

Exhibit A

CITY OF OVERTON MUNICIPAL CEMETERY

RULES OF PROCEDURE

CITY OF OVERTON, TEXAS

As Adopted by Ordinance No. 2016-05-19C

Effective: June 1, 2016

TABLE OF CONTENTS

Section I – Overton Municipal Code	3
Section II – Ownership and Management	3
Section III –Purchase of Lots	3
Section IV – Transfers	4
Section V – Interments	5
Section VI – Disinterment’s	5
Section VII – Foundations, Monuments and Markers	5
Section VIII – Decoration of Lots	6
Section IX – Conduct within the Cemetery	8
<u>Annexes</u>	
Annex A - Cemetery Fees	9
Annex B – Cemetery Plot Information Card	10
Annex C – Burial Information Card	12

I. OVERTON MUNICIPAL CODE

- a. On August 20, 2015, the City Council adopted Resolution 2015-08-20C to formally accept trusteeship of the Overton Municipal Cemetery.
- b. The following Rules and Regulations, duly enacted by the City Council of the City, shall be binding on the owners of all lots in the Overton Municipal Cemetery regardless of the date such owner acquired deed.

II. OWNERSHIP AND MANAGEMENT

- a. The Overton cemetery is owned and managed by the City of Overton.
- b. The Overton City Council has the right of general control of the Overton Municipal Cemetery in all matters, whether or not such matters are specifically set forth in these Rules and Regulations.
- c. The Overton Cemetery maintenance and operations is under the direction and control of the Public Works Superintendent, who may delegate such authority to another appropriate designee. The Public Works Superintendent shall have supervisory authority over all activities within the Overton Municipal Cemetery. The City Secretary is responsible for tasks related to administrative operations such as sale of lots, processing deeds, maintaining records, etc.
- d. City Council will annually adopt an Ordinance setting a Tax Rate and amending if necessary a schedule of fees and costs associated with operation and use of the Municipal Cemetery.

III. PURCHASE OF LOTS

- a. All gravesites at the Overton Municipal Cemetery are sold for cash and all sales are final.
- b. Selection of lot spaces will be made exclusively at the Overton Municipal Cemetery.
- c. The City will allow for installment payments on a cemetery plot provided the cemetery plot is unoccupied and the purchaser agrees to the following conditions:
 - Plot purchaser shall make a minimum down payment of \$100.00 per plot
 - Plot purchaser shall make minimum monthly payments of \$50 per month on each reserved plot.
 - Installment payments must be concluded within twelve (12) months from the first installment payment or the purchaser shall forfeit all money paid toward the reserved lot and the lot will be released for resale.
 - Failure to complete the installment payments within the agreed time period shall negate the original purchase price to the current price of the cemetery plot.

- d. The purchases shall provide all information pertinent to complete the Cemetery Plot Information Card and Burial Card at the time of purchase.
- e. Names of gravesite purchasers will be kept on file. Documents or Certificates identifying lot spaces allow the owner(s) the right and license to burial and placement of memorials only, and are subject to law and these Rules and Regulations.
- f. Gravesite lots will only be sold Monday through Friday, except on holidays, during normal business hours.
- g. Gravesite lots which have been sold **shall not** be re-purchased by the City, but the owner may donate a purchased lot back to the City if they so desire.
- h. Gravesites for infants are considered to be two (2) feet by four (4) feet. Any grave greater than four feet in length is considered an adult gravesite. Typical burial spaces are four (4) feet by ten (10) feet.
- i. A schedule of fees and costs is posted in the City Hall office. Such fees and costs are subject to change by Resolution or Ordinance adopted by the City Council.
- j. A plot book showing available gravesites and their location is located in City Hall.
- k. When purchasing a grave site, the purchaser will determine at the time of purchase, whether there is to be one (1) burial, or one burial with up to two (2) cremains, or up to four (4) cremains, located at that grave site.
- l. By purchasing a plot in the Overton Municipal Cemetery; the plot owner and all heirs of the decedent hereby agree to follow all the rules and regulations as set forth by this ordinance and any future revisions to the Overton Municipal Cemetery Rules and Regulations.

IV. TRANSFERS

- a. A Transfer of Deed fee (as set by the City of Overton – Schedule of Fees) shall be charged to the new purchaser of previously purchased cemetery plot and the transfer paperwork must be handled through the City of Overton.
- b. Transfer of any gravesite lot or interest therein, shall be valid only with the written consent of all interested parties.
- c. The original deed must be provided to City staff at City Hall. A new Deed will be prepared and recorded.
- d. If the original deed or certificate of title cannot be produced, legal proof of ownership shall be provided to the City, together with a notarized affidavit indemnifying the City from any claim associated with said transfer.
- e. All transfers shall be made at City Hall, 1200 S. Commerce St., Overton TX 75684, phone # 903-834-3171 during normal business hours.

V. INTERMENT

- a. An interment fee (as set by the City of Overton Schedule of Fees) shall be collected by the City prior to burial.
- b. Interment will be scheduled only after presentment of the original deed or certificate of title and after all required fees and costs have been paid for the gravesite. If the original deed or certificate of title cannot be produced, legal proof of ownership shall be provided to the office of the City Secretary, together with a notarized affidavit indemnifying the City from any claim associated with said interment.
- c. Regardless of what Funeral Home is in charge of the funeral the following is the only company authorized to open and close graves within the cemetery:
 - Jackson Grave Diggers; Henderson, Texas; 903-657-6059
- d. To provide for the safety of persons attending burials, **NO ONE** may attend the lowering of the casket after the service.
- e. No one may open a casket that is in the confines of the Cemetery without proper legal authority, and where necessary, only by order of a court of competent jurisdiction.
- k. Cremains shall not be buried on an existing gravesite without proper documentation and authorization, approved by the City Secretary. **Cremains may not be scattered anywhere in the cemetery.**
- l. Interment in any one lot is limited as follows: one (1) set of remains; or one (1) set of remains with up to two (2) sets of cremains; or up to four (4) sets of cremains.

VI. DISINTERMENT

- a. Disinterment shall only be permitted when legally authorized and shall be subject to the Jackson Grave Diggers; Henderson, Texas; 903-657-6059 work schedule, the applicable fee schedule, and other related conditions. The Cemetery staff shall undertake the disinterment with due care, but assumes no liability for any associated damages.
- b. The only person who may be present at a disinterment, other than the cemetery crew, is the authorized funeral director.

VII. FOUNDATIONS, MONUMENTS AND MARKERS

- a. A Monument Deposit (as set by the City of Overton Schedule of Fees) shall be collected by the City prior to burial. If a permanent standard stone monument has not been installed within one (1) year of the burial, the City will purchase and install a flat monument and the Monument Deposit **will not** be refunded.

- b. The funeral home typically will provide a temporary marker; however, a permanent marker must be purchased and placed within one (1) year of interment.
- c. The owner of each burial lot (except in Baby Land) shall have the right upon obtaining a marker permit and the approval of the City Cemetery Administrative Staff to erect flat markers in Sections B, C and F-2. Upright markers will only be allowed in Sections A, A-1, A-2, D, DD, F-1 and G. Only flat markers will be allowed in Sections F-2 and any additional Sections that may be opened in the future.
- d. The section previously known as "Baby Land" is closed for use as future burial sites, effective with passage of this Ordinance.
- e. Concrete foundations for gravesite monuments shall be installed.
- f. All concrete foundations shall be twenty inches wide and shall have at least a four inch border all the way around the monument.
- g. The length of a monument in all other sections except for Baby Land shall not exceed forty inches (40") for a single grave or eighty-eight inches (88") for a double grave. All new monuments shall not exceed thirty- six inches (36") in height as measured from the top of the concrete foundation. Base of monuments are not to exceed twelve inches (12") in width.
- h. Only granite and bronze monuments and memorials are allowed. Grass markers may have a hideaway vase receptacle fixed into the granite, but such receptacles shall not be fixed into the marker's cement foundation.
- i. The City Cemetery Administrative staff shall approve all monuments.
- j. The City Cemetery Administrative staff shall approve the location of all monuments and shall schedule the placement of all monuments. Monuments shall not be placed on a Saturday, Sunday, or Holidays.
- k. While the City shall exercise due care to protect carvings, or other structures on any monument in the cemetery, the City disclaims any responsibility for any damage thereto.
- l. Only licensed monument companies will be allowed to place a monument in the Cemetery.

VIII. DECORATION OF LOTS

- a. Graves must be kept clean/clear of decorations, so as not to interfere with the safe operation of mowers and weed eaters. Flowers must be placed at or on the monuments. No trees or plants may be planted in the cemetery. Absolutely no benches, yard art, trinkets, solar lights or pole flags will be allowed.
- b. Families may have decorations in the vases attached to the monument at all times. Items in vases will not be removed unless they become unsightly. Decorations can be

no wider than the monument and may not extend more than 12" above the monument. Grass markers may have decorations in a hideaway vase, but may not have loose items placed on top of the grass marker or the marker foundation.

- c. Placement of flowers must be in a bronze hideaway vase and shall be permitted only in approved flat marker locations. Decorations in attached monument vases must be within the approved foundation work and shall be no greater than thirty-six inches (36") in height. Approval must be given by the Cemetery Administrative Staff.
- d. Hedges, Trees, Bushes or any other type of plantings **are not** allowed on or around a gravesite.
- e. Any wreaths or flowers shall be removed upon deterioration or, when in the judgment of the City Cemetery Landscaping Crew, have served their purpose.
- f. Any plant material that becomes or may become detrimental to foundations, irrigation, or adjacent lots because of height, width, roots, trunks, etc. shall not be permitted and will be removed.
- g. There will not be any decorations in the trees or shrubs allowed.
- h. The City/Cemetery shall not be held liable for lost, misplaced, or broken flower vases or for damage by the elements, thieves, vandals, or by causes beyond their control. The City reserves the right to regulate the method of decorating lots and the right to remove any decoration in order that uniform beauty may be maintained.
- i. Certain decorative or other adornments that have been placed in the cemetery in years past are no longer allowed.

- Structures are not permitted to be built or placed on or around any grave in the Overton Municipal Cemetery.

Examples are, but not limited to: Private Fences, Grave Site Borders, Curbing, Trellises, Windmills, Chimes, Benches, Chairs, Settees, Headboards, Grave Mounds, Memorials, Enclosures, Statues, Glass Vases, Hedging, Walks, etc. or any kind of breakable material. **The City reserves the right to remove the same if so planted, erected, or placed.**

- The covering of graves with any material other than turf is prohibited.

Examples of prohibited materials include but are not limited to: Bricks, Cinders, Crushed Rock, Rock, Glass, Gravel, Oyster Shell, Tiles, etc. **The City reserves the right to remove these materials without notice to the lot owner.**

IX. CONDUCT WITHIN THE CEMETERY

- a. Visitors are welcome on the cemetery grounds from dawn to dusk.
- b. The City Hall is open during normal business hours, are: 8:00 AM to 4:30 PM, Monday through Friday. Maps, price lists, brochures and cemetery rules and regulations can be found in the City Hall.
- c. Alcohol is not permitted within the boundaries of the cemetery.
- d. The gathering or removal of flowers by anyone other than the grave owners or Cemetery staff is prohibited within the Overton Municipal Cemetery.
- e. The breaking of trees, shrubs, or plants is prohibited within the Overton Municipal Cemetery.
- f. Loitering shall not be permitted on cemetery grounds. Excessive noise will not be permitted in the cemetery.
- g. Dogs (except for service dogs), horses, or any other animal shall not be allowed on the cemetery grounds. The owner of any animal that trespasses upon cemetery grounds shall be liable for any damage done by the animal. The City shall not be liable for any damage caused by animals and does not assume any responsibility for keeping animals out of the cemetery.
- h. The City of Overton shall use reasonable care to reasonably and regularly maintain all Overton cemetery grounds in good order and repair, free from dangerous conditions, and in a manner befitting such memorial places.

ANNEX A

CITY OF OVERTON – SCHEDULE OF FEES

ADOPTING ORD. NO. 2014-07-29B
 LAST AMENDING ORD. 2015-09-17D
 Amended by: ORD NO. 2016-05-19C

<u>SECTION</u>	<u>ACTIVITY</u>	<u>FEE</u>	<u>ORD. NO.</u>
H	<u>CEMETERY FEES</u>	Charges Effective after 07/01/2016	Amending Ordinance
H.1	CEMETERY PLOTS		
H.1.1	Full Size Plot	\$500.00 + Filing Fee	2015-09-17D
H.1.2	X-Large Size Plot	\$1,000.00 + Filing Fee	2015-09-17D
H.2	INTERMENT FEE		
H.2.1	Full Size Casket	\$150.00	2016-05-19C
H.2.2	Remains Vault	\$100.00	2016-05-19C
H.2.3	X-Large Size Casket	\$250.00	2016-05-19C
H.3	OTHER CEMETERY FEES		
H.3.1	Monument / Marker Deposit Fee	\$200.00	2016-05-19C
H.3.2	Gravesite Location and Marking Fee (Surveyor Fee)	\$100.00	2016-05-19C
H.3.3	Gravesite Research / Gravesite Marking / Monument Marking Fee	\$25.00	2016-05-19C
H.3.4	Monument / Marker Permit	\$25.00	2014-07-29B
H.3.5	Cemetery Deed Recording Fee <i>Rusk County County Clerk Filing Fees</i>	\$31.00 County Clerk Filing Fee <i>(page 1 == \$16.00)</i> \$15 Administrative Fee + \$4.00 Additional page	2014-07-29B
H.3.6	Transfer of Cemetery Deed and Recording Fee <i>Rusk County Clerk Filing Fee</i>	\$40.00	2016-05-19C

Overton City Cemetery Space Information

Marker Permit #: _____

Date Issued: _____ Approved By: _____

- Submit a rendition of proposed marker with size, dimensions and specifications
- A permanent approved marker must be installed within 1 year of burial.
- A \$200 marker fee shall be collected by the funeral home at the time of interment.
- The Cemetery will install a basic permanent monument if a permanent marker has not been installed within 1 year of burial.
- Marker fee may be refunded upon request or donated to the Overton Municipal Cemetery Endowment Fund.

Company Name		Phone Number
Key Contact Person		
Address		
City	State	Zip Code
Type of Monument	Size "L x W x H"	
Place at the Head or Foot of the Grave	Section - Block - Space	Date to be installed

Nearest Relative (in case of an Emergency with Gravesite or Headstone)

Name		Relation
Address		
City	State	Zip Code
Phone #	Email:	

Other Relatives

Name		Relation
Address		
City	State	Zip Code
Phone #	Email:	
Name		Relation
Address		
City	State	Zip Code
Phone #	Email:	

ANNEX C

BURIAL INFORMATION CARD

CEMETERY BURIAL RECORD: LAST NAME		<input type="checkbox"/> Casket		SECTION:	
		<input type="checkbox"/> Creains		BLOCK:	
FIRST NAME		MIDDLE INITIAL		SPACE #:	
DOB:	DOD:	BURIAL DATE:	RACE	SEX	
PLOT FEE:	PURCHASE DATE :	FILING FEE:	RELIGION:	AGE:	
DEED MAILED:	INTERMENT FEE:	DATE PAID:	VETERAN:	WAR:	
PLOT OWNER LAST NAME:		FIRST	PHONE #:		
STREET ADDRESS		CITY	STATE	ZIP	

Section 3: THAT to the extent of any conflict between the terms of this Ordinance and any prior ordinance, this Ordinance shall govern and control; and

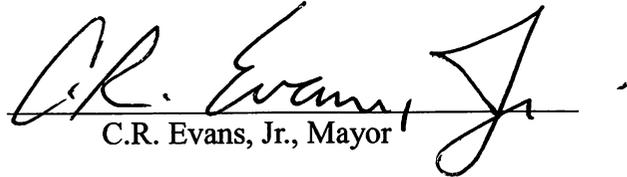
Section 4: THAT if any part of this Ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this Ordinance shall remain in full force and effect; and

Section 5: THAT the City Secretary is hereby directed to publish this Ordinance, or summary thereof consisting of the title and penalty, twice in the official newspaper of the City; and

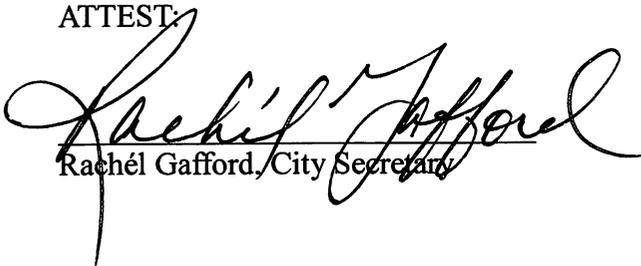
Section 6: THAT this Ordinance shall take effect and be in force beginning **June 1, 2016**.

PRESENTED AND APPROVED THIS THE 19th DAY OF MAY, 2016 BY A VOTE OF 5 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON

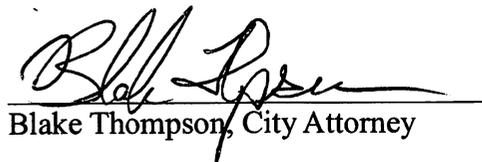

C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney