

# **RULES AND REGULATIONS**

## **SCHEDULE B**

Revised 7/98

For the mutual protection of every plot and grave purchaser, these Rules and Regulations are hereby adopted as Rules and Regulations of the Manton Joint Cemetery District, and all plots or graves sold shall be subject to said Rules and Regulations, and to such other rules and regulations, amendments or alterations, as shall be adopted from time to time. The reference to those Rules and Regulations in Certificates of Burial Rights, and/or other agreements shall have the same force and effect as if set forth in full therein. The Board of Trustees believe that the results will wholly justify an apparent unreasonableness which to some exist herein.

### **DEFINITIONS**

1. **DISTRICT**, as used herein, means the Manton Joint Cemetery District, a Public Cemetery District organized under the laws of the State of California and the basis for these Rules and Regulations is found in the Health and Safety Code of California.
2. **CEMETERY**, as used herein, means the Manton Joint Cemetery.
3. **TRUSTEES**, as used herein, means the Board of Trustees of the Manton Joint Cemetery District.
4. **CEMETERY PROPERTY**, as used herein, means the right of burial in said lot, plot or grave.
5. **NON-RESIDENT**, as used herein, means any person who was not a resident or taxpayer of the district at the time of death.
6. **ELIGIBLE NON-RESIDENT**, as used herein, means a non-resident who is eligible to be interred in the Manton Joint Cemetery District under certain circumstances as provided by the Health and Safety Code of the State of California.

### **PURCHASE OF CEMETERY PROPERTY**

1. The Board shall provide for uniform and systematic sales of lots and shall execute and deliver certificates of Burial Rights to all lot or plots sold on a pre-need basis.
2. The Fees for all lots, plots, graves and services will be set by the Trustees and no lot, plot, grave or service shall be sold for less than the said price.

3. Owners cannot sell or transfer their graves or lots to any person without the consent of the Trustees first, and in writing. (The transfer of any lot, plot or grave to any other person or persons or any interest therein, shall not be valid unless a duplicate transfer shall be filed with the Secretary of the District and approved by the Board of Trustees.
4. The fees for lots, plots, graves and other services will be furnished upon request to the Secretary.
5. The District will, upon written application of the original buyer, repurchase any unused plot or grave space for the original purchase price, (The District will, upon request by the grantee and the surrender of the original Certificate of Burial Rights, repurchase the lot, plot or grave described in said Certificate for the amount as set forth in the Certificate of Burial Rights.) except that the amount paid for Endowment Care shall not be refunded.
6. When an interment is made in a plot to an individual owner and that owner dies without making disposition of the plot, either in a will by specific devise or by written transfer filed And recorded with the Secretary of the District, the plot shall be held as the family burial plot of the said individual owner, in compliance with the Health and Safety Code of California, Section 8650).

## **INTERMENTS**

1. All interments and disinterment must be made subject to these Rules and Regulations and to all State and Local Laws, ordinances and regulations.
2. No body, except a body of a resident, taxpayer or eligible non-resident shall be interred in the District Cemetery. The body of an eligible non-resident shall not be interred in the District Cemetery until a special fee shall be paid to the District as provided by law. Said fee shall be set by the Trustees of the District and shall be deposited in the District's Endowment Care Fund.
3. No funeral can be received or held at the Cemetery, no body can interred and no remains can be disinterred or removed from the cemetery until the permit, required by the State and Local authorities, has been filed with the District.
4. No interment of any body or remains of any body other than that of a human being shall be permitted in the cemetery.

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5. The District shall be in no way liable for any delay in the interment of a body or cremated remains where a Protest to the interment has been made or where the Rules and Regulations have not been complied with. The District shall under no duty to recognize any protests of interments unless they be in writing and filed with the Secretary of the District.
6. Each person, firm, corporation, association or funeral home requesting an interment in the cemetery shall contact and schedule such interment with the Caretaker of the District before making public the time of burial. All arrangements must be completed by 12:00 noon two (2) working days preceding the requested interment. No interments shall be performed on Sundays or any National Holiday. The time requirements, specified herein, are made for the purpose of giving the Caretaker sufficient opportunity the person acting for said lot or plot owner, before any interments or disinterment are made. The purchase price for any and all lots, plots, or graves sold, and the cost of any and all services performed, or to be performed by the all lots, plots, or graves sold, and the cost of any and all services performed, or to be performed by the District, in connection with the interment of any body, shall be paid prior to the opening of the grave in which the body is to be interred, or prior to the performance of any other service to be performed by the District.
7. The District shall not be responsible for any order given over the telephone, or for a mistake occurring for the want of precise and proper instructions as to the particular space, size or location in the cemetery property where interment is desired.
8. Funerals, upon reaching the cemetery, will thereafter be under the direction of the District Caretaker.

## **PROPERTY RIGHTS**

1. The property rights of cemetery property owners and the rights of interments therein are prescribed and governed by the laws of the State of California.
2. All property situated in the cemetery is under the jurisdiction of the district and is the sole property of the district and no person, firm, organization or corporation shall have any interest or right except as granted by the Rules and Regulations of the District or by the law of the State of California.
3. In the Manton Joint Cemetery, no coping, concrete slab, or any kind of enclosure will hereinafter be permitted. (no coping, concrete slab, or any kind of enclosure will hereafter be permitted).

4. No more than one upright monument or marker may be placed upon any grave space. With the exception of cremains, where no more than two additional flush markers will be permitted. Said upright monument or marker shall be placed at the head of said grave and shall meet all requirements as set forth in the plans and specifications section entitled “Monuments and Markers” in these Rules and Regulations. (No more than one monument or marker may be placed upon any grave space. Said monument or marker shall be placed at the head of said grave and shall meet all requirements as set forth).
5. In all sections of the Manton Joint Cemetery, no shrubs or plants will hereinafter be permitted. (No shrubs or plants will hereinafter be permitted to be planted to other than the Caretaker).
6. The District shall take reasonable precautions to protect property rights of property owners within the cemetery from loss or damage; but it disclaims all responsibility for the loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, and acts of God, common enemy, vandals, malicious mischief makers and unavoidable accidents. (same).

### **ENDOWMENT CARE**

1. The term “Endowment Care” used in reference to lots, plots or graves shall be held to mean the watering and cutting of the grass upon said lots, plots or grave; meaning and intending, the general preservation of the lot, plots or graves, and the grounds, the pruning of shrubs and trees that may be placed upon said lots, plots or graves, that said grounds shall remain and be reasonable cared for as cemetery grounds forever.
2. The term “Endowment Care” shall in no case be construed as meaning the maintenance, repair or replacement of any headstone, monument or marker placed or erected upon said lots, plots or graves; not the maintenance or doing any special or unusual work on the lots, plots or graves.
3. The monies received for Endowment Care shall be held in trust and invested as provided by the laws of the State of California (same).
4. It is understood and agreed between the purchaser and the District, that all of said funds shall be deposited with others of like character and intent, to the end, that the income from such accumulated general funds shall be used in the general improvement and the endowment care of the property owners lot, plot or grave, and the endowment care shall be limited to the net income from the investment of such funds.

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5. The income from the Endowment Care Fund shall be expended by the board of Trustees in such a manner as will, in its judgment, be more advantageous to the property owner, and in accordance with the provisions of the laws of the State of California, applicable to the expenditure of such funds.
6. Endowment Care shall be in all cases, limited absolutely to the income received from the investment of the Endowment Care Fund--no part of the principle being expended--anything therein stated to contrary notwithstanding.
7. The amount of Endowment Care Funds collected from the purchaser of cemetery property shall be fixed by the Board of Trustees of the District, and in no event shall be less than required by the laws of the State of California.

### **CARE AND BEAUTIFICATION OF THE CEMETERY**

1. All planting of trees, plants or flowers must be in accordance with these Rules and Regulations and under the direction of the caretaker. Planting by individuals will not be permitted.
2. The District, in caring for lawns, assumes no responsibility for the care of copings, stones, markers or monuments. (same)
3. No vase or container of any kind will be permitted to be imbedded upon any lot, plot or grave, except in the concrete mat which surrounds the monument or marker. (same)
4. Funeral designs, flowers, flower frames and plants will be removed from any lot, plot or grave when they become unsightly. (The) Caretaker will decline to attempt to find them after being removed. Boxes, shells, vases, tin cans, bottles, wooden stakes or metal devices, etc. and similar articles are inconsistent with the proper keeping of the cemetery and will be removed without notice to the property owner.
5. Artificial flowers which do not have wire reinforcing, will be permitted only if placed in the containers that have been placed in accordance with the Rules and Regulations pertaining to monuments and markers, and are to such size and shape as not to interfere with the mowing of lawns, or the general upkeep of the cemetery, with the exception of Easter, Mother's Day, Father's Day, Memorial Day, Veteran's Day, Thanksgiving and Christmas. On these occasions, potted plants, baskets of flowers, artificial flowers and wreaths may be placed for seven days at the owner's responsibility. All such flowers and receptacles not called for in said seven days will be removed and disposed of by the Caretaker of the District. (same)

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6. The District reserves the right to remove from any lot or plot within the cemetery, any trees, shrubs or flowering plants when such trees, shrubs or flowering plants grow to such proportions as to interfere with the rights of other lot owners, become dangerous or are injurious, in the judgment of the Caretaker and to the best appearance of the cemetery.
7. The District reserves the right to remove from any lot, plot or grave within the cemetery, any grave covering, coping, fence or other improvement appurtenant to such lot, plot or grave when such grave covering, coping, fence or other improvement becomes, in the judgment of the Board, unsightly or in a condition of apparent deterioration, or a hazard to the health, safety or welfare of other lot owners or visitors to the cemetery.
8. The District reserves the right within its cemetery to plot and re-plot any and all areas, to add to or subtract from any section previously established and to add to or close any street as its board determines to be necessary. In so doing, no existing grave or lot which is occupied or sold shall be in any way disturbed.
9. For the protection of the taxpayers and plot owners, the District reserves the right to do all work in the cemetery using its own employees. This includes maintaining the building and grounds, opening and closing graves, erecting monuments and markers, developing new interment areas, installing water lines, curbs and gutters, and all other work of every description. The district further reserves the right to let contracts or special permits for any or all of said work.

### **MONUMENTS AND MARKERS**

1. No person, firm or corporation, except the Caretaker of the Manton Joint Cemetery District, shall be permitted to perform any work whatsoever in the District Cemetery, including the erection of monuments and markers, except that person first be registered with the District. The Board of Trustees of the District reserves the right to refuse permission to any person, firm or corporation, to do any work within the cemetery, any to use the Caretaker for said work.
2. No monument, headstone or permanent marker shall hereinafter be permitted unless it is constructed of granite, bronze or other approved stone material and is erected upon a proper foundation that is at least eight inches wider and eight inches longer than said monument, headstone or permanent marker and is of sufficient thickness to properly support same and shall include at least one flower container. (same)

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3. No monument, headstone or permanent marker, including the concrete foundation work, flower containers or any other feature whatsoever, shall hereinafter be permitted on any portion of the grave except the first twenty-four inches (24") of the head or west-end of said grave and must be centered therein. (same)
4. No monument, headstone or permanent marker, including the concrete foundation work, flower containers or any other feature whatsoever, shall be permitted that is in excess of Thirty-six inches (36") wide on two side-by-side graves. (same)
5. The District shall in no respect whatsoever, be held responsible for damage to, or loss of any picture, ornament, emblem or any other item that shall be stuck on or attached to any monument, headstone, or permanent marker, nor shall the District be held responsible for any theft or disappearance of flowers or containers of any description, or for any damage whatsoever that shall be caused by substandard materials or work done by others. (same)
6. The District is prohibited by law from selling monuments, headstones or permanent markers and therefore assumes no responsibility or liability for the care, cleaning or warranty of same. (same)
7. Monuments, headstone and permanent markers may include text, ornaments, emblems and symbols with religious or non-religious content provided that such text, ornament, emblems and symbols with the dignity of the cemetery. (Revised 10-02-00)
8. No monument, headstone, or permanent marker shall extend in height more than thirty-six inches (36") above ground level. (Revised 10-02-00)

## GENERAL

1. Any person shall be in violation of County Ordinance 685 who shall commit any of the following acts: loiter, prowl or wander upon the premises of a cemetery without visible or lawful business thereon, to ride a motorcycle or bicycle without lawful business thereon or to shoot or discharge a firearm, fireworks, B-B gun, pellet gun, slingshot or other type of weapon upon the premises of a cemetery.
2. Children under sixteen (16) years of age will be allowed in the cemetery only if accompanied by a responsible adult.
3. Pets will be allowed in the cemetery only if kept confined to the automobile of the visitor, or on a leash.

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4. Signs and advertisements of any/every description are strictly prohibited in any part of the cemetery.
5. The cemetery grounds are sacred and those who enter should do so with a reverent attitude.
6. There will be no Sunday Caretaker services provided.

All Rules and Regulations or portions of Rules and Regulations in conflict with these Rules and Regulations are hereby repealed.

The above and foregoing Rules and Regulations were duly passed and adopted at a regular meeting of the Board of Trustees of the Manton Joint Cemetery District at a regular meeting held on the 6<sup>th</sup> day of July 1998 by the following vote:

Ayes: 5

Nays: 0

ABSENT OR NOT VOTING

ATTEST:

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Secretary, Board of Trustees

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Chairman, Board of Trustees

