

MOUNT HOPE CEMETERY

Valentine, Nebraska

Mount Hope Cemetery is owned and operated by the City of Valentine, Nebraska and is governed by the City Manager, City Council, and Cemetery Board.

To keep the Cemetery looking it's best, it has been necessary to adopt certain rules and regulations governing the Cemetery and to enforce them, since deviation from the rules would jeopardize the perpetuity and beauty of the Cemetery. We trust that lot owners will appreciate the fact that these rules are adopted for their protection and that they will at all times cooperate with the City in their observance.

RULES & REGULATIONS

For the mutual protection of every plot purchaser, these rules and regulations are hereby adopted as the rules and regulations of the Mount Hope Cemetery, and all property owners and visitors within the Cemetery, and all to said rules and regulations, and subject, further to such rules and regulations, amendments or alterations as shall be adopted by the City of Valentine from time to time; and the reference to these rules and regulations in the Certificate of Ownership to plots shall have the same force and effect as if set forth in full therein.

DEFINITIONS

LOT, PLOT OR BURIAL SPACE DEFINED: The terms "lot", "plot", or "burial space", shall be used interchangeably, and shall apply with like effect to one, or more than one, adjoining graves.

MEMORIAL DEFINED: "Memorial" shall include a monument, marker or headstone.

MONUMENT DEFINED: The term "monument" shall include a tombstone or memorial of granite, or other approved stone, which shall extend above the surface of the ground, unless otherwise specified.

GENERAL SUPERVISION OF CEMETERY

The City reserves the right to refuse the use of any of the Cemetery facilities at any time to any person or persons whom the management may deem objectionable to the best interests of the Cemetery.

CASKETS NOT TO BE DISTURBED: Once a casket containing a body is within the confines of the Cemetery, no funeral director, nor his embalmer, assistant, employee or agent, shall be permitted open the casket or touch the body without the consent of the legal representatives of the deceased or without a court order. The lowering of caskets or vaults into the grave by the funeral director or his assistants is prohibited.

INTERMENTS AND DISINTERMENTS GENERALLY

SUBJECT TO LAWS: Besides being subject to these rules and regulations, all interments, disinterments and removals are subject to the orders and laws of the properly constituted authorities of the City, County and State.

TIME AND CHARGES: All interments, disinterments and removals must be made at the time and in the manner and upon such charges as fixed by the City of Valentine. Charges for the Cemetery services must be paid at the time of issuance of order of interment or disinterment.

NOTICE: The right is reserved by the Cemetery to insist upon at least 24 hours notice prior to any interment. When the day of interment follows a Sunday or any other Legal Holiday, the City must have a 48 hour notice prior to any such interment.

HOLIDAYS: No interments, disinterments, removals, or interment service shall be permitted on Saturday afternoons, Sunday, or any of the following holidays: New Years, Memorial Day, Fourth of July, Labor Day, Armistice Day, Thanksgiving or Christmas.

NOTICE: The right is reserved by the Cemetery to insist upon at least one week's notice prior to any disinterment or removal, and shall be communicated to the City Clerk at the City Hall. When a disinterment is being made, no one shall be allowed except the mortician in charge and the City's assistants.

APPLICATION FOR INTERMENTS: Applications for interment and the sale of lots must be made at the office of the City Clerk at the City Hall. Morticians are not permitted to sell Cemetery lots.

AUTHORIZATION OF ONE PLOT OWNER SUFFICIENT: The City reserves the right to make an interment of any member of the immediate family of any one of several plot owners upon his written authorization. No other person may be interred in any plot without the written consent of all those owners of the plot who are recorded as such on the books of the Cemetery.

LOCATION OF INTERMENT SPACE: When instructions regarding the location of any interment space in a plot cannot be obtained or are indefinite, or when for any reason the interment space cannot be opened where specified, the City may in its discretion open it in such location in the plot as it deems best and proper, so as not to delay the funeral; and the Cemetery shall not be liable in damages for any error so made.

ORDERS GIVEN BY TELEPHONE: The City shall not be held responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment is desired.

ERRORS MAY BE CORRECTED: The City of Valentine reserves and shall have the right to correct any errors that may be made by the City in making interments, disinterments, or removals or in the description, transfer or conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City, or, in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property the City reserves, and shall have, the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

DELAYS IN INTERMENTS CAUSED BY PROTESTS: The Cemetery shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with. The City shall be under no duty to recognize any protests of interments unless they be in writing and filed in the office of the City Clerk at the City Hall.

NO INTERMENT PERMITTED UNLESS PROPERTY PAID FOR: No interment shall be permitted or memorial placed in or on any property not fully paid for.

INTERMENT OF MORE THAN ONE BODY: No more than one body, or the remains of one body, shall be interred in one grave, or vault.

DISINTERMENTS AND REMOVALS

REMOVAL FOR PROFIT PROHIBITED: Removal by the heirs, of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

MAY OBTAIN LARGER PLOT: A body, or cremated remains, may be removed from its original plot to a larger or better plot in the Cemetery, when there has been an exchange or purchase for that purpose.

CARE IN REMOVAL: The Cemetery shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket or burial case or urn incurred in making the removal.

PLOT INALIENABLE BY INTERMENT: Whenever an interment is made in a plot that has been transferred by certificate of ownership to an individual owner by the Cemetery and is held as a separate plot, it shall be indivisible; and the whole of such burial plot thereby becomes inalienable and shall be held as the family burial plot of the owner, in which one grave, niche, or crypt may be used for the owner's interment, one for the interment of the surviving husband or wife, if any, of the owner who by law has a vested right of interment therein, and in those remaining, if any, the parents and/or children of such deceased owner may be interred, in the order of need, without the consent of any person claiming any interest therein. In the event there shall be no parent or child surviving such deceased person, the right of interment therein shall go to the next heirs at law of said deceased owner as specified by the statutes of decent. Any surviving husband or wife, and any parent, child or heirs of such deceased owner, may waive his or her right to interment in said plot in favor of any other relative of such deceased owner, or of his wife, and upon such waiver, the body of the person in whose favor the waiver is made may be interred therein.

DESCENT OF RIGHT OF INTERMENT: If no interment has been made in a plot which has been transferred by deed or certificate of ownership to an individual owner by the Cemetery, or if all the bodies have been lawfully removed therefrom, in the absence of the specific disposition thereof of the owner's last will and testament, the whole of said plot, except the one grave, which must be reserved to the surviving husband or wife of the owner, upon the death of said owner, descend in regular line of succession to the heirs at law of the owner.

CONSENT OF THE CITY: No transfer or assignment of any plot, or interest therein shall be valid without the consent in writing of the City first to be had and endorsed upon such a transfer or assignment, and thereafter being recorded on the books of the Cemetery. In the event the owner, or owners, of any unoccupied lots or burial plots desire to dispose of the same, the Cemetery shall have first option to repurchase the same from the owner, or owners thereof.

TRANSFER OF ALL DEEDS: A charge of \$3.00 must be paid to the City Clerk when a transfer is made.

SUBDIVISION OF PLOT

MAY NOT SUBDIVIDE PLOTS: The subdivision of plots is not allowed, and no one shall be buried in any plot not having any interest therein, except by written consent of all parties interested in such plot; provided however, a relative of any record owner may be buried in said plot as provided in these rules or in the laws of the State.

CONTROL OF WORK BY CITY

WORK TO BE DONE BY CITY: All grading, landscape work and improvements of any kind, and all care on plots, shall be done, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or

removed, and all openings and closings of graves and all interments, disinterments and removals shall be made only by the City. Planting of trees and shrubs on family plots will not be permitted.

CITY MUST DIRECT AND MAY REMOVE IMPROVEMENTS: All improvements or alterations of individual property in the Cemetery shall be under the direction of and, subject to the consent, satisfaction and approval of the City; and should they be made without their consent, they shall have the right to remove, later or change such improvements or alterations at the expense of the plot owner, or, in any event, if at any time, in their judgment, they become unsightly to the eye.

DECORATIONS OF PLOTS

FLORAL REGULATIONS: The Cemetery, shall have authority to remove all floral designs, flowers, weeds, shrubs, plants, or herbage of any kind, from the Cemetery as soon as, in the judgment of the City, they become unsightly, dangerous, detrimental, or deceased, or when they do not conform to the standards maintained. The Cemetery shall not be liable for floral pieces, baskets or frames in which or to which such floral pieces for funeral services held in the Cemetery. The Cemetery shall not be liable for lost, misplaced or broken flower vases, or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control. The City reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained.

ROADWAY AND REPLATTING

THE CITY HAS THE RIGHT TO REPLAT, REGRADE, AND USE PROPERTY: The right to enlarge, reduce, replat and/or change the boundaries or grading of the Cemetery or of a Section or Sections, from time to time, including the right to modify and/or change the locations of, or remove or regrade roads, drives and/or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines and/or gutters for sprinkling, irrigation, drainage, etc., is also expressly reserved, as well as is the right to use the Cemetery property, not sold to individual plot owners, for Cemetery purpose. The Cemetery reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over plots for the purpose of passage to and from other plots.

NO RIGHT GRANTED IN ALLEYWAYS: No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the Cemetery, but such road, drive, alley or walk may be used as a means of access to the Cemetery or buildings as long as the City devotes it to that purpose.

AUTOMOBILES: Automobiles shall not be driven through the grounds at a greater speed than fifteen miles per hour, and must always be kept on the right hand side of the Cemetery roadway. Automobiles are not allowed to park in main driveway at any time or to come to a full stop in front of an open grave unless such automobiles are in attendance at the funeral.

LOUD TALKING: No loud talking shall be permitted on the Cemetery grounds within hearing distance of funeral services.

FIREARMS: No firearms shall be permitted within the Cemetery except for military services.

LOUNGING ON GROUNDS: Strangers shall not be permitted to sit or lounge on any of the grounds, graves or monuments in the Cemetery, or in any of the buildings.

CHILDREN: Children under fifteen years of age shall not be permitted in the Cemetery, or in any of the buildings.

REFRESHMENTS: No person shall be permitted to have refreshments within the Cemetery. Throwing rubbish on the drives or any part of the grounds is prohibited.

CONCRETE WORK: While anyone may purchase his own marker or monument and contract to have it put in place, the rules of the Cemetery prohibit any foundation work being done by anyone other than competent artisans. The above has been found necessary to protect the purchaser of monuments to secure enduring bases that will not allow the stones to lean or fall later in years, also to protect the lawns and shrubbery and to conform to uniform requirements. No coping, curbing, fencing, hedging, grave mounds, borders or enclosures of any kind, shall be allowed around any graves or lots; and no walks of brick, cinder, tile, stone, marble, sand cement, gravel, or wood shall be allowed on any lot. The Cemetery reserves the right to remove the same if so erected or placed. Any such structures already in place upon adoption of these rules and regulations may be allowed to remain at the discretion of the City.

MATERIALS: All monuments, markers, mausoleums or tombs shall be constructed of natural stone from approved quarries. No artificial stone of any description shall be permitted.

MAUSOLEUMS: No private mausoleums may be erected in the Cemetery without prior approval having been obtained from the City, approving the location and ground area to be covered. All types of individual mausoleums, above ground level are prohibited.

PROTECTION AGAINST LOSS

WHEN CEMETERY NOT RESPONSIBLE: The Cemetery shall take reasonable precaution to protect the plot owners, and the property rights of the plot owners, within the Cemetery, from the loss or damage; but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, 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 herein provided.

CHANGE IN ADDRESS OF PLOT OWNERS

PLOT OWNERS MUST NOTIFY CITY CLERK: It shall be the duty of the plot owner to notify the City Clerk of any change in his post office address. Notice sent to a plot owner at the last address on file in the office of the City Clerk shall be considered sufficient and proper legal notification.

HOURS GROUNDS OPEN. The Cemetery grounds shall be open from 7:30 A.M. to 8:30 P.M. from April 1 to October 1, and 8:00 A.M. to 5:00 P.M. from October 1 to April 1.

IMPROPRIETIES: It is the utmost importance that there should be strict observance of all the proprieties of the Cemetery whether embraced in these rules or not, as no improprieties shall be allowed and the City shall have the power to prevent improper assemblages.

CITY MANAGER TO ENFORCE RULES. The City Manager is hereby empowered to enforce all rules and regulations, and to exclude from the property of the Cemetery, any person violating the same. The Manager shall have charge of the grounds and buildings at all times, and shall have supervision and control of all persons in the Cemetery, including the conduct of funeral, traffic, employees, plot owners and visitors. Any person violating any of the above rules will be subject to arrest by the Police, who is vested with police Authority according to law.