



IOOF WESTLAKE CEMETERY
3101 J.T. Ottinger Road
Westlake, Texas 76262
817-430-0941

RULES AND REGULATIONS

Purpose

It is the desire of the Town of Westlake (Hereafter also referred to as “Town”) that the IOOF Westlake Cemetery be maintained in a peaceful and respectful manner, in order to provide a place of solace to those who have been bereaved, and to demonstrate respect for the memory of the people for whom the cemetery is a final resting place.

The Town of Westlake adopted these Rules and Regulations for the management of the IOOF Westlake Cemetery. All certificate holders of Interment rights, visitors, contractors or any other person entering onto the IOOF Westlake Cemetery (hereafter also referred to “Cemetery”) shall be subject to these rules and regulations.

General Rules and Regulations

1. Final upon passage. The Rules and Regulations of the cemetery, including prices for burial space, services made available by the Town and all other Rules and Regulations are to be made by the governing body of the Town of Westlake (hereafter referred to as the “Town Council”) and become effective upon approval by the Town Council. Exceptions may be applied for at the Town offices and may be granted by the Town Manager
2. Changes and Amendments. The Town Council expressly reserves the right to adopt, amend, change, alter or repeal any rule, regulation, article, section or paragraph of these Rules and Regulations, without prior notice to certificate holders or others.
3. Administration of Cemetery. Day to day administration of the cemetery and enforcement of the Town Rules and Regulations shall be carried out by the Town Manager or Town staff. The Town Manager may grant exceptions to these Rules and Regulations. The term “Town Manager” as used herein, includes a designee for the Town Manager. “Town” as used herein, includes the Town, the Town Council, the Town Manager, the Town staff, agents or volunteers, as may be understood from the context.
4. Exceptions. The Town reserves the right to make exceptions, suspensions or modifications in any of the Rules and Regulations. Such exceptions may be made by the Town Council or the Town Manager when, in the judgment of the Town Council or the Town Manager such an exception, suspension or modification is advisable. Exceptions, suspensions or modifications shall not be construed as affecting the general application of the Rules and Regulations. If a question arises

that is not addressed by these Rules and Regulations, the question shall be addressed and decided by the Town Manager.

5. Control of Cemetery. The Town retains full and complete supervision, control and management of all the land, buildings, improvements, roads, walks, utilities, development, books, records or other property of the cemetery. The Town, through the Town Council, Town Manager and Town staff, shall have the full and complete authority, rights, and privileges to enforce all laws, rules and regulations and restrictions concerning the cemetery.
6. Work on Grounds by Staff or with Permission. No person, other than employees of the Town, shall be allowed to perform any work within the cemetery, unless such person has received permission from the Town Manager or his/her designee in writing.
7. Improvements and Interments. The Town will be in charge of all improvements made on cemetery grounds and upon all lots before and after Interments are made.
8. Town Not Responsible for Loss or Damage. The Town will take all reasonable precautions to protect the cemetery and the structures contained therein, but the neither the Town, the Town Council, the Town Manager, or Town staff, agents for the Town or Town volunteers shall be responsible for any loss, damage, injury or other harm occurring on cemetery grounds.
9. No Thoroughfare Use. The use of the cemetery land or roads as a thoroughfare is prohibited.
10. Vehicle Use in Cemetery. The use of automobiles or other vehicles within the cemetery is authorized solely and exclusively for the purpose of transporting person to burial plots for burial ceremonies or to visit such plots.
11. Speed Limit. The speed limit within the cemetery is no greater than ten (10) miles per hour.
12. Parking or Driving on Grounds. Parking or driving on grounds, gardens or any grassy areas is prohibited, unless permission is given by the Town Manager in writing.
13. Bicycles, etc. Prohibited. Bicycles, skates, skateboards, snowmobiles, motorcycles, horses, etc. are not permitted in the cemetery unless prior written approval has been granted by the Town Manager.
14. Animals. Dogs and other domesticated animals are not permitted unless on a leash or inside a vehicle. Horses shall be allowed only with written permission of the Town Manager. The person who claims the animal shall be responsible for the cleanup of any animal waste.
15. Alcohol and Drugs Prohibited. Possession of alcoholic beverages or illegal drugs is prohibited on cemetery grounds. Alcoholic beverages or drugs found on cemetery grounds shall be subject to removal.
16. Use of Lots by Town. The Town shall have the right to enter upon or use, without prior notice to certificate holder or others, any lot or lots to carry out its duties, including but not limited to, maintenance of grounds, Interments, erection of monuments or markers.
17. Signs, Advertisements Prohibited. Signs, notices, advertisements or similar structures shall be prohibited in the cemetery unless placed by the Town.

18. Sales on Cemetery Grounds. Peddling, soliciting or sales of any goods or services other than burial plots are prohibited on cemetery grounds.
19. Cemetery landscaping. Trees and shrubs are placed throughout the cemetery for overall beauty and serenity of the grounds and shall only be placed on the grounds by Town staff. Individual lots are not permitted to have trees and shrubs. Any tree or shrub that has been planted or placed in the cemetery without approval of the Town Manager may be removed without notice.
20. Trees and other landscaping. Trees and other landscaping, such as bushes or shrubs, are located throughout the cemetery and may be located on certain lots in a way that could interfere with space that otherwise might be used for burial. In such a case, the Town shall have the right to remove the trees or other landscaping. Trees on cemetery grounds are excepted from the provisions of the Town Tree Ordinance.

Sales and Right of Use

21. Sale and Use of Cemetery Lots. The right of Interment in the cemetery shall be sold in accordance with the provisions of the laws of the State of Texas and the Town of Westlake and these Rules and Regulations. All plots shall be sold with permanent maintenance provisions. Prices for burial space shall be set by the Town Manager or his/or her designee.
22. Charges for Work, Services or Materials. Charges for materials or for work or services performed by the Town shall be at rates approved by the Town Manager or his/her designee.
23. Use of Cemetery Lots. Lots shall be sold and used for the purpose of a burial place for dead human beings.
24. Certificate of Interment Rights. Recognition of rights of Interment of an unoccupied plot shall be by issuance of a Certificate of Interment Rights. A Certificate of Interment Rights (“Certificate”) shall be issued to each person purchasing burial space. The Certificate shall have the name of the holder of the Certificate and describe the location of the plot. Possession of a Certificate by a person not named on the Certificate is not in itself evidence of the right to Interment in the space designated on the Certificate. Named Certificate holders only acquire the right of burial. Town Manager may require additional documentation to establish Interment rights.
25. Joint Ownership. If more than one person is named in the Certificate, it is indicative of joint ownership with rights of survivorship.
26. Lost Certificate. In the event of loss or destruction of a Certificate, a Certificate Holder may make a written request to Town Administrative offices, for a duplicate Certificate. The written request must be accompanied by a properly executed and sworn affidavit that sets forth the circumstances of the loss or destruction and any other documentation required by the Town Manager.
27. Transfer of Interment Rights.
 - a. Rules applicable. A Certificate holder may only transfer rights in accordance with these rules and all laws concerning such transfers.
 - b. Town Manager Approval Required. In order to transfer the right of Interment, a Certificate holder must obtain approval from the Town Manager for such transfer to be effective.

- c. Repurchase by Town. Upon application for approval to transfer Interment rights, the plot may be subject to repurchase by the Town at the original price. The Town manager may waive such repurchase.
 - d. Indebtedness must be paid. All indebtedness due to the Town in connection with the Certificate of Interment Rights must be paid before such transfer will be allowed.
 - e. Town records. All Certificate holders are required to notify and update Town records in regard to any transfer of a Certificate.
 - f. Transfer fee. A transfer fee, as set by Town Council, must be paid in order to transfer a Certificate of Interment Rights.
 - g. Transfer by inheritance. A Certificate may be transferred by Will. The person receiving such an inheritance shall be responsible for following the Rules and Regulations required to complete and record the transfer with the Town. The new Certificate holder must provide the original Certificate, the proof of inheritance of the burial space, pay any indebtedness due, pay a transfer fee and request that Town records be updated.
 - h. Transfer by intestacy. A Certificate may be transferred by through the laws of intestacy. The person receiving such an inheritance shall be responsible for following the Rules and Regulations required to complete and record the transfer with the Town. The new Certificate holder must provide the original Certificate, the proof of intestate rights to the burial space, pay any indebtedness due, pay a transfer fee and request that Town records be updated.
28. Town to be Notified of Changes. All Certificate holders are required to notify Town administrative offices of any changes, including a change of addresses. Notices will be sent to the address shown in Town records and it shall be the Certificate holder's responsibility to update those records with any changes in information concerning the Certificate holder.

Visiting Hours

- 29. Summer Hours. From April 1 through October 31, visiting hours are from 8:00 a.m. to 8:00 p.m. on Monday through Saturday and from 9:00 a.m. to 8:00 p.m. on Sundays and holidays.
- 30. Winter Hours. From November 1 through March 31, visiting hours are 8:00 a.m. to 6:00 p.m. Monday through Saturday and from 9:00 a.m. to 4:30 p.m. on Sundays and holidays.
- 31. Trespass. Any person found on cemetery grounds outside of visiting hours will be considered a trespasser, unless given written permission from the Town Manager to be on the cemetery grounds outside of visiting hours.

Interment and Funeral Rules and Regulations

- 32. Interments. All Interments must be arranged and approved in advance with Town staff. An interment will not be allowed without Town staff prior approval. An interment will not be allowed in a space unless the person to be buried had the Interment rights in the space as shown in Town records. Interments must be in accordance with all laws, and the Rules and Regulations for the cemetery.
- 33. Delay in Burial. The Town shall in no way be liable or responsible 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 or where there is a legal dispute regarding the interment. Under such circumstances, the Town reserves the right to place the body in the receiving vault or to take other appropriate steps until the proper legal course has been determined.

34. Use of Grave Space. The use of one grave space shall be limited to Interments as follows, unless otherwise permitted by the Town Manager or Town Council, as shown in writing and reflected in Town records:
 - i. One adult burial; or
 - ii. One adult burial and one infant burial; or
 - iii. One adult burial and one urn of cremated remains; or
 - iv. Two urns of cremated remains.
35. Outer Container. No burial of a casket over three (3) feet in length will be made unless there has been provided an outer container or receptacle of concrete or such other material found by Town staff to be of sufficient strength or resistance to deterioration.
36. Funeral times. Funerals or burial services held at the cemetery must be between the hours of 8:00 a.m. to 3:30 p.m. on Monday through Friday or from 8:00 a.m. to 2:00 p.m. on Saturday. Exceptions may be made by the Town Manager. Such exceptions must be in writing.
37. Disinterment. Disinterment must meet the requirements of state law. Such laws are currently found at Health and Safety Code section 694.001, 711.004 and Texas Administrative Code 181.6, and any other applicable state laws, as may be amended from time to time. The state law in effect at the time a disinterment request is made is applicable. If applicable, a copy of the application for a disinterment permit or a disinterment consent form must be provided to the Town for their records.
38. Cremated Remains. A permanent type of urn or vault is required for ground interment of cremated remains. The scattering of remains over a family lot or anywhere on cemetery grounds is prohibited.
39. No liability. The Town shall in no way be liable for any container, receptacle or urn of cremated remains place in lot.

Rules and Regulations for Flowers and Decorations

40. Removal of Flowers and Decorations at any time. The Town reserves the right to remove all flowers, wreaths or other decorations from lots at any time. Such removal may be due to safety, unsightly appearance or because such removal is deemed necessary by the Town.
41. Spring and Fall Cleanups. The grounds will be cleared of decorations twice a year. Spring cleanup begins March 1 and Fall cleanup begins October 1. Weather or other circumstances may delay the start date of said cleanups. In order to save any decorations placed upon a grave, the decorations should be removed prior to those dates. Decorations may be returned or new decorations placed on graves beginning April 1 and November 1 respectively.
42. Flower arrangements. Fresh flower arrangements are allowed on lots in a permanent bronze vase or a disposable vase. Silk flower arrangements are only allowed to be placed in a permanent bronze vase.
43. Flags. Flags may be placed on graves on Memorial Day, the Fourth of July, Flag day, and Veteran's Day, provided that such flag is not be larger than 8 inches by 12 inches, but may be smaller in size. Flags are subject to removal by Town staff after ten (10) days after the above listed holidays.

44. Prohibited items. Glass is prohibited at all times. Devotional lights of any type are prohibited in the cemetery. No decorations of any type are permitted in trees or cemetery plantings. Other items that are prohibited include, but are not limited to, the following: Plants, plantings, shepherd's hooks, standup decorations, coping, curbing, decorative rocks, fencing, hedging, grave mounds, borders, enclosures or items that are worn, deteriorated, or cause visual clutter.
45. Removal of Unauthorized Items. The Town shall have the right to remove all flowers, plants or objects if the appearance or condition of those items warrant removal or if the objects or plants violate the Rules and Regulations for the cemetery. The Town will not be liable for such removal or for the loss of any objects, plants or flowers.

Markers and Monuments

46. Approval and Permit Required. Markers, monuments or other memorials must be approved by the Town Manager prior to installation. In order to obtain approval and a permit, a sketch of the marker or monument must be submitted by the Certificate holder for the lot which shows the dimensions, material content, lettering and any other information requested by Town staff. The Certificate holder, or other person having burial rights in the grave, or if deceased, the representative for that person, must file approval for the submission. All markers, monuments or memorials must be made of the highest quality standard materials approved by the Town Manager. All markers, monument or other memorial foundations shall be placed by Town staff or agents of the Town only. Corner markers are allowed on all lots and must be installed at grade level.
47. Fees Must be Paid. All fees or amounts due (including any installation fee) on a lot must be paid in full prior to the placement of any marker, monument or other memorial on the lot.
48. Removal Required. In the event a memorial, monument or marker is placed in a location where it is necessary to remove it for an interment or disinterment, the Town shall have the right to remove such memorial, monument or marker without notice.
49. Memorial Placement. Memorials shall be set in accordance with the general plan or map for the cemetery. Not more than two (2) memorials, markers, or monuments may be placed on a grave, one at the head and the other at the foot, unless otherwise approved by the Town.
50. Change in Placement. The Town may correct any error that may occur in the placing of a foundation or memorial, marker, or monument. There shall be no liability for the actions taken by the Town in correcting such an error.
51. Photographs / Porcelain Material. Photographs and porcelain material may be incorporated into any memorial, monument or marker upon approval of the Town Manager. No protective glass or breakable material of any kind will be allowed on the memorial, marker, or monument.