

FAIR OAKS CEMETERY DISTRICT

MARCH 14, 2012

RULES AND REGULATIONS

A. DEFINITIONS - As used in these Rules and Regulations, the following terms shall have the following meanings:

1. "Board" shall mean the Board of Trustees of the Fair Oaks Cemetery District.
2. "District" shall mean the Fair Oaks Cemetery District.
3. "Cemetery" shall mean the Fair Oaks Cemetery owned and operated by the District.
4. "Manager" shall mean the District Manager of the Fair Oaks Cemetery District.
5. "Interment" means the disposition of human remains by burial in a cemetery or, in the case of cremated remains, by inurnment, placement or burial in a cemetery.
6. "Commingling" means to "mix together with" or in other words to place the cremains with other cremains in the same place.
7. "Interment Right" means the authorization purchased from the District to inter human remains in the ground or niches, urns or other disposition.
8. "Plot" as used herein means the in ground burial space for the interment of human remains.
9. "Ossuaries" means the containers or receptacles, such as urns or vaults in a designated in-ground location for the interment of cremated remains.
10. "Owner" shall mean one who has purchased Interment Rights.
11. "Vases" shall mean receptacles intended for floral tributes and installed by the District flush to the ground or in the marker foundation.
12. "Markers" as used herein means any plaque, stone or other item used to mark the location of an interment or memorialize a person interred in the

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Cemetery, and shall include flat, pillow, upright and monument grave markers, as well as any plaque affixed to any post, niche, plate or elsewhere.

13. "Marker Foundation" shall mean a permanent cement foundation pad for the marker/headstone, where required.
14. "Base" shall mean what the marker resides or sets upon on the Marker Foundation.
15. "Niche" shall mean the receptacle or space in a wall or bank of spaces for the purpose of inurnment of cremated human remains.
16. "Niche Fascia or Niche Front" means the cover plate over the space that the cremated remains reside within.
17. "Niche Plate, Scroll Plate, or Staff Bar" shall mean the bronze marker on the fascia that designates the person who resides within the space.

B. CARE OF GRAVES, NICHEs, AND CEMETERY GROUNDS - The absolute control of the Cemetery grounds in every particular is vested in the Board. Plot Owners, niche Owners, visitors and others are entitled only to such privileges within the grounds as are provided by these Rules and Regulations. Subject to the control of the Board, following are the rules regulating the general care of the graves, niches, and Cemetery grounds.

1. Interment Rights in the Cemetery are conveyed for interment purposes only.
2. The Cemetery gates shall be opened, daily, at 7:30 a.m. and closed at 7:30 p.m. or dusk. There is no admission to the grounds when the gates are closed.
3. No animals, with the exception of guide or service dogs which must accompany their owners, are allowed in the Cemetery without permission from the Manager.
4. No person not employed by the District shall trespass on any plot of which he/she is not the Plot Owner. All persons shall confine themselves to the roadways, paths and other public places provided for public use within the Cemetery grounds, except when accessing a particular Plot or Niche. All children must be under the control of an adult.

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5. The Fair Oaks Cemetery is an old, historic cemetery. As such, hazards such as tree roots, sunken areas, rodent holds raised and lowered areas, coping surrounding plots, numerous grave Markers of many types and some well over 100 years old, and other potentially hazardous conditions. Every person entering onto the Cemetery shall be responsible for his or her own safety, and shall exercise due caution and care.

6. No person not employed by the District shall plant, maintain, or adorn any trees, shrubs, or flowers on the Cemetery grounds. If any tree, shrub, plant or vine situated on any plot shall by reason of roots, branches, height, shade or otherwise become detrimental or unsightly to adjacent plots, paths, streets or the Cemetery grounds, the Manager or any authorized District personnel may enter upon such plot and remove or trim such trees, shrubs, plants or vines as deemed necessary. Donations of trees are acceptable, but trees must be selected and planted by and under the direction of the Board.

7. No person not employed by the District shall remove any earth or in any way damage the Cemetery grounds or place or pour sand, gravel, rocks, cement or any metal of any kind in the vases, around the markers, the Plot or on the Cemetery property.

8. Flowers may be placed only in vases provided in the ground or Marker Foundations or, if not yet installed, in unbreakable containers placed at the head of the Plot. Not more than two (2) vases/containers shall be permitted on any one (1) in-ground plot. Flowers in such containers will be removed by District personnel as they become unsightly. Any flowers or items disposed by the Plot Owner should be placed in trash receptacles provided for that purpose throughout the Cemetery grounds. Unauthorized containers will be removed by the District personnel.

9. The Board reserves the right to remove from any Plot, Marker, Headstone, Monument or other structure, trees, flowers or plants (plastic or real), or other objects which may conflict with the Rules and Regulations, or which may be considered a safety hazard or maintenance obstruction to the grounds, lawns, plots, or person. Mylar balloons, pinwheels, shepherd's hooks, statuary, and trinkets are prohibited. Such items removed by the District personnel will be held for thirty (30) days and thereafter destroyed.

10. Regulations established by the Sacramento/Yolo Mosquito Vector Control District require that "Watersorb" be used in all vases for the purpose of mosquito control. It is available free at the District Office.

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11. No person shall burn any material within the Cemetery grounds.

12. **OAK KNOLL CREMATION PLOTS** - This rule pertains only to the cremation Plots in the Oak Knoll section that have three-sided cinderblock walls. Above-ground containers are permitted with the following provisions: Containers must be made of metal, wood or hard plastic. No breakable containers are allowed. The vases and containers may have only artificial or live plants or flowers. The containers and contents must be confined entirely within the perimeter of the three (3) walls. The total height of the vases/containers and their contents shall not exceed that of the highest of the surrounding three (3) walls. Plots are limited to three (3) vases and three (3) pots/containers.

13. **NICHES**

- a. Block 47 and Block 48 decorations will be limited to the vases provided below and in front of the niche walls. Fresh or artificial flowers may be used. All decorations must be placed only in the vases provided. No decorations will be placed in the openings or spaces of the Niche Fascia. Nothing shall be glued or attached to the Niche Fascia other than the picture and Scroll Plate.
- b. Oak Knoll Niche decorations are limited to the bud vase provided by and placed by the District. No other decorations are allowed.

14. The Board reserves the right to make improvements to any Plot, Niche, or to any public portion of the Cemetery grounds at any time at the cost of the District.

C. MARKERS - Subject to the Rules and Regulations set forth herein, and as they may be amended from time to time, grave Markers may be placed on interments in the Fair Oaks Cemetery. Although such Markers, as well as their placement and installation, must conform to the Rules and Regulations of the District, the Fair Oaks Cemetery District does not own or control any such Marker. Accordingly, the Fair Oaks Cemetery District, its Trustees, Officers, Managers and Employees are not responsible for the loss or damage to any Marker, unless such loss or damage is the result of the negligence or misconduct of a Trustee, Officer, Manager or Employee of the District.

If a damaged Marker has been in place in the Fair Oaks Cemetery for 25 years, and if the District is unable to locate a family member responsible for the care and upkeep of the Marker the District may, at its sole discretion, elect to either repair or replace a damaged Marker.

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The District reserves the right to repair, replace or remove any Marker that, in the sole discretion of the District, constitutes a potential threat to public safety.

The following regulations govern Markers in the Cemetery:

1. All Markers, Stones and Monuments must comply with the District's Marker Policy. All benches must have prior approval of the District Manager as to placement and safety. No curbing is allowed.
2. All Markers must be made only of granite, marble (Veterans Administration markers only), or standard bronze. Markers made of other materials are not permitted.
3. Placement of Markers must take place Monday through Friday 8:00 a.m. – 3:00 p.m. The person setting the Marker must be finished and depart the Cemetery grounds at or before 4:00 p.m. Any person or company working on Markers must notify the District Office prior to doing any work, and will not be permitted to perform any services on Cemetery grounds until proof of insurance, satisfactory to the District, has been provided.
4. All Markers shall be set in a four (4) inch thick concrete Marker Foundation, whose top surface is flush with the surrounding ground. A minimum of one (1) flower vase and a maximum of two (2) flower vases shall be set in each Marker Foundation, except that no vases are permitted on second or subsequent Markers. Only flush-with-the-ground vases are allowed with flush Markers, which must be placed on foundations that are set at sufficient below-ground depth to insure the Marker is flush with the ground.
5. The District Manager must be notified before the removal of any Marker.
6. The District is not liable for damage, theft, vandalism, or deterioration of Markers or benches.

D. INTERMENTS- Plot owners, Funeral Directors and other authorized persons shall comply with the following regulations in the use of plots for burial purposes.

1. Eligibility to purchase Interment Rights in the Fair Oaks Cemetery District will be in compliance with the California Health & Safety Code sections 9060, 9061, and 9062.
2. All interment arrangements shall be conducted through the administration/business office of the Fair Oaks Cemetery District.

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3. A record shall be kept of every interment showing the date the human remains were received, the date of interment, the name and age of the person interred (when these particulars can be conveniently obtained), and the Plot or Niche in which the interment was made.

4. No interment will be permitted in the Cemetery without an "Authorization for Interment Order" signed by an authorized member of the family of the deceased. If prior to his/her death, the decedent had signed custody of his/her remains to someone other than his/her family, then said custodian will sign the authorization. If the family requests the Funeral Director to make the interment arrangements, the family will fill out the authorization stating the services they wish the District to provide and the location of the grave they wish to use for the interment. In accordance with the California Health & Safety Code, Sections 7104 and 7111, if there are no known survivors or in the case of the indigent dead, the County Coroner will give the authorization. Interment orders must be signed by the person ordering burials before graves are opened.

5. The Fair Oaks Cemetery District shall be given at least seventy-two (72) hours notice for a planned interment.

6. No more than eight (8) graves will be sold to any one individual.

7. No Plot Owner shall allow any interment to be made in his/her plot for remuneration. No interment right may be purchased for investment or speculation.

8. No services in connection with an interment will be made until all charges for such services, as fixed by the Board, have been paid in advance to the District.

9. All interments will be made after 9 a.m. and completed prior to 3 p.m. each weekday, except on Saturday, when interments must be completed prior to 2 p.m. An additional fee, as set by the Board, shall be charged for all Saturday interments, except those ordered by a public health officer.

10. No interment shall be made on Sunday or any of the following holidays: 1st of January, Martin Luther King, Jr.'s Birthday, Lincoln's Birthday, President's Day, Memorial Day, 4th of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Thanksgiving Friday and Christmas Day unless interment is ordered by a public health officer or in case of an extreme emergency. In

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that case, such basis is to be determined jointly by the District Manager and the Funeral Director. No Saturday burials will be made on holiday weekends.

11. The remains of the deceased shall be brought to the Cemetery in a closed casket or urn. A minimum container of a cloth covered wood casket with handles is required for all interments except for cremated remains. In some cases, when a person has been disinterred from another cemetery and will be re-interred in the District, and is in a container, this container must be an approved concrete, metal, or urn vault.
12. No opening or closing of a grave or the placement of any lawn crypt, vault, set up, or device shall be made by anyone except employees of the District.
13. At no time shall an employee of the District be allowed to open a casket.
14. Graves and niches:
 - a. All single adult graves shall be dug to a depth of five (5) feet at the center.
 - b. The lower tier of a double interment grave shall be dug to a depth of seven (7) feet at the center.
 - c. Infant graves for domed liners shall be dug to a depth of thirty-six (36) inches at the center.
 - d. Cremation sites shall be dug to a depth of twenty-four (24) inches.
 - e. No more than one (1) cremains will be permitted in a single cremains niche, and no more than two (2) cremains interments will be permitted in a cremains grave.
 - f. No more than two (2) full-size interments are allowed per grave.
15. Vaults of steel or concrete must be used for all full-body casket interments. **Please be advised that standard full-body caskets cannot exceed dimensions of 29" wide by 84" long by 25" high, including all handles, attachments and other decorative elements.** If a casket exceeds these dimensions, Fair Oaks Cemetery must have no less than 72 hours notice to install a vault that will accommodate larger caskets. There will also be an additional charge for larger vaults.

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Failure to provide at least 72 hours notice of oversized caskets will result in the burial service being delayed.

16. For interments of cremated remains, the vaults must be made of steel, concrete, fiberglass, or plastic. **No urn or other container may exceed total dimensions of 10" wide by 14" long by 11" high.**
17. Ossuaries
 - a. In the Oak Knoll Family Garden Ossuary, there can be no more than six (6) commingled family cremated remains.
 - b. The West Hill, Block 48 Ossuary is the designated location in the Cemetery for generalized interment of commingled cremated remains.
 - c. There is no possibility of retrieval or disinterment once the cremated remains have been commingled.
18. No grave shall be graded or mounded, and the top of the grave shall be level with the surrounding ground when the burial is fully settled.
19. Except when ordered by a Court, disinterments will be at the discretion of the Board. No disinterment will be made without a "Disinterment Form" signed by the person or persons who have the legal right to control the remains. When allowed, District personnel will open the grave and remove or open the vault. The District shall not be responsible for removal of the casket or for any damages to the vault, casket or remains.
20. The Fair Oaks Cemetery District does not permit the interment of animal remains, unless interred with human remains. Animal remains will be permitted only if interred in the same grave, and within the accompanying deceased's casket or burial vault. All such animal remains must be contained within a separate container. Only cremated remains of animals will be permitted to be interred with human remains - whole body animal interments will not be permitted or accepted.

E. FEES AND CHARGES

1. In accordance with California Health & Safety Code § 9068, the Board shall establish the prices at which Interment Rights shall be sold, the fees for the opening and closing of graves, the additional fees for performing such services other than during the normal times established by these Rules and Regulations,

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and the fees for all other services performed by the District in connection with the use of the Cemetery grounds. A schedule of the current fees is available at all reasonable hours in the business office of the District. (See Attachments E & F).

2. In accordance with California Health & Safety Code § 9061, non-resident fees shall be charged for the interment of a person who is not a resident of or paying taxes in the District at the time of death, but who is otherwise eligible for interment in a Cemetery of the District.

3. In accordance with California Health & Safety Code § 9065, the Fair Oaks Cemetery District maintains an Endowment Care Fund, and is an “endowment care cemetery.” Section 9065 also requires the payment of a contribution to the Endowment Care Fund for each interment right sold. In accordance with California Health & Safety Code § 8738, the Board shall establish the amount to be paid by purchasers for deposit into the Endowment Care Fund. Such amount paid into the Endowment Care Fund is not refundable.

4. All fees must be paid in full prior to any interment, including the endowment fee. When the plot fee and the endowment care are paid in full, an Interment Rights Certificate, signed by the Board of Trustees, will be issued for every interment right sold.

F. INTERMENT IN FAIR OAKS CEMETERY - In addition to the provisions established by the California Health & Safety Code for the operation of the District’s cemeteries, the following Rules and Regulations shall apply:

1. Interment in the District’s cemeteries shall be limited to residents and taxpayers of the District, and their family members, in accordance with the California Health & Safety Code § 9060, as the same now exists or may be hereafter amended.

2. “Family member” of a resident or taxpayer of the District is defined as any spouse, by marriage or otherwise, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin or any person denoted by the prefix “grand or great” or the spouse of any of these persons. (Cal. Health & Safety Code § 9002.)

3. Pursuant to California Health & Safety Code § 9061, a nonresident fee must be paid for the interment of any person otherwise qualifying for interment in a District cemetery but who is not a resident of the District at the time of death.

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4. No interment right in any cemetery owned and operated by the Fair Oaks Cemetery District shall be transferred or legal unless made in the office of, and signed by, the Trustees of the District.

5. The Fair Oaks Cemetery District shall keep a record of the ownership of all interment rights in the Cemetery which have been conveyed by the Cemetery authority and of all transfers of such rights in the Cemetery. (Cal. Health & Safety Code § 9064.)

6. Transfer of any interment right shall be complete and effective when recorded on the books of the Cemetery authority.

7. Each purchaser of an Interment Right shall be issued a Certificate of Purchase. The interest acquired by such purchaser shall not be an interest in real property, but shall be simply the revocable right granted to the Certificate holder to use said plot, or niche for interment purposes in accordance with these Rules and Regulations. An assignment may be made of Interment Rights by the purchaser to a Family Member of the purchaser's family, as defined in the California Health and Safety Code, which assignment will be recognized by the District, whether said assignment is made during the purchaser's life time or is made by will or device. The use of any such Interment Right shall be permitted only in accordance with the California Health & Safety Code. **In the event the owner of such Interment Right does not qualify for interment in the District's Cemetery or does not wish to use the plot or niche, such Interment Right may be transferred only to the District and not to any other person or entity. If a Certificate holder desires to sell his/her Interment Right to the District, the District will pay the holder the original purchase price, as near as can be determined, less any Endowment Care Fund deposit, if paid.**

G. LIABILITY - Please use caution when entering and using the Cemetery. The Fair Oaks Cemetery District, its Trustees and Employees, are not responsible for any injury or damage suffered by any persons, including children, while on Cemetery grounds. Every person entering the Cemetery does so at his or her own risk. The District or any of its Employees shall not be responsible for anything of moveable character that may be lost, stolen, or misplaced on Cemetery property.

H. ALL RULES AND REGULATIONS - Any previously adopted Rules and Regulations that are inconsistent with the foregoing are hereby repealed. The Board reserves the right of passing other Rules and Regulations, or amending these Rules and Regulations, at any time the occasion arises.

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PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Fair Oaks Cemetery District in a regular meeting held at its regular place of meeting the **14th day of March, 2012.**

I HAVE RECEIVED A COPY AND AGREE TO ABIDE BY THE RULES AND REGULATIONS OF THE FAIR OAKS CEMETERY DISTRICT.

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____