to be poured on site. NO pre-cast tops are permitted.

b. Concrete requirements:

All permanent grave markers/monuments and granite caps must be placed on a concrete foundation slab that meets the requirements of the Cemetery Board of Directors.

- 12 inch deep pour of concrete for the foundation slab.
- Two 4 foot post-holes (below frost line) poured below the foundation slab.
- 6 inch exposure (wash) on the front & back dimension of the monument. (mower buffer)
- 12 inch exposure on the ends of stones for the placement of plants/flowers, metal markers, etc.

c. When pouring the foundation, accommodations should be made for placement of wrought iron shepherd hooks, bronze flag holders and inverted permanent flower bases.

d. When pouring a footing between two established monument foundations, all foundations must run together. ****This applies in the North Park and Northeast Additions only.**

e. Monument foundation forms and related construction materials should be removed and cleaned up by the foundation company **within < ten > calendar days.**

7. INSTALLATION OF MONUMENTS:

a. All monuments and markers shall be of first quality granite, marble, field stone or cast bronze warranted by the manufacturer to be free of sap and components which may cause rust stains and form natural faults which might cause cracks or checks.

b. Lettering on the markers will be read:

ORIGINAL CEMETERY - from east or west facing the isle/walkway.

NORTH PARK - from north or south facing the isle/walkway.

Burial Space Dimensions :

Main (Older) Cemetery	40" x 8'
North Park Cemetery Addition	40" x 11'
Proposed NE Addition	48" x 12'

c. No above ground mausoleums or tombs will be allowed. Monuments intended for the above ground interment of ashes will be allowed if they meet all other requirements for monuments

d. Larger monuments may be allowed with the purchase of additional burial plot(s). In this case, a minimum of eighteen (18) inches must be allowed between the edge of the monument and the adjacent burial plot.

OAK HILL CEMETERY	Maximum length of marker	Maximum width of marker	Maximum Height of marker	Maximum Foundations
Single Space	28 Inches	18 inches	22 inches	38" x 28" x

Double Space	62 inches	18 inches	22 inches	72" x 28"
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9. Any marker or monument erected without a location permit may be removed by the Cemetery at the lot owner's expense.

Part Eleven - PRICE OF SPACES

**See List of Cemetery Fees for current pricing.

Part Twelve - GRAVE OPENING & CLOSING

**See List of Cemetery Fees for current pricing.

Part Thirteen – THE ASSOCIATION, OFFICERS & GOVERNING OF THE CEMETERY

1. The Association shall elect its officers annually during their spring meeting.
 - a. Elections
 - i. Election may be held in day time or evening.
 - ii. Officer Terms- All officers of this Association shall hold their office for one year and until their successor be elected and qualified.
 - b. Notice of Elections
 - i. The Board shall give at least ten days notice of said election by posting notice. One on the Cemetery website and two notices in public places in the village of Nashua, stating when and where said meeting will be held and at what time. The board reserves the right to hold any meeting virtually, with a posted link allowing association participation on the cemetery website.
 - c. Annual Election
 - i. In case there shall be no secretary then the president shall give the notice. If there is no president, then one of the trustees may give the notice. If there are no trustees, any other officer. If there are no officers, any member of the Association may give the notice for the annual election of officers.
 - d. Annual Meeting
 - i. The Board shall hold two regular required meetings in each year. **The Annual Meeting held the first Thursday after April 30 (the end of the fiscal year); the second the first Thursday in November. (Adopted Apr. 26, 1996)**
 - ii. They may hold such other meetings as they see fit or may be necessary, but they shall levy no tax except at one of the regular meetings.
 - e. Quorum
 - i. A majority of the Board of Officers shall be a quorum for the transaction of business, but no tax shall be levied on the Association unless the whole Board be present and two thirds of the whole Board vote the tax.

2. The Duty of Board of Directors and its Elected Officers

Duty of Officer Said officers, when elected and qualified, shall be a board, who shall have the control and management of the affairs and funds of the Association.

 - a. Vacancy on Board
 - i. Whenever a vacancy be made in the Board, by death, resignation or neglect to serve, the Board may appoint one to fill the vacancy.
 - b. Requirement for Board Membership
 - i. No one shall be a member of the Board after their first year, who is not a member of the Association. Every owner of a lot shall be a member of said Association, and have one vote, but no member shall have more than one vote.

- ii. Dissolve Election- In case it shall happen at any time that our election of officers shall not be made on the day designated by these by-laws, said Association for that cause shall not be dissolved, but said Association may elect a Board of officers on any other day. And the then acting secretary, giving the same notice in the same way that the by-laws of this Association require for the annual election of officers.
- c. Duties of the Treasurer
- i. The treasurer shall give bonds, when requires the Association, in the sum as the Board shall require.
 - ii. He/She shall keep and receive all money coming to him/her belonging to the Association until called for in the manner prescribed by the by-laws and CHAPTER 523I of the IOWA CEMETERY ACT.
 - iii. He/She shall be the custodian of all the bills, due bills, drafts, and other evidence of money.
 - iv. He/She shall keep a cash book or digital ledger, in which he/she shall enter in proper form, the amount of money received and paid out, from what source received, and to whom and what for paid out. He/She shall keep a warrant book, whether physical or digital, in which he/she shall enter the date and number of every warrant by him/her paid, the amount paid, to whom given, to whom paid and when paid.
 - v. He/She shall not pay any order or warrant unless it is approved by the president and secretary, with the exception of reoccurring expenses contracted for approved services.
 - vi. He/She shall report annually at the time for election of officers, the amount of money received by him/her and the amount paid out during the year and the amount remaining in the treasury.
 - vii. No money shall be paid out by the treasurer except upon a warrant approved by the president and secretary.
 - viii. All warrants to be valid, must be numbered, dated, specify to whom drawn, to who made payable, and for what amount and be approved by the president and secretary of the Association.
- d. Duties of the Secretary
- i. The secretary shall be the clerk of the Board, shall do all the writing for the Board and Association. He/She shall keep a Record of Interment Rights, whether physical or digital, of all deeds given by the Association for lots sold. Entering therein, the name of the person or persons buying, the date of the deed, the time of filing, the number of the lots and block, and the amount the lot was sold for. This record must be submitted annually to the Secretary of State, State of Iowa as required by law.
 - ii. He/She shall give a Certificate of Interment Rights to any person applying for one, upon their paying him/her for such fee, as the Board shall establish.
 - iii. He/She shall keep a journal record, physical or digital, of all the doings and business proceedings of the Board and Association.
 - iv. The records shall be open and free to all persons belonging to the Association to examine.
 - v. He/She shall, when required by the Board, give bonds and such sum as the Board shall establish, with sureties to be approved by the Board.
 - vi. He/She shall maintain a website, allowing association members access to cemetery records and an annual updated burial directory.
- e. Duties of the Sexton
- i. The Sexton shall have special care of the burying ground - when in closed, shall see that the fences are kept up and in good order. He shall oversee the digging of all the graves and fill the same, receiving there for such fees as the Board shall establish; parties having graves dug, paying for the same.
 - ii. He shall open and close gate at entrance for visitors. Accompany them over the grounds, seeing that they violate no by-law or regulation of the Board or Association.
 - iii. Shall see that no dog or animal of any kind is running over the ground.
 - iv. He shall receive such compensation for services rendered and time spent on the grounds as Board shall establish.
- f. Duties of Trustees

- i. The Trustees and President, collectively or singly, shall superintend the fencing, plotting, grading and embellishing the ground, plotting the same into lots, and do from time to time such other work as shall be necessary, or the Board or Association may require, the Association paying them for the service rendered, such amount as the Board shall allow.
 - ii. Trustees shall hold their offices for three years, after the first and second years.
 1. Trustees, for the first year, shall cast lots for tenure, one drawing for one year, one drawing for two years, one drawing for three years.
 2. After the first year, there shall be one Trustee elected each year, who shall hold for three years and until his successor is elected and qualified.
- g. Duties of the President
 - i. The President shall preside at all meetings of the Board and Association.
 - ii. In the Board, He/She shall have only a casting vote, where there is a tie vote in the Board.
 - iii. He/She shall see that all the by-laws, acts, and resolutions of the Board and the Association are properly executed and complied with.
 - iv. He/She shall sign all deeds given for lots sold, and approve all warrants ordered issued by the Board, before the same are binding and valid on the Association.
- h. Duties of the Board
 - i. The Board shall have the exclusive care and control of the Cemetery grounds, any other property belonging to the Association, both real and personal. Shall plot and lay out the ground or employ a suitable person or persons to plot the same.
 - ii. Board Audit Clause
 1. They shall audit and allow all just claims against the Association, and authorize the President and secretary to issue a warrant on the treasurer.
 - iii. Board to provide Record Books
 1. They may, and shall, from any money belonging to the Association, procure suitable books for the secretary and treasurer.
 - iv. Amendments
 1. They may amend, add to or take from the by-laws at any regular meeting of the Board, but at no other.
 - v. They shall, after plotting the ground, offer them for sale and sell them for cash.
 - vi. They shall apply all money belonging to the Association, after paying for the land and all necessary expenses, to cleaning, fencing, grading and embellishing the grounds.
 - vii. They shall have posted all by-laws and regulations, affecting the right of visitors on the grounds, and keep them posted in conspicuous places on the grounds, or with a digital link to suck by-laws on the caretaker shed.
 - viii. They may impose fines upon any or all who violate any by-law or regulation of the ground and collect the same by civil suit before any court having jurisdiction.
 1. All fines, when paid, shall go into the treasury for the benefit of the Association.
- i. Compensation for Officers
 1. All officers of the Association shall receive such compensation for service rendered and material furnished as the Board shall allow.
- j. Rights Reserved to the Board
 - i. The Association hereby reserves the right for the Board to determine the manner of enclosing the burying ground, the manner of burying the dead, setting grave stones, monuments, fences, ornamental trees, and all other ornaments and fixtures that parties owning lots may wish to put or have put upon their lot or lots; and they further reserve the right to levy a tax upon the said land for the purpose of defraying the ordinary expenses of the Association, when in their opinion, the same shall be necessary, and they further reserve the right to control the lands, grounds, enclosures, lots and chattels of the Association; to fix the hour of opening the same for visitors; to make such regulations concerning the same as to them from time to time seem fit and proper. But no other use shall be made of the ground, except as a burial place for the dead.

3. Validity of Deeds
 - a. Certificate of Interment Rights (deeds) of lots to be valid and binding, must be signed by the President and Secretary and be recorded in the book of records of the Association, with a record of the person or persons paying for the recording of a deed and such fees as the Board shall establish.
4. Claims against the Association
 - a. All claims and demands against the Association must be presented by a bill signed by the person or persons claiming.
5. Cemetery Endowment
 - a. Be it Resolved by the Board of Officers of Oak Hill Cemetery Association, of Nashua, Iowa, that the Oak Hill Perpetual Care Trust Fund has been adopted for the purpose of furnishing a revenue to help defray the ordinary expenses of the said Association. (2014)
 - i. Any member of the Association, in lieu of the taxes previously levied against his lot or lots, must pay into the Treasury of the Association the set endowed price (an amount equal to or greater than \$50.00 or 20 percent, whichever is more), determined by the gross selling price received by the cemetery for each interment right issued, in compliance with the Iowa Cemetery Act. Once made, said amount shall thereafter stand in lieu of any further levy or tax upon the said lot or lots paid on by him, his heirs and assigns, and he shall, as to said lot or lots, be exempt from any further tax to defray the ordinary expenses of the Association, for all time to come.
 - ii. The principle of said fund shall be kept invested by the treasurer in such way as to be kept sacred and intact for the purposes herein provided, and shall not be mingled with the other funds of the Association.
 - iii. The interest of said Endowment Fund shall be used to help defray the ordinary expenses of the Association as above provided and stand in lieu of the annual taxes and levies against the lots exempted from taxation.