

UNAPPROVED DRAFT
INTRODUCTION

It is the desire of the Hill County Public Cemetery District to operate and maintain all cemeteries in the District to be beautiful, dignified and an appropriate final resting place for departed loved ones.

In formulating these policies and procedures, it has been our desire to offer as much freedom of choice as possible while still preserving those regulations necessary to maintain a high standard of beauty and efficiency.

We sincerely hope that you will assist us in this effort by adhering to these rules. We also solicit your comments and suggestions regarding general maintenance and operating procedures.

DEFINITIONS

Administrative Office: The administrative office is located at 400 9th St. W., Havre, MT, and responsible for all cemetery records.

Burial Rights: The right to be buried in a cemetery space; however, the property on which the space is located is owned by The Hill County Public Cemetery District.

Burial Transit Permit: A permit that is required by the State to transport a deceased person from one state to another for burial.

Cremains: Cremains are the remains of a person who has been cremated.

Disinterment Permit: A permit that is required by the State for the purpose of exhuming a burial to be transferred for burial in another place.

Flat Marker: A flat marker is one that is placed flush with the ground so that no part of the marker itself is above ground.

Heir: An heir is someone who has inherited or is entitled to the right from a parent who is no longer living.

Indigent: An indigent is a person who does not have the means with which a burial right can be purchased.

Installment Plan: The Hill County Public Cemetery District does not allow installment plans for the purchase of any service or product provided by the district.

Marker: An identification tool made of stone that is place upon a grave which contains information about the person buried in that particular space. No upright markers/headstones are allowed in any of the cemeteries in the district.

Perpetual Care: Perpetual care is defined as the general care and maintenance necessitated by the natural growth and ordinary care which may be provided at reasonable intervals within the budget limits of the cemetery. It includes the planting, cutting, and watering and care of lawns, upkeep of buildings, walks and roadways. It also provides for the care of trees, shrubs and flowers planted by the cemetery personnel. Perpetual care does not provide for maintenance of monuments, markers or flower vases. Perpetual care applies to any improvements made up the cemeteries within the Hill County Public Cemetery District.

Person: The term "person" shall mean individual, group, partnership, firm, corporation or association.

Resident: Any person currently residing or owning property within Hill County or an individual that has been recently placed in a health care institution. Recently being within the last 5 years.

Superintendent: The superintendent, is directly responsible for the general maintenance of the cemetery and enforcing cemetery policies and procedures, as well as assisting in the preservation of historical records.

Upright Marker: A marker that stands upright with a maximum height of thirty inches (30) from ground level. Upright Markers are no longer allowed in any cemetery within the district.

Veteran: Any person who qualifies for Veteran Status that can provide proof of Veteran Status can receive \$100 discount on the placing of a veteran's marker.

LOT OWNERSHIP AND PRIVILEGES

A. Nature and Extent of Rights Acquired.

Upon payment of the purchase price of a space, the purchaser acquires the rights of burial in said space, subject to the policies and procedures of the cemetery.

The purchaser retains title to the cemetery property.

A maximum of four (4) burials can be made on any full burial space. That being one(1) full casket burial, and three(3) cremation burials OR four(4) cremation burials on a full burial space. A title deed of burial spaces will be issued to each purchaser after fees are paid in full. A copy of said title deed will be recorded with the Hill County Clerk & Recorder's office.

Any requests for more than four burials must be approved by the district cemetery board on a case by case basis.

No interment will be permitted in, or marker allowed, on any space not fully paid for. No space shall be sold without perpetual care.

B. Descent and Inheritance of Burial Rights.

Burials by or of heirs, after the original parties named on burial deeds are deceased, requires the permission of living heirs, in writing, on forms supplied by the administrative office.

The Hill County Public Cemetery District shall, in no way, be held responsible for failure to properly determined the legal successor ship of the said space owner.

The heirs are entitled to the same use of the space as the original owners and are bound by the same policies and procedures.

C. Transfer of Burial Rights

Owners of burial deeds may transfer their burial rights to other parties by filling out and signing a notarized document and providing said document to the administrative office.

The files located at the administrative office of the cemetery are to be considered the correct record. Any discrepancy between the administrative files and the deed of burial rights will be considered a clerical error. The District reserves the right to recall, correct and reissue the correct deed.

D. Resale of Burial Rights

As stated in Section A above, the purchase of a cemetery space does not include land, only the burial right for that space.

If a space is being sold back to the District or to anyone else, it must meet the criteria of being a useable space. The determination of whether a space is useable will be the decision of the Hill County Public Cemetery District Superintendent.

An owner or heir holding title to a space may sell that space back to the Hill County Public Cemetery District at any time. The amount the District will pay for said space will be the amount originally paid for the space by the owner at the time of purchase less a recording fee set by the Hill County Clerk & Recorder's office and subject to increase at any time.

An owner or heir may sell a space to anyone at any time for a price to be set by the owner. If the second owner or heirs thereof determine to sell a space back to the Hill County Public Cemetery District, the amount the District will pay for said space will be the amount originally paid by the first owner of record less a recording fee set by the Hill County Clerk & Recorder's office and subject to increase at any time.

BURIALS

A. General Requirements

Interments are limited to human dead.

Interments will be made only after the fee for burial has been paid by a family representative, funeral home representative, or mortician prior to the opening of a grave.

Information for all interments must be given and all charges prepaid at the administrative office of the cemetery. Information given by telephone will be taken with particular care, but The Hill County Public Cemetery District will not be responsible for errors arising or resulting from this procedure. All such orders must be confirmed in writing by filling out of the "Request for burial" form and filing said form at the District office.

The person giving the order must give the space owner's name, address and all other information required on the burial request. This information includes: the name of the deceased, date and place of birth of deceased, date and place of death, name and address of person responsible for disposition, name of funeral director, the date and time of the funeral, the location of grave space to be used, and any other pertinent information directly relating to the interment, ie. marker reset, type of vault(if any) to be used, whether or not the casket or urn will be "lowered" while funeral procession is present.

Notice for opening of a grave must be given early enough to allow at least eight (8) regular working hours for the work to be completed during the summer months, weather permitting. Three(3) business days' notice must be given during winter months or if weather is an issue.

The Hill County Public Cemetery District will not be responsible for any mistakes occurring from lack of precise and proper instructions as to the proper space on the lot where interment is desired. When instructions regarding the location of a grave on a lot cannot be opened where specified, the superintendent may, at his/her discretion, open it in such location on the lot as he/she deems best and proper, so as not to delay the funeral and affect the interment.

Such spaces, as the District shall from time to time designate, will be reserved for the burial of indigent persons.

No interment will be permitted, or remains received, unless the proper written order is furnished. Remains sent from other states must also be accompanied by a burial transit permit and filed at the administrative office.

B. Advance Payment of Burial Fee

The person ordering the opening of a grave will be held responsible for payment of all fees in preparation of the burial. Mortuaries shall be give 90 days from the time burial is performed to make payment in full.

No grave will be opened until all fees have been paid.

Advanced payment for the opening and closing, headstone setting, can be made in advance at any time and will not be subject to price increase if the District Cemetery Board elect to increase the price of services within the district. If advanced payment is made for these services, payment will be considered prepaid and honored regardless of price increase.

C. Hours When Burials Are Permitted

No funeral or interment will be allowed in the District on Sunday or any of the holidays officially observed by the Hill County Public Cemetery District.

On all other days, funerals will be allowed between the hours of 8:00 a.m. and 4:00 p.m. Additional charges will be made for interments on Saturdays and during other than regular days and hours herein stated.

D. Duty of Funeral Directors

Funeral directors, in charge of funerals, must arrange the time for arrival at the cemetery so as to be out of the grounds before 4:00 p.m. They will be held responsible for the faithful observance of all the policies and procedures concerning funerals and burials. When funeral extends beyond 4:00 p.m. on a regular working day, an over-time charge will be made to the mortuary in charge of the funeral.

E. Vaults

Vaults are required for all burials and must be made of concrete or High-density water-resistant polypropylene or equivalent material and design. Exceptions may be noted for infants and cremains. Infants and cremains are not required to be interred in vaults. Infant vaults, if used must be made of concrete or fiberglass approved by the cemetery superintendent. Cremains vaults, if used must be placed in a container specifically approved for their content by the cemetery superintendent. Specially designed vaults must be approved by the District Superintendent.

F. Excavating and Refilling of Graves

The superintendent or someone employed by the cemetery will be in complete charge of every interment. No grave shall be opened, filled, refilled, or sodded except by the employees of the Hill County Public Cemetery District and under the direction of the superintendent.

G. Burials Per Grave

One interment only shall be allowed in a casket, except a father or mother with an infant child, or two children buried at the same time. No more than one casket will be allowed in a grave. If a casket is used in a space, three(3) cremains burials may be

made in the same grave space. If no casket is used, four(4) cremains may be interred in one full size burial space. Cremains spaces can only contain one cremated remains.

H. Errors

The cemetery Superintendent, as he/she deems proper, shall correct any errors made in interments, disinterment, removals, or in the description, transfer or conveyance of any interment property.

DECORATION OF GRAVES

A. Funeral Flowers and Floral Pieces

Floral pieces will be removed without notice when they become unsightly. Space owners desiring to retain floral pieces must remove them within five (5) days after the interment.

B. Memorial Decorations

The placing of baskets, boxes, pots, jars, cans, wires, bottles, flags, wreaths, flag stands, statues etc., will be permitted on sodded areas except during the District's spring clean-up or on the first Monday following Memorial Day of every year and for one week after that date. The public will be given notice in advance of spring clean-up and any remaining decorations of any kind that remain after the commencement of spring clean-up will be removed by employees of the Hill County Public Cemetery District and under the direction of the superintendent. Any artificial or synthetic flowers will be removed and stored for a period of seven(7) days before being disposed of. Any baskets, boxes, pots, jars, cans, wires, bottles, flags, wreaths, flag stands, statues, vases, or any decoration that appears substantial, will be stored for a period of two(2) years before the District will dispose of said decoration.

Permanent containers must be a part of the marker or cast into the cement foundation. The District will not be held responsible for any damage caused by the removal of decorations by the employees of the District at any time. Decorations may be removed from graves by the employees of the District so that access for equipment may be made for the care of the cemetery or for the opening & closing of graves.

C. Artificial Flowers

Artificial flowers are permissible, but the location and use of such flowers shall be subject to the policies and procedures set forth.

Memorial Day decorations must be removed before 8:00 a.m. on the Monday following Memorial Day.

D. Fresh Cut Flowers

Fresh cut flowers are permitted in permanent containers anytime.

E. Planting or Excavating

No planting of any type of plant material, digging or disturbing the sod within the cemetery will be permitted.

MONUMENTS AND MARKERS

A. Ownership and Responsibility

Monuments and markers are personal property. All monuments within the cemetery are the property of lot owners, their heirs, or the responsible party that ordered and placed them. Maintenance of the monuments is the responsibility of the owner. The cemetery is maintained by District personnel who exercise great care in keeping the grounds groomed. The District will not be responsible for inadvertent scratches and chips that occur from routine maintenance or vandalism. Such happenings are a condition that go with the privilege of placing the monument in the cemetery.

A recommendation would be to consult a monument dealer on monument materials suitable to handle conditions at the cemetery.

Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water and occasional nicks and chips from mowing equipment. It is also recommended that markers have rough nosed base or edge rather than a polished smooth surface. It is recommended that markers with bronze or metal fixtures be avoided as they have moving parts that may come off over time.

B. Monuments and Markers

All monuments or markers erected in the District's cemetery shall be restricted as to the size and general make-up and shall only be erected by the approval of the District's administrative office.

Persons ordering a monument from a monument dealer should check, or cause to be checked, the restrictions first, to insure that the stone will be permissible.

More than one marker is allowed per full burial space, providing for the marking of any cremations or a combination of a burial and a cremation are buried in the same space. A second, third, or fourth marker can then be installed but MUST be a flat stone installed at ground level. In addition to any flat marker installed, a Veteran marker can be installed at the foot of the grave and will be placed in a manner that the writing will be facing in reverse of the other markers on the grave. This will be referred to as a "foot" stone.

When it becomes necessary to remove a monument for a burial, the owner will be responsible to make the proper arrangements. Should the owner request the District to remove the monument, the District shall not be held liable for any cost from damage which may occur during removal. A fee will be paid to the District for the resetting of any headstone removed for a burial.

The order for removing a monument will be given and fees paid for when all other required information, pertaining to the deceased person, is given to the administration office.

If a monument company has been contacted to remove a monument for a burial, the monument company will also be responsible for returning the monument to its original location.

C. Requirements for Markers

Markers must be composed of metal, stone or cement. All markers must be securely set in a finished grass level position and will not protrude above ground level.

Cement foundations of monuments or markers must be no wider than twenty-four (24) inches, and no longer than thirty-six (36) inches for a single grave or eighty (80) inches for a double grave to the outer perimeter of the cement foundation. However, in Sections that are designated as cremains sections, a cement foundation for a single

monument may be limited to sixteen(16) inches due to the existing condition of the size of the adjoining graves and markers.

NO upright markers are allowed in any cemetery within the Hill County Public Cemetery District at any time.

D. Additions to Markers

Vase additions to the monument will be allowed. These must be included in the original base or foundation of the marker at the time of installation, or in a manner approved by the District Superintendent.

E. Vases

All permanent vases must be attached to the stone foundation or cast into the cement foundation at least two (2) inches from the edge of the cement foundation or placed in a manner that is approved of by the District Superintendent.

Vases must sit above container so flowers do not lay on stone or grass or flowers must be at least four (4) inches above the container to allow for trimming around the edge of the foundation.

F. Memorial benches

Memorial benches are permitted within the cemeteries of the District, but must first be approved by the superintendent and not placed in a manner that would interfere with the general upkeep of the cemetery grounds. No memorial benches will be permitted within areas designated for burials. Memorial benches must be placed on a concrete pad and situated around the edge of the cemetery block. Design mockups will be submitted to the cemetery office and must be approved by the superintendent before benches are placed.

GENERAL PLATING AND LANDSCAPING

A. Boundaries, Roads and Waterlines

The right to enlarge, reduce, re-plat or change the boundaries of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by the Hill County Public Cemetery District. The right to lay, maintain and operated pipelines or gutters for water supply or drainage is also expressly reserved.

B. Location of Documents

All original maps, records and other documents pertaining to the cemeteries within the Hill County Public Cemetery District are on file at the administrative office.

REGULATIONS GOVERNING ACCESS AND CONDUCT

A. Entrance Regulation

Access to the Hill County Public Cemetery District cemeteries is restricted to daylight hours.

B. Improper Conduct

The Hill County Public Cemetery District has been dedicated for the burial of the dead. Any behavior or conduct not keeping with this purpose is expressly forbidden.

No person shall injure, deface, take or carry away from any grave or lot any monument, marker, tree, shrub, flower, ground or any other property or ornament in the Hill County Public Cemetery District cemeteries unless said decoration or ornament is that of the person who placed said decoration or ornament.

C. Speed Limit

The speed limit within The Hill County Public Cemetery District cemeteries is 10 miles per hour. Vehicles must stay on driveways while in the Highland or Calvary cemeteries.

D. Animals

Horses, dogs or any other type of pet or livestock are not permitted on the cemetery grounds.

E. Motorcycles, Bicycles and All Terrain Vehicles (ATVs)

Motorcycles and all terrain vehicles (ATVs) are permitted in the district's cemeteries but must remain on areas considered roads in the Highland and Calvary cemeteries. Those all terrain vehicles (ATVs) owned by the district and for those used for maintenance professional suppliers are allowed on sodded areas for general landscaping, headstone placement or removal, or for any care of the grounds. Bicycles are permitted, but are subject to the same policies and procedures as motorized vehicles. Cutting corners and driving on the lawns are prohibited.

MISCELLANEOUS

A. Office - Records

The official cemetery records are kept at the administration office of the Hill County Public Cemetery District. The office is open weekdays from 8:00 a.m. until 5:00 p.m., with the exception of holidays. All business pertaining to the cemetery should be transacted at the administrative office.

The location of all graves is shown by maps and by a system of recorded measurements from fixed permanent landmarks. All maps and records are on file at the administrative office.

All owners of lots or spaces are requested to notify the Hill County Public Cemetery District of any changes in their address or ownership.

B. Powers of the Superintendent

The cemetery superintendent, subject to the direction of the cemetery board, is responsible for enforcing the policies and procedures of the cemetery. The superintendent may take such action necessary to protect property, graves, space owners and the cemetery from injury, and to preserve the peace and good order and prevent injury to the appearance of the lots, graves, grounds and buildings.

C. Prices and Charges

The cemetery board may establish or amend by resolution the fees charged for any service within the cemetery.

Prices and charges will be furnished by the administrative office of the Hill County Public Cemetery District and are subject to change without notice.

D. Contractors and Outside Workers

Contractors and others having work in the cemetery must make their business known to the superintendent before work is begun

E. Disinterment's

Disinterment's must be arranged for through the administrative office. All fees and permits must be given to the administrative office before disinterment is completed. The written order of the space owner, his legal representative, or an order from a competent authority in compliance with law must also be given.

F. Liability of Cemetery

Hill County Public Cemetery District Personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the space owners, but shall not be liable for any damage or loss.

G. Alteration and Repeal of Policies and Procedures

The Hill County Public Cemetery District reserves the right to make, amend and repeal the policies and procedures of the cemetery and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.

H. Failure to Abide by Policies and Procedures

Any person violating the provisions of the cemetery policies and procedures shall be forwarded to the Hill County Attorney's office or the City of Havre Police Department and be subject to any laws violated.