ORDINANCE TO REGULATE AND MANAGE THE MOUNTAIN VIEW CEMETERY

WHEREAS, the Town Council of Marlinton finds that it is necessary to clarify and establish the use, management, fees and operation of the MOUNTAIN VIEW CEMETERY situate within the corporate limits of the Town of Marlinton.

ACCORDINGLY, by this ORDINANCE, the Town of Marlinton hereby establishes the following fees, rules and regulations.

FEES FOR LOTS. MAUSOLEUM. INTERMENT AND OTHER SERVICES

Lots: $350.00 ($200.00 per lot + $150.00 Perpetual Care)..... To $450.00 ($250.00 per lot + $200.00 Perpetual Care)

Mausoleum: (Purchase of nameplate through Town of Marlinton mandatory)

Crypts:

Row A $3,000.00 to $3,250.00 Row C $3,500.00 to $3,750.00
Row B $3,200.00 to $3,500.00 Row 13 $2,500.00 to $2,750.00

Niche (Cremated remains): $400.00 to $500.00 + $200.00/holiday or weekend

Deed Transfer: $50.00 to (50+5+12.50) = $67.50

BURIAL SERVICES (vault mandatory with all burials except for cremated remains)

ALL OPEN/CLOSE FEE'S MUST BE PAID IN FULL BY THE FUNERAL HOME OR FAMILY BEFORE GRAVE WILL BE OPEN

Adults: $400.00....to $450.00...note: plus $200.00 weekends or Holidays

Infants: $200.00 .. to $250.00..... plus $200.00 weekends/Holidays

Extremity: $200.00 to $250.00 .....Plus $200.00 weekendslHolidays

Cremated Remains: $200.00 to $250.00 plus $200.00 weekendslHolidays

OTHER SERVICES

Disinterment: $2,000.00 to **$2,500.00 ..... plus $200.00 weekends/Holidays**

PAYMENT:

Lots, crypts and niches: Payment in full on day of sale.

Burial and Disinterment Services: Shall be paid in full prior to services rendered.

Rules and Regulations

The following rules have been formulated with the fixed purpose of protecting the rights and interests of all the lot owners, of securing good order within the Mountain View Cemetery, herewith identified as The Cemetery. By safeguarding the interests of the Cemetery as a whole, the interests of each lot owner are safeguarded. All persons are required to comply with these rules, copies of which, revised and corrected to date, may be obtained at any time upon application to the Mayor of Marlinton, herewith identified as Superintendent.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications of any of the rules and regulations when, in its judgment, the same appears advisable; however, such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application of such rule.

As used in these regulations, the term "lot" means one or more grave sites; the term "Superintendent" means the persons in active control of Cemetery operations; and the term "Cemetery", where authority is implied, means the City Council of Marlinton, West Virginia, or any commission, committee, board or other agency that may be authorized by the City Council to exercise its powers, privileges, and duties with respect to the Cemetery.

1. No lot shall be used for any purpose other than the burial of the human dead.

2. The name and address of every lot owner shall be on record at the Office of the Superintendent of the Cemetery. Such records together with a deed shall be sufficient warrant to the Cemetery in all matters pertaining to the ownership of a lot. In the event of a change of address, the Superintendent of The Mountain View Cemetery, Marlinton, West Virginia, should be notified at once.

3. Upon the death of a lot owner, his heirs or devisees should immediately file with the Superintendent proof of the new ownership. This is important as no interments can be permitted until such proof is given. Because of the difficulties in determining the persons who may inherit the rights of a lot owner in his lot and in order to avoid serious disputes and inconveniences that may arise subsequent to the decease of a lot owner, it is recommended that the lot owner make provision for the definite disposition of his lot during his lifetime. He may, by will, devise the lot to a named person or persons, or he may, either by will or by deed, convey the lot the Town of Marlinton in trust, designating the person or persons who may be buried therein.

4. No transfer or assignment of any lots or interest therein shall be valid without the prior written consent of the Cemetery, endorsed upon the conveyance and entered upon the Cemetery records.

5. The Cemetery reserves the right to refuse interment in any lot except on the written authority of the lot owner. In case the lot is jointly owned, the interment of any member of the immediate family of any one of the owners may be made upon his sole written authorization. No person outside the immediate family of the lot owner may be interred in a lot without the written consent of the lot owner or owners who, under no circumstances, shall allow interments to be made on any lot for remuneration. No protest of interment will be recognized by the Cemetery unless it is in writing and filed with the Superintendent of the Cemetery, and the Cemetery shall in no way be liable for any delay in any interment resulting from such protest or from non-compliance with these rules.

6. Whenever instructions regarding the location of an interment space cannot be obtained or are indefinite or if, for any reason, the grave cannot be opened in the location specified, the Superintendent may open it at such location as may seem best under the circumstances so as not to delay the funeral services. In order to avoid misunderstandings, it is urged that the lot owner or some member of the family come to the Cemetery and locate the grave and orders for location of graves or for any other work be made in writing. The Cemetery cannot be held responsible for mistakes made when such orders are given by telephone.

7. All interment spaces shall be opened and closed only by Cemetery employees for whom charges fixed by the Cemetery will be made and shall either be paid for in advance or assumed by a funeral director. Notice for opening an interment space must be given at least twenty-four hours in advance of the funeral service. No disinterment, except as provided under Rule 8, shall be made without the written consent of all of the next of kin of the person whose body is to be removed.

8. No interment shall be permitted until the purchase price of the lot has been fully paid. In the event there is default under an installment purchase agreement, then the Cemetery shall have the right, at any time after Twenty (20) days' notice mailed to the owner of the lot as shown on the Cemetery records, to remove to single graves chosen by the Superintendent each of the remains interred in said lot. The Cemetery shall also have the right to remove any memorials that may have been placed thereon.

9. Tents, artificial grass, lowering devices, and other equipment owned or authorized by the Cemetery shall be used in making interments. The charge for preparing interment spaces includes the use of such equipment.

10. All grading, landscape, and maintenance work, and improvements on lots shall be done under the direction of the Superintendent and only by employees of the Cemetery, except when the Superintendent otherwise grants permission. Visitors and lot owners are requested not to offer money to Cemetery employees since they are forbidden to accept any fee or gratuity except from the Cemetery and may be dismissed for violation of this rule.

11. If any lot owner desires special work to be done on his lot, such as special planting, repairing and cleaning of monuments, placing and removing of cut flowers, potted plants, wreaths, decorations, etc., the Superintendent will be glad to give estimates of the cost of such work either upon an annual basis or for a particular service. All charges for such special work are payable in advance.

12. In the future, no fences, copings, hedges, flower borders, trellises, or other enclosures of any kind, and no benches, settees, or other similar articles shall be placed upon any lot, and if so placed, or in the event present ones become unsightly or detrimental to the uniform beauty of the Cemetery, then the Superintendent shall have the right to remove them.

13. No trees, shrubs, plants, vines, or flowers shall be planted on or removed *from any lot except with the permission and under the direction of the* Superintendent, who shall have the right to plant, prune, remove, or transplant any trees, shrubs, plants, vines, or flowers upon any lot when he deems it necessary or advisable.

14. No glass flower receptacles may be placed on any lot. All baskets, potted plants, cut flowers, perishable plants, emblems, etc., placed on lots shall be removed as soon as they become unsightly or faded.

15. No grave mounds will be permitted and the established grade of any lot cannot be changed without permission of the Superintendent.

16. Although the Cemetery has no desire to interfere with the individual taste of lot owners concerning monumental objects, in the interest of the Cemetery as a whole the Cemetery reserves the right to prevent the erection of any monument, memorial, marker, or other structure which the Superintendent considers objectionable to the Cemetery. It also reserves the right to refuse to permit the erection of any monumental object on a lot whose owner is in arrears in the payment of any indebtedness to the Cemetery. In certain sections the lots are sold subject to restrictions (summarized in the appendix to these Rules and Regulations) as to size, type, number and location of monumental objects. Therefore, in order to avoid misunderstandings, no monument shall be erected without the written consent of the Superintendent. It is very important that lot owners consult with the Superintendent before selecting monuments or closing a purchase of the same so as to avoid expensive mistakes or serious disappointments.

17. Granite is the only kind of stone recommended for monumental objects. Marble, limestone, sandstone, terra cotta, and others composed of soft material are not durable in this climate and, therefore, their use is not recommended.

18. No mausoleum, tomb, or vault built partially or entirely above ground shall be permitted on any lot unless the plans therefore have been approved by the Superintendent, and unless there has been deposited in The Mountain View Cemetery Trust by the person erecting such structure a sum of money, the income from which will, in the judgment of the Cemetery authority, be sufficient for the permanent maintenance of such structure.

19. Foundations for all monumental objects must be prepared by the Cemetery and must be paid for in advance at a charge fixed by the Cemetery. The setting and erection of all monumental objects shall be under the supervision of the Superintendent.

20. The Cemetery reserves the right to care for and repair or to remove any monument or structure which has, through decay, dilapidation, or for any other reason, become unsightly or dangerous.

21. All work in the Cemetery in the neighborhood of a funeral must be stopped during the interment services. No traffic of any kind shall pass the section where services are being held. No strangers will be permitted to gather at a grave where an interment is being held.

22. The Cemetery will take every reasonable precaution to protect all private property of lot owners in the Cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from the acts of thieves, vandals, rioters, and malicious mischief-makers.

23. The Cemetery reserves the right to enlarge, reduce, replant, and change the boundaries or grading of the Cemetery or a section, including the right to modify and change the location of, or remove and re-grade, roads, walks, paths, or drives. The right to lay, maintain, operate, or change water lines, sanitary or storm water drains, sprinkling systems, gutters, lakes, etc., is also reserved, as well as the right to use Cemetery property not sold to individual lot owners for Cemetery purposes or for anything necessary or incidental thereto. The Cemetery reserves to itself a perpetual right of ingress and egress over lots for the purpose of passing to or from other lots.

24. The Cemetery reserves the right to change these rules and regulations from time to time without notice.

25. All persons are reminded that the Cemetery grounds are sacredly devoted to the interment of the dead and that strict observance of the proprieties due such a place is required whether or not they are specifically embraced in these rules. The Superintendent is charged with the enforcement of these rules and with the general welfare of the Cemetery, and he is authorized to take such steps as may be necessary to preserve the peace and dignity thereof.

New sections will be governed by these same rules and regulations.

If any section or part of this Ordinance is deemed invalid for any reason, then those sections or parts shall be severed and the remaining Ordinance shall be valid and in full force and effect.

First Reading 4-17-18

Second Reading 5-7-18

Sam Felton
Mayor

Roberta Grossman
Recorder