

# Cemetery Rules and Regulations

## Bell's Chapel Cemetery Association, Inc.

Bell's Chapel Cemetery Association, Inc. ("BCCA"), retains unto itself, for the benefit of all Owners, full and complete supervision, control, and management of the land, buildings, improvements, roads, walk ways, utilities, development, and the books/records for Bell's Chapel Cemetery and to enforce all rules, regulations, and restrictions not inconsistent with the laws of the State of Texas.

BCCA hereby expressly reserves the right, at any time, with or without notice to space owners, to adopt new rules and regulations, to amend or repeal any rule or regulation in the "Cemetery Rules and Regulations". Special circumstances may arise in which the literal enforcement of a rule may impose an unnecessary hardship. BCCA reserves the right, without notice, to make exceptions, suspensions or modifications to the "Cemetery Rules and Regulations" when, in its judgement, a temporary exception, suspension or modification is needed to ease hardship conditions. Any such temporary exception, suspension or modification shall in no way be construed as permanently altering the general application of BCCA's "Cemetery Rules and Regulations".

### A. Definitions

1. The term "Cemetery" as used in these rules and regulations is hereby defined to mean cemetery owned and operated by BCCA.
2. The term "Owner" shall mean the owner as indicated by deed.
3. The term "Interment" shall mean entombment or burial of the remains of a deceased person.
4. The term "Memorial" shall mean any marker, monument, headstone, tablet, or other structure upon or in any lot or niche, placed thereupon or partially therein for identification or in memory of the interred.
5. The term "Space" shall mean the area normally designated for a single Interment, sometimes called a plot.
6. The term "Superintendent" shall refer to the individual charged with the day to day management of the cemetery.

### B. Admission to Cemetery

1. No person shall be permitted to enter or leave the cemetery except by the public gates. The cemetery will be open to the public during reasonable hours as established by BCCA.
2. Any unauthorized person found on the cemetery grounds after dark will be considered a trespasser.
3. The use of any cemetery equipment or facilities may be refused at any time to any person or persons as the rules, judgment and custom may indicate.

### C. Arrangements for Interments

1. Written authorization from the Owner of record of a burial Space, or his designated representative or successor in interest, or other proper legal authority will be required for interment; and such Interment Authorization must be approved in writing by the Cemetery prior to interment.

2. All spaces in BCCA are sold in accordance with the provisions of the laws of the State of Texas and shall not be used for any other purpose than as a burial place for dead human beings.
3. BCCA shall have the right to schedule the time when interments or disinterment may be conducted.
4. A minimum of twelve (12) working hours before the announced times of the funeral will be required for the preparation of the grave.
5. In making a request for interment, the casket or vault, if of unusual size, must be particularly indicated.
6. BCCA shall not be responsible when an error occurs regarding grave location or container size to be used. BCCA reserves the right to make an equitable charge whenever additional labor costs result from such mistake.
7. BCCA shall not be liable for any delay in the interment of a body when a protest to the interment has been made, or where the rules and regulations have not been complied with.
8. BCCA shall direct all improvements, interments, and other such activities upon spaces before and after interments have been completed, subject to the provisions of paragraph L-1. The Owner is liable for an interment which does not comply with the Cemetery Rules and Regulations and/or which is not properly located according to the official, recorded plat map.
9. No persons, other than the BCCA, their designated agents, contractors, or employees may perform any work within the cemetery without prior written permission from the BCCA.
10. BCCA, their designated agents, contractors, or employees shall have the right to enter upon or use any adjoining space or spaces to carry out its duties as to internments, erection of monuments/markers, or to conduct required maintenance of the cemetery without notice to the adjoining space owner(s).
11. Spaces must be paid in full prior to any burial or plot deed being issued.
12. BCCA shall not be liable for any delay in the interment where a protest to the interment has been made or where the rules and regulations have not been met. Further, BCCA reserves the right under such circumstances to direct the body placed into a receiving vault until the interment protest has been legally resolved.

**D. Interment, Disinterment and Re-interment Procedures**

1. Proper authorization as required by local government or public authority having jurisdiction in the matter must be presented to the cemetery office at the time of interment or disinterment is effected. BCCA shall not be liable for the accuracy of the data contained in said authorization or for the identity of the person to be interred or disinterred.
2. All interments, disinterment and re-interments shall be performed by a funeral director or other person as provided for by the State and local laws. The funeral home will be responsible for obtaining prior written authorization from BCCA for the opening and closing of the grave by a grave digger approved by BCCA.

**E. Instructions for Space holders and Space Holder's Rights**

1. The Owner of a burial space is advised to perfect their ownership by recording the deed in the Ellis County deed records. BCCA is not responsible for any disputes which may arise over failure to record ownership, including failure to approve an interment authorization request.
2. Burial vaults either partially or entirely above ground are prohibited.
3. A permanent type container such as a concrete liner or burial vault is required for all adult interments, except for urns containing cremated remains pursuant to paragraph E-5a.
4. Construction or installation of slabs, curbing, steps, fencing, hedging, or enclosures of any kind will not be permitted on or around any Space or plot. Cement, iron, wooden, glass, plastic, paper, or other miscellaneous statues or objects as well as objects of a temporary nature will not be permitted. BCCA reserves the right to remove any objects which are erected, planted, or placed in violation of this rule.
5. Only one casket will be permitted in one Space, or optionally:
  - a) In the event cremation is utilized, a maximum of two interments of related family members will be permitted in one Space, and cremation urns must be used for each such interment. Urns must be buried where the top is 18" below the surface and a flush type memorial with the name of the deceased, date of birth and date of death must be used. SCATTERING OF CREMATED REMAINS OVER A BURIAL SPACE OR ANYWHERE ELSE IN THE CEMETERY IS PROHIBITED.
  - b) The use of a Space is for the Owner or such other person as the Owner may designate, subject to paragraph J-10.
  - c) In the event of the death of an Owner, any and all privileges of the owner shall pass according to the laws of the State of Texas.

**F. Service Charges and Payments**

1. BCCA shall have the right to establish a charge and time of payment for each interment and disinterment.
2. BCCA reserves the right to specify the amounts and terms of purchase of all Spaces.
3. In the event an Owner transfers title to a Space or Spaces, a record of such sale must be provided to BCCA and recorded in the Ellis County deed records.
4. When a disinterment is accomplished for the purpose of re-interment within the same cemetery, the current price of the vacated space, less 25%, shall be allowed as payment toward the new purchase. The established charge for opening and closing each grave will be in addition to the price of the new Space.

**G. Memorials**

1. All memorials shall be installed and maintained at the expense of the Owner and his family.
2. Only one memorial will be permitted on one grave space. A companion or family memorial may be placed upon two or more grave spaces. Memorials will be placed in alignment with adjacent memorials and centered at the head of the grave space. The actual location for memorials will be determined by cemetery personnel.
3. For burials of cremation urns, only flush type memorials may be used.

4. Space or plot corner markers will be set flush with the turf.
5. Flush Type Memorials:
  - a) The marking of each Space or grave in areas designated for flush type memorials is restricted and limited to memorials set flush with the turf, and of such dimensions, materials, design, finish and construction as indicated in this section.
  - b) Flush type memorials shall be made of granite marble or cast bronze installed on a granite, marble or concrete base. Granite and marble memorials and bases shall have smooth sides and bottoms and a minimum thickness of four inches (4"), concrete bases shall have a minimum thickness of six inches (6") and shall be smooth on all sides.
  - c) All flush memorials shall be set on a minimum of two inches (2") of sand for cushioning and leveling
  - d) The length of flush type memorials shall be at least ten inches (10") less than the grave space width.
6. Above Ground Materials
  - a) In areas of the cemetery not specifically designated for flush type memorials either an above ground or flush type memorial may be used.
  - b) All above ground memorials shall be of marble, granite or similar permanent type stone.
  - c) Memorials used above the ground level to mark a grave shall not exceed the following dimensions:
    - i. The base shall not exceed 18 inches in width
    - ii. The overall height shall not exceed 42 inches.
    - iii. The length shall be at least ten inches less than the grave space width.
7. Should any existing memorial or mausoleum become unsightly, dilapidated, or a menace to the safety of persons within the cemetery, BCCA shall have the right to correct the condition or to remove same. The expense of such removal or repair may be charged to the space owner.

#### **H. Memorial Foundations**

1. The size of concrete foundations for all above ground memorials shall be 1" larger in length and width than the size of the base.
2. The top of concrete foundations shall be from 1" to 2" below the top of the ground to allow for adding cement grout to level the memorial base.
3. Concrete foundations shall be a minimum of 8" thick and have perpendicular sides and flat bottom.
4. Excavations for foundations for above ground memorials shall be a minimum of 10" deep from the top of the ground. If the memorial base is two feet or more in length, there shall be one 6" diameter round hole dug 18" deep (or to rock) below the bottom of the excavation at each end of the excavation.
5. Concrete for all memorial foundations shall be 1 part cement, 2 parts sand and 4 parts gravel.

**I. Rules for Memorial Park**

1. Memorial dealers shall abide by all the rules and regulations of the cemetery.
2. BCCA reserves the right to approve the size, craftsmanship, quality, inscriptions, and foundations of memorials placed or to be placed in the cemetery.
3. Memorial dealers engaged in placing or erecting memorials or other structures are prohibited from scattering their material over adjoining spaces, or from blocking roads or walks, or from leaving their material on the grounds longer than is necessary. Damage done to spaces, walks, drives, trees, shrubs or other property shall be repaired at their expense to the satisfaction of BCCA.
4. Work of any nature may be stopped if proper preparations have not been made; or when work is being done in such a manner as to endanger life or property; or when there is evidence of misrepresentation; or when work is not being executed according to specifications; or when any reasonable request on the part of BCCA is disregarded; or when any person employed in the work violates any rule of the cemetery.

**J. General Regulations**

1. Visitors or workers shall use only the avenues, walkways, and roads, unless it becomes necessary to walk across other spaces or graves to gain access to a space or grave.
2. Automobiles, trucks and other vehicles shall not be driven through the cemetery grounds at a speed greater than fifteen (10) miles per hour. Unauthorized vehicles may not be driven or parked off the designated roadways or parking areas.
3. Pets shall not be allowed in the cemetery.
4. The use of intoxicating beverages within the cemetery is strictly forbidden.
5. No person will be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the cemetery.
6. No boxes, shells, toys, discarded glassware, sprinkler cans, water, hoses, or similar articles will be permitted to remain on any grave, walkway or street.
7. The Superintendent has the authority to enter upon any space and to remove any objectionable thing that may have been placed there contrary to the regulations, and he may remove any dead or damaged flowers, trees, shrubs or vines.
8. All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, marker or memorial or in any way deface the grounds of the cemetery.
9. No person or persons (except peace officers, a military guard of honor, or individuals holding a valid Texas License to Carry) shall be permitted to bring or carry firearms within the Cemetery.
10. Space owners and their legal representatives and successors in interest are prohibited from allowing interments on their plots in exchange for compensation.
11. Bicycles, skate boards, motorcycles, horses, and other such items use is restricted and are not permitted inside the cemetery without prior approval of the BCCA.
12. No signs other than those installed by BCCA will be permitted on the cemetery grounds.
13. BCCA is not responsible for vandalism or theft of any memorial or other personal property.

14. The construction, installation or placing of any wooden, concrete or cast-iron bench, chair or table, or any wooden or wire trellis, shall not be permitted on the cemetery grounds.
15. The construction of additional mounds over graves shall not be permitted.
16. Holders such as clay or plastic pots, wire, frames, etc., containing flowers or other decorations may be removed as soon as the flowers fade or wither and the right is reserved by the Cemetery to make such removal.
17. Placing of potted plants, cut flowers, or baskets is permitted on graves in the cemetery; however, to improve the appearance and to aid in maintenance, all potted plants, cut flowers, and baskets may be removed each month. Funeral designs or floral pieces will be removed from the graves when they become wilted or unsightly. Persons desiring to retain same must remove them within 72 hours. Artificial flowers may be placed on graves for holidays with the understanding that they will be removed thirty days after the holiday. The digging of holes for placement of plants or flowers is strictly prohibited.
18. In sections designated for flush type memorials, plants, cut flowers, shall be placed only in the invertible type bronze vases provided for that purpose.
19. In the interest of maintenance, planting of ivy, flowers, shrubs, or bushes is prohibited. Long lived hardwood trees such as live oak, Spanish oak, American elm, and cedar elm may be planted with the approval of the Superintendent.
20. If any trees or shrubs situated on any space shall become detrimental, unsightly, or impede access to adjacent spaces, walks, or roads, they may be pruned or removed in whole or in part as determined necessary by the Superintendent.
21. Personnel employed by the cemetery are not permitted to solicit or accept money or other compensation from any person or persons for maintenance performed within the cemetery. All inquiries or complaints shall be made at the cemetery office.
22. The grounds are sacredly devoted to the burial of the dead and the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton inquiry, disturbance, and disregard of the rules.
23. There shall be a strict observance of all the properties due the cemetery, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.

**K. Care of Cemetery**

1. The Cemetery is private, NON-perpetual care cemetery, and as such care of burial spaces and memorials is the responsibility of the Owner and their family. Care of the cemetery grounds will be provided by BCCA, subject to receipt of donations by members sufficient to defer the cost of such care.
2. The term "care" shall in no case mean the maintenance, repair, or replacement of any memorial or curbing placed or erected upon any grave or Space; nor the placement of flowers or ornamental plants or shrubs or trees; nor the performing of any special or unusual work for any individual owners.
3. Special care by cemetery employees of any grave or Space located within the cemetery is prohibited.

**L. Reservations to BCCA**

1. The Owner, their successors in interest, their licensed funeral home and their designated agents, contractors, or employees, have the responsibility for correctly locating (spotting) and preparing the Owner's grave plot/space at time of burial, and are liable to correct errors. BCCA reserves the right to correct errors made by them associated with interments, at their cost. Should an error develop in the conveyance of a Space (right of interment), BCCA may correct such error by conveying another Space of equal value in a similar location insofar as possible.
2. The right to revise and/or add to Cemetery (a section of sections) from time to time, including the right to modify or change the location of or any part thereof or remove or regrade roads, drives and walks is expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for water sprinkling systems and drainage, is also expressly reserved, as is the right to use cemetery property, not sold to individual owners, for cemetery purposes, including the interring and preparation for interment, or for anything necessary, incidental or convenient thereto. The cemetery reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over spaces for the purpose of passage to and from other spaces.
3. No easement is granted to any owner in any road, drive or walk within the cemetery, but such road, drive or walk may be used as a means of access to the cemetery and its buildings as long as BCCA devotes such road, drive or walk to that purpose.
4. BCCA disclaims responsibility to owners, their personal representatives or successors in interest for the loss or damage to cemetery spaces or memorials by any cause, natural or otherwise, direct or indirect, beyond reasonable control of BCCA.
5. The statement of any employee of the cemetery shall not be binding upon BCCA except as such statement agrees with the document conveying the right of interment and these rules and regulations.
6. BCCA reserves the right at any time and from time to time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof to adopt any new rule or regulation or any temporary exception with respect to said cemetery or anything pertaining thereto.
7. In all matters not specifically covered by these rules and regulations, BCCA reserves the right to do anything which in its judgment is deemed reasonable pertaining to the cemetery, and such determination shall be binding upon the space owner and all parties concerned.