

BEECH GROVE CEMETERY



**Town of Eleanor
P.O. Box 185
Eleanor, WV 25070**

**Adopted - 2002
Revised - 2007
Revised - 2011**

BEECH GROVE CEMETERY

Rules and Regulations

DECLARATION OF POLICY: The Council of the Town of Eleanor hereby ordains that the following rules & regulations are hereby established for the proper operation and use of the Beech Grove Cemetery in the Town of Eleanor. The Town of Eleanor recognizes that the Beech Grove Cemetery is sacred grounds reserved as a final resting place for the people of the Town and desire to have the cemetery maintained in the best possible manner and firmly believe that these rules & regulations are necessary for the protection of lot and grave owners, and for the proper conduct and good order of the cemetery.

DEFINITIONS

The term "Cemetery" as used in these rules and regulations is defined to mean Beech Grove Cemetery, a cemetery operated under the rules and guidelines established by the governing body of the Town of Eleanor.

The term "Owner" shall mean owner of rights of interment.

The term "Interment" shall mean cremation and urnment, entombment, or burial of the remains of the deceased person.

The term "Contractor" as used in these rules and regulations shall mean any person, firm, or corporation or anyone engaged in the placing or erecting or repairing any monument, memorial, or performing any work in the cemetery other than a town employee.

The term "Homesteader" in these rules and regulations shall mean the head of house, (Mr. or Mrs.) original residents selected from a list of eligible tenants that became the first occupants of a house or houses that were assigned to them and located within the Town of Eleanor, and the residents that were selected from the remaining eligibility list to replace the first selection within a six month period.

The term "Children of Homesteaders" in these rules and regulations shall mean any offspring of original homesteaders that moved to Eleanor with their parents as a part of the original family or children born to parents of the original settlers while residing here.

The term "Spouse" used in these rules and regulations means the legal husband or wife of the owner of the lots.

The term "Transfer" in these rules shall mean the trade of ownership of a plot or plots without the exchange of money.

GENERAL RULES AND REGULATIONS

The Town of Eleanor shall require all persons coming into the cemetery to obey all rules and regulations.

Any person providing services within the boundaries of the Beech Grove Cemetery will do so within the guidelines and with the approval of the Town of Eleanor.

The Town of Eleanor reserves the right to require in advance of work to be done, a current certificate of insurance for Workers Compensation, Comprehensive Liability Insurance, for any and all work to be performed within the cemetery.

The Town of Eleanor disclaims responsibility for loss or damage from cause beyond its control, from damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief, explosions or unavoidable accidents.

The Town of Eleanor reserves the right to disclaim any responsibility for errors that may be made in making interments, disinterment, or removal of remains by any funeral home or mortuary. In the event that an error of interment of the remains of any person has made on property owned by another party, the Town of Eleanor reserves the right to request that the remains be moved and transferred to other property of equal value in a similar location within the Beech Grove Cemetery, at no expense to the Town of Eleanor.

The right to change the boundaries of the cemetery, to enlarge, reduce, to modify, to remove walkways, roadways, is reserved by the Town of Eleanor.

The Town of Eleanor reserves the right to use cemetery property not sold for cemetery purposes, for anything necessary, incidental, or convenient.

The Town of Eleanor is not responsible for the theft or damage to any article placed on the gravesites.

No bench, concrete planters or separate monuments, aside from gravestones will be permitted unless the item is placed on designated plot.

Any tables, chairs, trellis, flagpoles, cement pads or fence will be prohibited from being placed upon any plot.

The Town of Eleanor reserves the right to request that flowers and decorations is picked up for mowing and maintenance of the grounds.

Containers containing flowers or other decorations will be permitted, but will be removed from graves when flowers die or fade. The town reserves the right to remove funeral flowers and containers after an appropriate amount of time.

The Town of Eleanor has the authority to enter upon any lot to remove any objectionable thing or erection that has been placed there contrary to rules and regulations.

No person shall be permitted to plant upon cemetery ground any bush, tree, vine, shrub or grasses.

The Town of Eleanor may remove any dead tree, shrub, vine, bush or plant from any lot.

Artificial and cut flowers are permitted at any time displayed in suitable vases or containers, however no responsibility can be assumed for loss or misplacement of artificial or fresh flower, cut flower, holders, baskets, wreaths, sprays or any floral decorations.

All persons are reminded that the grounds of this cemetery are sacredly devoted for the remains and burial of the deceased and that provisions and penalties of law as provided will be enforced on all cases of disturbances and disregard of law.

All lots will require a permanent marker placed upon the grave within six (6) months after the burial.

SALE AND PURCHASE RIGHTS OF LOTS WITHIN THE CEMETERY

Any person who is a direct descendant and their spouse, up to and including grandchildren of an original homesteader and who no longer live here may be buried here as long as their relationship is revealed and accepted from the original list of homesteaders and as long as there are plots available. This does not include cousins, nieces, nephews, aunts, uncles, grand parents, in laws or any other relative of the original homesteaders.

Any person who is a resident of the Town of Eleanor can purchase plots for the head of the family and spouse (if there is a spouse) and immediate family. This is to also include any parent or sibling of the resident.

If a resident of the Town of Eleanor purchases a plot for a family member not living in the town, the family members name must be on the application and deed.

If a resident of the Town of Eleanor desires to purchase by assuming payment of a plot or plots for members of their family who live in the Town of Eleanor, but do not reside within their household, they may do so, however the deed must be made in the name of who it is purchased for and can not exceed the total of those living within their household. They also must have been a legal resident of the Town of Eleanor for a period of at least twelve (12) months unless that person is an infant less than twelve (12) months of age. All names for the intended must be on the application.

At no time will a plot be sold and a deed made for a plot for a future spouse of any family member that is not married and living within the town of Eleanor.

No deed is transferable and in the event a lot is no longer needed for those named it can be sold back to the Town of Eleanor for the same amount paid for, but cannot be transferred to another party.

The sale of any and all cemetery lots within Beech Grove Cemetery is under the control of the Town of Eleanor. There shall be no sale or transfer of sale by any owner, or purchaser of lots. Any lot purchased can only be resold to the Town of Eleanor for the original purchase price.

Anyone who owns a lot or lots and wishes to exchange this lot for another within the cemetery, may by written consent to the full town council be given consideration to do so at the original sale price. This request may not always be granted. If a request is granted, the deed to the original lot must be returned and a new deed issued.

Any person who, at the time of their death is the owner of a lot or part there of, the surviving husband or wife may be interred there. Any lots unused after all family members from that household have deceased may be resold to the Town of Eleanor by the estate of owner. Validity of beneficiary disposition must be presented to the Town of Eleanor.

No interment rights or contracts for the purchase rights of interment can be bought, sold, assigned, transferred, pledged or exchanged without the written consent of the Town Council of the Town of Eleanor.

No lots will be sold to allow transfer of deceased members of a family to be moved here from another cemetery to Beech Grove. No lots presently owned can be used to transfer remains from another cemetery. This would constitute a transfer of ownership. Any removal must be presented in writing to the Town Council and approved before any interment takes place.

All agreements for the purchase of cemetery lots must be on the form provided by the Town of Eleanor. All terms and conditions for the purchase must be recited in the contract, verbal agreements will not be recognized.

No conditional or transfer of interment rights and no sale of rights will be allowed or recorded.

Deeds must be recorded at the Putnam County Courthouse within six (6) months of the purchase date. The Town of Eleanor will be responsible for the recording of the deed and will retain a copy for their files and provide the owner with the original.

MEMORIALS AND FOUNDATIONS

The Town of Eleanor reserves the right to regulate all memorials and erections of same, or construction within the cemetery.

All foundations shall be the size and material specified by the cemetery.

Aligning of markers with existing markers and foundations is required.

The Town of Eleanor requires the removal of all excess dirt from excavations to specified area. Complete clean up of lots, repair of any property damage to surrounding area and foundation after installation.

Any marker of unusual size or shape must have approval from the Town of Eleanor.

No memorial or foundation shall be installed without authorization of the proper owner or owners recorded.

FUNERAL AND INTERMENTS

Opening and closing of the grave will be at the Funeral Directors direction, and the Town's approval.

Notice of interment shall be given at least twenty- four (24) hours in advance to the town office.

If a lot is being purchased at the same time that the notice of interment is being given, it must be paid for with cash, cashiers check or money order.

No burial will be permitted without the use of an approved concrete or metal vault. At no time will a wooden box be permitted as a vault.

Not more than one body shall be interred in a grave, except a parent and infant child, or two children buried at one time in one casket. One casket shall be placed in each grave.

The cost of each lot is Two Hundred (\$200.00) Dollars. The Town of Eleanor reserves the right to increase this cost if it becomes necessary. No interment will be made unless the lot is paid for.

Persons purchasing multiple lots may pay for them over a one-year period. The Town of Eleanor will furnish a payment schedule for a twelve (12) month period. If there is a need for the lot or lots to be used during this one-year period, the full amount owed becomes due. A single lot may be paid for over a period of three months unless there is an immediate need, and the full amount becomes due.

REMOVALS OR DISINTERMENTS

No removal will be permitted without the written consent of the surviving next of kin, be it husband, wife or family member named as next of kin.

There shall be a Two Hundred (\$200.00) Dollar bond required before the removal of any body from the grave.

The Town of Eleanor and Beech Grove Cemetery assumes no liability for damage to casket, vault or body during removal.

LOCATION OF LOTS TO BE PURCHASED

If multiple lots are purchased a section or sections marked A-B-C-D may be purchased. If two lots only are purchased they must be either A-B or C-D. There will be no splitting of a section such as B and C from the center of a section.

Persons wanting to purchase a single lot will be presented a list of single lots now available to select from.

After all of the single available lots are sold, a single lot must then be purchased as either A or D. No splitting of lots will be allowed for a single lot.

Example

Section A-B-C-D
Two lots A-B or C-D
Single as offered from list or A or D

You cannot purchase A of one section and D of an adjoining section.
You cannot purchase D of one section and A of an adjoining section.

AMENDMENTS

The Town of Eleanor has the right to add new rules, and to amend rules and regulations for the benefit of all owners and not for the benefit of convenience of an individual.