

RECORD OF ORDINANCES

Resolution No. 2025-32

Passed JULY 2, 2025

SPONSOR: PARKS & RECREATION COMMITTEE

A RESOLUTION ADOPTING THE GREENWOOD CEMETERY AMENDED RULES AND REGULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Village operates Greenwood Cemetery within the Village boundaries; and

WHEREAS, the Cemetery Board has recommended the adoption of the Greenwood Cemetery Amended Rules and Regulations in the form attached hereto as Exhibit A, which contains the proposed rules and regulations for use of the Greenwood Cemetery; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to adopt the Greenwood Cemetery Amended Rules and Regulations, as recommended by the Cemetery Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby approves and adopts the Greenwood Cemetery Amended Rules and Regulations, as recommended by the Cemetery Board, in the form attached hereto and incorporated herein as Exhibit A.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.


SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of the timely implementation of the Greenwood Cemetery Amended Rules and Regulations to ensure a clean, safe and aesthetically pleasing cemetery environment, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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Resolution No. 2025-32

Passed JULY 2, 2025

 7-2-25
Michael Raddish, Council President Date

 7-2-25
Michael Rick, Mayor Date

Attest:


Scott Varney, Clerk-Treasurer

GREENWOOD CEMETERY
AMENDED RULES AND REGULATIONS

EXHIBIT A

Resolution No. 2025-32

Effective: JULY 2, 2025

The following Rules and Regulations, as adopted by the Village of Mogadore Cemetery Board on MAY 12, 2025, and approved by the Mogadore Village Council on JULY 2, 2025, shall govern the use of the Village of Mogadore Greenwood Cemetery.

SECTION I – GENERAL RULES; FEES

1. All access to, and use of, the Cemetery is governed by the Village pursuant to these Rules and Regulations.
2. The land comprising the Cemetery shall, at all times, remain the land of the Village of Mogadore, and the purchase of any burial lot therein shall only provide for the use of the lot for burial purposes, and no other right or interest in and to that lot shall be conveyed by the Village to the purchaser or holder of said lot.
3. The Village reserves the right to lay out and change the location of roads, paths, and walks, and to make such other changes or alterations as it deems necessary or advisable, and to correct errors in locations and descriptions in contracts, deeds and internments, without incurring any obligation to, or securing the consent of, lot holders.
4. Entry and exit to and from the Cemetery shall be made only between sunrise and sunset. Vehicular traffic in and out of the Cemetery shall be for Cemetery purposes only.
5. The Cemetery grounds are sacredly dedicated to be used solely for the burial of human remains and cremains, for the visitation, honor and respect of the same, and for ceremonial purposes related to the same, and any use other than its intended purpose is prohibited. In addition to these Rules and Regulations, all laws of the federal government, State of Ohio and Village of Mogadore shall be adhered to at all times within the Cemetery.
6. These Rules and Regulations may be changed or modified at any time by action of the Mogadore Village Council upon the recommendation of the Cemetery Board.
7. Charges for lot purchases, grave openings and closings, cremains openings and closings, foundations and other services, if not otherwise set forth herein, shall be established by Ordinance enacted by the Mogadore Village Council upon recommendation of the Cemetery Board.

SECTION II – INTERNMENTS

1. The purchase of a lot entitles the holder, or subsequent transferee, to the burial of one human body and up to 4 cremains urns or containers.
2. Internments other than a lot holder or person to whom the deed has been transferred, are permitted only upon written consent of the lot holder, and such written consent must contain the name of the current lot holder/transferee, name of the interned person, location of the grave, lot number, the date of the consent, and a signature of the person giving such consent.
3. A proper burial certificate or permit must be furnished for each internment of human remains or cremains.
4. The Village's Assistant Clerk-Treasurer must be contacted at least 48 hours before each internment.
5. All charges for internments and removals (disinternments) must be paid in advance and no later than the date of burial or removal.
6. Lots in the Cemetery shall be used only for the purpose of burial of human remains or cremains.
7. All internments of remains shall be made in concrete or metal vaults. All internments of cremains shall in non-biodegradable urns or containers designed for such purpose.
8. When a burial is made on a lot, the purchase price of the of the grave must have been previously paid. Double headstones are not to be installed until both lots are paid in full.
9. Babyland is reserved only for infants where the outer receptable does not exceed 2 feet in length.

SECTION III – DISINTERNMENTS

1. Disinternments shall be made solely as authorized by Ohio law and upon written request of the lot holder or his or her legal representative, at the lot holder's or his or her legal representative's expense.
2. Disinternment permits must be provided to the Village prior to commencement of the disinternment.
3. Disinternment expenses shall be assumed by the Village only when proof is presented that an error in the opening of a grave has been made by the Village.

SECTION IV – MARKERS

1. All markers, including monuments, memorials, headstones, flat or flush stones, sunken vases, and any other type of marker of a permanent nature shall be in conformity with this Section and shall be subject to approval by the Cemetery Board, in its sole and absolute discretion.
2. Markers shall be of a substantial material – stone, marble, granite or metal - and designed specifically for the purpose and function of a burial marker. Markers may not be made of material that was otherwise designed or manufactured for a non-burial marker purpose or function. Markers shall be purchased or otherwise obtained from a monument company or some other business that manufactures burial markers in the normal course of its business.
3. Markers shall be no wider than the width of the grave site.
4. Markers must be installed by a monument company on concrete foundations at the expense of the lot holder.
5. Only one marker will be permitted on a lot unless otherwise authorized by the Cemetery Board. Markers shall be placed only at the head of the grave, except for flat or flush military stones, which may be placed at the foot of the grave when a marker occupies the head of the grave.
6. All markers shall be in good taste, shall not contain profane, obscene or offensive content, and shall be consistent with the aesthetics of the Cemetery, as determined by the Cemetery Board in its sole and absolute discretion.
7. In the event of damage, the Village shall use its best efforts to restore and/or replace all damaged markers, but shall be under no financial obligation to do so.

SECTION V – PLANTINGS AND DECORATIONS

1. Flowers, wreaths, flags and decorations will be removed from lots when, in the judgment of the Village Service Department they have become unsightly. Upon special holidays such as Easter, Mother's Day, Father's Day, Memorial Day, Fourth of July, Veterans Day, Thanksgiving Day and Christmas, cut flowers and potted plants will be permitted and allowed to remain for two weeks from the date of the holiday. Winter wreaths, either natural or artificial, and grave blankets, are allowed starting November 1st and shall be removed at the option of the Village Service Department.
2. All flags and decorations shall be well-maintained, shall be of good quality and repair, shall be of good taste, shall not contain profane, obscene or offensive content, and shall be consistent with the aesthetics of the Cemetery, as determined by the Cemetery Board in its sole and absolute discretion. The Cemetery Board and/or the Village Service Department may remove any flag or decoration that the Cemetery Board determines is not consistent

with the standards of this paragraph and/or any other flags or decorations at any time for any reason whatsoever.

3. Decorations removed by the Village Service Department (except those that are in violation of Section V(2), above, which shall be immediately disposed of or destroyed) will be held by the Village for 2 weeks by the tree next to the garage.
4. Any tree or shrub which a person wishes to place on any lot must be done with the approval of the Cemetery Board.
5. A permanent tree or shrub, once placed in the Cemetery, becomes the property of the Village and must not be removed, except by the Village Service Department.

SECTION VI – TRANSFERS

1. A charge of \$25 per lot will be made for transfer of the deed to any lot or part thereof or for a duplicate deed.
2. Transfers of lots or graves will be made only when the purchase price has been paid in full.
3. All transfers must be handled through the Village's Assistant Clerk-Treasurer.
4. All documents evidencing a transfer of a lot shall be signed by the transferor and notarized.
5. Lot holders desiring to return lots to the Village shall be allowed a refund of 75% of the amount the holder paid for the lot. If the original purchase price cannot be found by the Village, then the Village will buy back the lot for 75% of the then-current cost of such lots.
6. All transfers or returns of lots are subject to the approval of the Mayor of the Village.

SECTION VII – RULES SPECIFIC TO CREMAINS GARDENS

1. When in conflict with the balance of the Rules and Regulations concerning the Cemetery, the provisions of this Section shall prevail concerning access to, and use of, the Cremains Garden.
2. Only one cremains urn or container is permitted per lot in the Cremains Garden.
3. All internments of cremains shall in non-biodegradable urns or containers designed for such purpose.
4. No plants, flowers, shrubs or trees of any kind may be planted within the Cremains Garden, except those planted and maintained by the Village.
5. No person shall disturb the mulch or other landscaping within the Cremains Garden.

6. Any cut flowers placed on or near any marker may be removed by the Village Street Department after 1 week.
7. Potted plants or potted flowers placed on or near any marker may be removed by the Village Street Department when the same appear to no longer be alive.
8. Flags shall be placed only on wire stands or flat metal stands next to markers. No other decorations shall be permitted within the Cremains Garden.