

# **FAIRVIEW CEMETERY AND FAIRVIEW CEMETERY ANNEX**

## **RULES AND REGULATIONS**

### **Preamble**

The Borough of Denver recognizes that its municipal cemeteries are sacred grounds reserved as a final resting place for the deceased. It is the desire of the Borough to operate and maintain cemeteries that are beautiful, dignified, and an appropriate resting place for departed love ones.

The following have been adopted by the Borough Council of the Borough of Denver and are designed to protect and maintain the value of interment rights and the general peace and tranquility for the following cemeteries owned by the Borough:

- The Fairview Cemetery, 101 North 4<sup>th</sup> Street, Denver, PA 17517.
- The Fairview Cemetery Annex, 1180 Steinmetz Road, Denver, PA 17517.

All lot owners and visitors within the cemeteries and all lots sold shall be subject to said rules and regulations, as amended from time to time.

Special cases may arise in which the literal application of a rule may impose unnecessary hardship or otherwise prove unreasonable. The Borough reserves the right to make such exceptions, suspensions or modifications as necessary to address the circumstances. Any temporary exception, suspension or modification shall not affect the general application of these rules and regulations.

### **Definitions**

“Cemetery” shall mean the burial grounds at 101 North 4<sup>th</sup> Street and 1180 Steinmetz Road, as previously administered by the Fairview Cemetery Association and now administered by the Borough of Denver (“Borough”)

“Fund” shall mean the perpetual care fund administered by a fiduciary to provide for the perpetual care of the cemetery so that the purposes of the Fairview Cemetery Association can be fulfilled without public expense to the Borough of Denver.

“Grave” shall indicate a space reserved or in use as a burial place four feet wide and nine and one half feet long.

“Lot” shall indicate an area containing between two and eight contiguous graves. By way of example, burial lot containing eight graves would have a dimension of sixteen feet wide and nineteen feet long. The Cemetery may sell individual graves as well as lots.

“Memorials” shall include all monuments, markers, and other devices permanently designating a grave site or lot.

“Perpetual care” shall include the perpetual repair and maintenance of all buildings, fences, drives, walks, and other improvements in the cemeteries; snow removal; cutting of grass upon each plot at reasonable intervals; pruning of the shrubs and trees and such other work and expenses as may be necessary to ensure the proper operation of the cemeteries. Perpetual care does not provide for maintenance of private monuments, markers or flower vases.

“Owner” is the person or persons to whom the Cemetery has conveyed a burial right, the heirs at law of said person, or a person to whom a burial right has been conveyed by said owner or the heirs of said owner.

“Right of burial” is the grant of an irrevocable license to inter the remains or cremains of an individual in the grave, subject to Pennsylvania law and these rules and regulations, as amended from time to time.

“Vault” shall include burial vaults, grave boxes, or similar grave liners.

### **Perpetual Care**

1.1 In the past, the Fairview Cemetery and Fairview Cemetery Annex were cared for from the proceeds of lot sales, service charges, and donations. In 2020, the Borough assumed responsibility for the cemeteries through transfer from the Fairview Cemetery Association. In order to assure a more reliable means for permanent care, the Borough has established a perpetual care fund (“the Fund”) to provide maintenance of the cemeteries. This fund is maintained in part by fees received from lot sales.

1.2 The amount set aside into the Fund from each lot sale will vary from time to time as determined by resolution of Borough Council in accordance with the provisions of the Borough Code. A copy of the fee schedule shall be available to the public. The Borough shall maintain a record of the amounts deposited and expenditures made so that the operation of the cemeteries shall be paid from the Fund and shall not become a general expense of the Borough. The Fund may also be increased by gifts, bequests, a portion of memorial charges, and other service revenues.

### **Burial Lots and Graves**

2.1 Persons desiring to purchase a burial lot or grave in the Fairview Cemetery or Fairview Annex Cemetery are invited to visit the Denver Borough Municipal Building, 501 Main Street, Denver, PA or view the cemetery web page maintained as part of the official Borough website. A Borough representative will aid in the selection. Although general information is maintained online, actual purchases will need to be made at the Borough office. The official cemetery records are kept and maintained by the Borough at the Borough Municipal Building.

2.2 The number of interments that can be made in any lot is determined at the time of purchase. It is advised that a lot of adequate capacity be purchased. Adjoining ground may not be available later.

2.3 After purchase, each lot or grave shall be suitably marked by the Borough with a metal or concrete post placed on each lot corner and set level with the adjacent ground. To maintain accuracy and uniformity of marking, substitute or additional corner posts may not be used.

2.4 After purchase, the location and dimensions of lots and graves shall be accurately measured and duly noted in the records of the Borough. The grade and diagram of all lots and graves is established by the Borough and no change will be permitted. Lots and graves sold shall be permanently marked, without additional expense to the purchaser, with corner markers buried level with the ground. Except for temporary markers installed for location purposes by a funeral home, no other corner markers are permitted.

2.5 No person will be recognized as an owner unless their name appears upon the records as holder. The possession of some indicia of transfer or purchase to a third person is NOT sufficient evidence of the transfer from the record owner in the absence of notice to the Borough.

2.6 No sale, transfer, or assignment of any lot or grave interest shall be valid without the written consent of the Borough. The charge for approval of a transfer and recording of transfer will be at the current rate, payable when the application for such transfer is filed. The Borough reserves the right to refuse approval of any transfer which is considered prejudicial to the best interests of the Borough and to the other owners.

2.7 Each lot or grave owner shall notify the Borough of any change of address.

2.8 The Cemetery does not buy back lots or graves once sold and does not buy back lots or graves previously sold by the Fairview Cemetery Association. If an owner no longer desires to retain a lot or grave, it is the responsibility of that owner as well as the responsibility of the purchaser to notify the Borough of any sale or transfer.

### **Right of Burial**

3.1 Any person who at the time of death is the record holder of a burial plot, or the spouse of the record holder, may be interred in the plot.

3.2 Any member of the immediate family of any record holder may be interred in that plot with the written permission of the legal holder of the plot or that holder's legal successor in interest.

3.3 No other person may be interred in any plot without the consent of both the legal holder of the plot permit and the Borough. The Cemetery reserves the right to refuse such consent in any case when it deems such interment would be prejudicial to the best interests of the cemetery and the other plot holders; provided, however, that the Cemetery and the Borough shall not discriminate

on the basis of any protected category as that term is defined by federal law or the Pennsylvania Human Relations Act.

3.4 Permit holders who desire to transfer their rights to relatives or others may file with the Borough such instructions in writing and duly notarized. Such a transfer will be registered with the Borough upon payment of any required fee, provided that the Borough accepts said transfer.

3.5 Interments may not be made in plots which have not been paid for in full.

### **Heirs of Plot Owners**

4.0 In case of the death of the record plot owner, the Borough will recognize the rights of the surviving spouse as well as the rights of both testate and intestate heirs, to designate who may use the plot, insofar as survivors can document their rights to the plot.

4.1 The Borough shall not be responsible for errors committed, unless the Borough is notified of the death of the permit holder and given documentation designating the surviving spouse or next of kin to whom the right of the permit holder have passed.

4.2 The Borough may charge for registering and preserving records of such transfers as provided in a resolution setting such fees.

### **Funerals and Interments**

5.1 Graves shall be opened and closed by agents of the Borough for a reasonable charge payable in advance as set forth in the fee schedule.

5.2 Funeral directors shall present the necessary burial permit form to the Borough for submission to the state and the Borough agrees to promptly submit the permit request to the Commonwealth of Pennsylvania for approval.

5.3 Whenever interments are to be made, the Borough must be notified with a request for burial a minimum of 48 business hours in advance. Monday burials must be scheduled by 10:00 a.m. the Thursday prior.

5.4 Interments are permitted Monday through Saturday until 5:00 p.m.

5.5 Interments are not allowed on Sundays and on the following list of observed holidays: New Year's Day, Good Friday, Memorial Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve, and Christmas Day.

5.6 Only human remains are permitted to be buried in the cemeteries. No animals or fowl shall be interred in the cemeteries; provided, however, that the cremains of pets may be interred in the course of a human interment if the other requirements of these rules and regulations are met.

5.7 Not more than one interment is allowed per grave, except as follows:

- a. A parent and infant child,
- b. Two children buried at one time and in one casket,
- c. A maximum of four cremations, if the grave site will accommodate.

When additional burial rights are requested on a lot other than what has been specified at purchase, a fee for each additional interment shall be assessed. These limitations do not apply to pet cremains interred with owners.

5.8 Only one casket shall be placed in each grave. Every casket earth interment must include a vault. Additionally, every cremation also must include an earth interment container approved by the Cemetery intended to resist breakage. No mounds shall be raised upon any grave above the general level of the lot. Mounds are difficult to maintain, as the sod grows in an unnatural position and is easily injured by heat, drought and frost.

5.9 When an interment is to be made, the person ordering it must designate the grave and give the order in person or in writing to an authorized Borough representative. No change of location after interment will be made except at the expense of the person who designated the grave.

5.10 A charge will be set by the Borough by resolution, which shall be paid in advance of interment, to cover siting of the grave, opening of the grave, removal of excess material, refilling, and sodding. The fee schedule for these services shall be kept on file at the Denver Borough Municipal Building and posted on the Borough web page respecting cemetery matters.

5.11 The interment of the bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.

5.12 The right to change the boundaries or the grading of a cemetery, including the right to modify or change the locations of roads, planting areas, or walkways, is reserved by the Borough.

5.13 The Borough reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.

5.14 The Borough shall take all reasonable precautions to protect the lots from loss or damage, but the Borough disclaims all responsibility for loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, and/or an order of any military or civil authority.

5.15 Once the casket containing a body is within the confines of the cemetery, no one will be permitted to open the casket without a court order.

5.16 The location of interments shall be designated by the lot owner within the parameters established by the Borough. Should the lot owner fail or neglect to make such designation within the established parameters, the Borough reserves the right to use its own judgment. The Borough

shall not be responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions.

### **Disinterment or Removal**

6.1 No disinterment or removal of a body will be allowed without the written consent of the surviving spouse or the heirs at law of the person whose body is to be disinterred, plus the approval of the Borough and payment in advance of fees associated with the disinterment.

6.2 No grave shall be re-opened for inspection after interment except upon court order or upon the direction of the coroner, the District Attorney, or other official with lawful authority.

6.3 Remains moved from other cemeteries must be accompanied by proper papers as prescribed by law and may be re-interred in compliance with Borough regulations as if it was an original interment, including the payment of any necessary charges.

### **Care of Cemetery Grounds**

7.1 All work in the care and improvements of plots shall be done by the Borough or designated subcontractors of the Borough. All trees and shrubs planted by the Borough in accordance with the general plan for landscape work are the property of the Borough, not the lot owners.

7.2 No plot or grave shall be defined by fence, railing, coping, or hedge. Steps leading to plots will not be permitted. Boxes, shells, toys, wire screens, arbors, trellises, tripods, chairs, benches, decorative gravel, stones, or rocks and objects of similar description will not be permitted on any plot or grave. Memorial objects left in the cemeteries must be in keeping with the general plan. The Borough is not responsible for the loss or damage to any such memorial objects.

7.3 If anything shall be placed upon any plot or grave which is deemed unsightly or injurious, the Cemetery may enter the lot or grave and remove such unsightly or injurious articles at the expense of the permit holder.

7.4 No one shall plant trees, shrubs or flowers on any grave or lot. Fresh flower arrangements placed on a grave with a disposable container are acceptable.

7.5 American flags may be placed on graves on Memorial Day, the Fourth of July, Flag Day and Veterans Day. Flags shall be no larger than 12 inches by 18 inches. Flags not removed within ten days of the holiday are subject to removal by the Cemetery.

7.6 The Cemetery shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plant or herbage of any kind from the cemetery as soon as in the judgment of the management they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards maintained.

7.7 The Cemetery reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. Artificial flowers will be removed and destroyed when they become faded, dirty, or in any way unsightly. Cut flowers and potted plants shall be permitted at any time but will be removed after five days. Unsightly arrangements will be removed after March 1<sup>st</sup> and after September 1<sup>st</sup> of each year.

7.8 No person shall trim, prune, or remove any part of any tree or shrub in the cemeteries. On request, the Cemetery will perform any pruning which is considered necessary, at no charge.

7.9 All graves, when thoroughly settled, will be seeded without charge to the plot owner and shall be mounded not to exceed three inches. At any time after a grave is seeded, a charge at the current rate shall be paid by the permit holder if he removes sod or causes it to be removed for the planting of flowers or any other reason.

7.10 The cemeteries will be cleaned annually on the first weekend of the following months: March, August, and December. Seasonal decorations that are not cleaned up by these dates will be removed from grave sites. Other damaged decorations or memorials will be removed.

7.11 The Cemetery reserves the right at any time to remove unsightly mounds and to re-sod the grave at the general level of the lot.

7.12 The Cemetery reserves the right for its workers and those persons necessary to performance of normal cemetery operation to enter upon or cross over any lot in the cemeteries in the performance of such duties.

7.13 The Cemetery or its assigns assume no liability for actual damage or mental anguish created by the performance of normal operations, or for loss by vandalism or other acts beyond reasonable control.

7.14 The Cemetery reserves the right to amend or change these rules and regulations to conform with newly developed cemetery practices or in its best judgment in the interests of the citizens of the Borough and the owners of plots in the cemeteries.

7.15 The Cemetery reserves the right to alter, change, or close alleys, roadways, water mains, and other physical properties of the cemeteries so long as reasonable public access is maintained.

### **Public Conduct**

8.1 Visitors and family members are welcome to visit the graves of loved ones, keeping in mind the purpose of the area. Visitors are reminded that these grounds are sacredly devoted to the interment of the human dead and that strict observance of the decorum due such a place will be required by all.

8.2 The cemeteries shall be open to visitors at all times between the hours of 8:00 a.m. and sunset. Permission to enter the cemeteries at any other time must be obtained from the Borough.

8.3 Conduct in Cemeteries. No person shall:

- Enter or leave the cemeteries except through an established gate or entranceway.
- Allow any dogs and other domestic animals except those animals utilized as service animals.
- Allow a child under the age of fourteen years of age in any cemetery unless accompanied by an adult.
- Allow refreshments or consumption of alcoholic beverages.
- Hunt on cemetery property.
- Feed or disturb the birds or other animal life on cemetery property.
- Treasure hunt or use metal detectors on cemetery property.
- Sit, lean, or lounge on monuments, memorials, markers or statues or in any way injure or deface any monument, stone or other structure, or property within any cemetery.
- Climb fences, damage or remove fences, trees or markers on cemetery property.
- Skate, skateboard, dirt bike on cemetery property.
- Ride a horse except in funeral processions.
- Advertise or solicit on cemetery property.
- Discharge firearms in any cemetery. This prohibition shall not apply to burial services conducted by recognized military organizations or associations of the United States.
- Pick or mutilate any flower, either wild or domestic, or disturb any tree, shrubs, or other planted material without permission of the Borough.

8.4 Automobiles and other vehicles when in operation within the cemeteries shall observe the following rules:

- Speed limit is 10 miles per hour.
- Sounding of horns or other warning signals is prohibited.
- Vehicles shall not make “U” turns on any drive
- Passing a funeral procession is prohibited.
- Vehicles shall drive on established drives only.
- Persons driving in the cemeteries shall be responsible for any damage done by and to their vehicle.
- Motorcycles and horses will be allowed in the cemeteries only at funeral processions or parades. Snowmobiles and bicycles will not be allowed in the cemeteries.

### **Monuments and Markers**

9.1 This section shall not apply to temporary markers placed by the funeral home at the time of interment. With respect to permanent memorials, families are reminded that said memorials are the property of the persons placing said memorials and are not owned by the Cemetery or the



Borough. Persons erecting memorials are advised that they have the right to insure the memorials against hazard at their own expense if they so desire.

9.2 All graves must be marked with a permanent memorial within 12 months from the date of the burial. If the grave is not marked with a permanent memorial within 12 months, the Borough shall install one. The Borough shall assess an amount to be held in escrow at the time the lot is purchased to cover the cost. If a permanent memorial is placed within 12 months, the Borough shall release the escrow.

9.3 Permission must be obtained from the Borough for all memorial work. An application form, obtained from the Borough, must be submitted for proposed work and a permit issued. Contractors performing work on memorials in the Cemetery are required to provide proof of adequate liability insurance.

9.4 Memorials are to be installed only by professional monument installers or other qualified contractors.

9.5 Memorials constructed of cement, concrete, wood, tin, iron, or other material considered undesirable or inappropriate are not permitted. No pole shall be erected on any family or individual grave for the purpose of displaying a flag, pennant, or decoration.

9.6 Memorials are limited to monuments, grave markers, ledgers, statues, crosses, and mausoleums. No materials except granite, approved marble, or standard bronze shall be used for any marker or monument. The Borough reserves the right to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments, or markers placed or to be placed in the cemeteries, subject to limitations respecting nondiscrimination contained in federal and state law.

9.7 No curbing, coping, fence, bench, urn, or similar object, independent of the memorial, will be permitted on any lot or grave. Owners are encouraged to erect only one monument per lot to memorialize each of the persons buried in the graves associated with that lot.

9.8 No memorial shall be set in place until approved by the Borough, who will verify that the administrative fee and plot fees are paid in full. The Borough or its designee shall be physically present to oversee all memorial placements.

9.10 All memorials must be placed at the head of the grave except in cases where multiple cremains are interred.

9.11 A maximum of two memorials shall be placed at a cremation burial site containing two to four cremation interments with one marker being placed at the head of the grave and the second being placed at the foot.

9.12 Not more than one memorial shall be placed at any traditional grave burial site. No memorial shall embrace two or more graves, except on a cremation interment grave site as stated above or a multiple grave lot where a multiple grave memorial is permitted.

9.13 The persons engaged in placing memorials shall provide planking adequate to protect turf and shall remove materials and equipment immediately upon completion of work.

9.14 Memorials cannot be delivered until a proper foundation has been installed.

9.15 Foundations for memorials must:

- Extend 10 inches in depth except where granite is used, in which case a four inch foundation is required.
- Be one piece not to exceed five inches overall margin.
- Not project above the ground.
- Any concrete piers must extend to the depth of the vault.

9.16 Any foundation over any actual grave area, or portion of grave area, must be bridged over the actual grave with at least six (6) inches of footing on solid ground. The footing must extend down to the vault.

9.17 Materials for stonework cannot remain in the cemetery longer than three days after completion of the work, and the site shall be left in a clean, orderly condition. The persons engaged in placing the memorial shall provide planking adequate to protect turf and shall remove materials and equipment immediately upon completion of work.

9.18 The exposed surface of all single flush markers shall be no larger than 24 inches in length and 12 inches in width. Double or triple flush markers shall be no larger than 24 inches in width and 48 inches in length. All flush markers shall be at least four inches in depth. Flush markers up to 24 inches in length and 12 inches in width may be placed without a foundation so long as they are bedded in a level fashion in a sand bed

9.19 Flush type markers issued by the United States Government must be set flush. Bronze plaques issued by the United States Government must be permanently mounted on a stone marker that is a minimum of 4 inches thick.

9.20 The Borough takes no responsibility for maintenance or repair of monuments or markers. The Borough may replace and/or repair damages caused by Borough personnel or subcontractor vehicles. All other damage, repairs, and or replacement shall be at the owner's expense.

9.21 In conjunction with opening and closing of graves, it may be necessary to temporally move memorials to allow access to the grave site for equipment. The movement will be done by a professional monument company. The cost of such temporary movement will be at the expense of the family requesting the grave opening. Memorials will be returned to their original place as soon as possible, without damaging either the cemetery or other memorials, at the cost to the persons moving said memorials. The Borough bears no responsibility for such movement.

9.22 Should any memorial become unsightly, dilapidated or a safety hazard to visitors, the Borough shall have the right, at the expense of the lot owner, to correct the condition or remove same.

9.23 All workmen employed by outside firms, while within a cemetery, are subject to the regulations of the Borough and the Cemetery.

9.24 All work of any description should cease while a funeral or interment is being conducted in a cemetery. Trucks and workmen should withdraw to a reasonable distance from the location of the funeral service, preferably to an area behind any tree or shrub barrier.

### **Disclaimer and Limitation of Liability**

The Borough and the Cemetery shall take reasonable precautions to protect the cemeteries, interment rights, and structures within the cemeteries from loss or damage, but it disclaims all responsibility for loss or damage from causes beyond its reasonable control, including but not limited to, damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as therein provided. The Borough and Cemetery do not provide funeral services and is not involved in the handling of remains. Our sole role is to maintain the cemeteries and regulate the burial of remains. In the event that a plot sold by the Borough as vacant is determined not to be vacant, the liability of the Borough is limited to the cost of providing a vacant burial plot if there are no remaining vacant plots in the section originally purchased by the family. The Borough accepts no liability for any activities conducted by the Fairview Cemetery Association of any of its predecessors in interest prior to the date the Borough acquired the assets of the Association.

## Fairview Cemetery and Fairview Cemetery Annex Rates

### Funeral Charges

Burial Fees*	\$1,500.00 per burial.
	\$ 750.00 per cremation.
	\$ 400.00 escrow per burial or cremation for permanent grave marker

\* Includes grave siting, excavation, grave closing, and grass seeding.

The costs of the casket or urn, as well as the costs of the vault are the responsibility of the family.

### Burial Lots

Plot	\$3,200.00 (includes 8 lots and measures 16' X 19')
Single Lot	\$400.00 per lot (lot size 4' wide X 9.5' long)