

Forward

The *Allen Pioneer Memorial Cemetery* is managed and maintained by the **ALLEN CEMETERY ASSOCIATION**. The management of the cemetery shall be under the direction of the cemetery grounds committee comprised of the Board of Trustees of the **ALLEN CEMETERY ASSOCIATION** and others as they see fit.

All applications for acquisition, transfers, assignments or repurchase of the cemetery grave spaces, interment and disinterment permits shall be made with the board member serving as the cemetery sexton. Only the sexton, in coordination with the secretary and treasurer, is empowered to receive any and all monies or payments and to issue receipts for the same in any and all transactions involving cemetery property or service.

It is the desire of the **ALLEN CEMETERY ASSOCIATION** to make the *Allen Pioneer Memorial Cemetery* a quiet, beautiful place for the deceased, where a sense of repose will be obtained by dignified landscape effect on a well-maintained prairie lawn. To secure these effects, the **ALLEN CEMETERY ASSOCIATION** has spent and will continue to expend sums of money; but to preserve these effects will require the cooperation of every lot owner and compliance with these rules and regulations. Anything, which would mar the general beauty and harmony of the cemetery, must be avoided. Peace and good order must prevail, and the sacredness of the place must be maintained at all times. It is to this end that these rules and regulations have been made effective, and the suggestions as contained herein offered.

These rules govern the use and operation of the **ALLEN CEMETERY ASSOCIATION**, Fort Calhoun Township, Washington County, Nebraska. (Revised 2014)

ARTICLE I
General Rules

1. The cemetery is open every day of the year to family members and loved ones of the deceased.
2. The cemetery is open from dawn until dusk.
3. The sexton may close the cemetery when in his or her judgment the appropriate use of the cemetery requires it.
4. No person shall:
 - a. Operate a motor vehicle within the cemetery except on an established roadways or approved locations.
 - b. Dispose of rubbish or debris on any part of the cemetery grounds, except in an approved receptacle provided by the cemetery or should take it with them when leaving.
 - c. Disturb any trees, shrubs, plants or monuments without consent of the cemetery sexton.
 - d. Consume or carry alcoholic beverages onto cemetery premises.
 - e. Permit any pets to enter or remain the cemetery unless such pet is on a leash or otherwise in control by its owner.
 - f. Carry or discharge a fire arm in or adjacent to the cemetery except those carried by police officers or those carried or fired by an organized honor/color guard or firing squad.
 - g. Erect a marker, monument or vase without first contacting the cemetery sexton and obtaining the necessary authorization and/or permit.
5. The sexton has the general oversight of the cemetery and shall coordinate the time and day of all interments or disinterments with funeral directors or family members.
6. The sexton and/or **ALLEN CEMETERY ASSOCIATION** Board of Trustees reserves the right for its workers and those persons necessary to the performance of normal cemetery operations to enter on or cross over any lots in the cemetery in the performance of such duties as are necessary.
7. The **ALLEN CEMETERY ASSOCIATION** or its employees shall not be financially responsible for any damage to grave spaces, monuments, vases or structures thereon for flowers or articles removed from any grave space or lot.
8. The **ALLEN CEMETERY ASSOCIATION** or its employees assume no liability for property, or physical damage, or mental anguish caused or alleged to be caused, in the performance of normal operations or of loss or damage by vandals or other acts caused by any third party.

9. Any person driving in the cemetery shall be responsible for any damage done by the vehicle.
10. The **ALLEN CEMETERY ASSOCIATION** reserves the right at any time to amend or change these rules and regulations.

ARTICLE II

Interments, Disinterments, and Removals

1. All interments, disinterments and/or removals in or from the cemetery are subject to these rules, the ordinances and the statutes of the State of Nebraska, township, and county.
2. The cemetery sexton or other trustee, shall be given a minimum of twenty-four (24) hours notice in the summer and thirty-six (36) hours notice in the winter when the ground is frozen, for the opening and preparation of the graves prior to interment.
3. Interments are discouraged on Saturday, Sundays, and nationally or locally observed holidays unless for religious reasons, extraordinary, or extenuating circumstances.
4. Interments, interment services, disinterments, and/or removals shall be made under the direction of the sexton, or other trustee, according to the laws of the State of Nebraska, Washington County, the State Board of Health and in the presence of a licensed mortician (except in the case of a cremation interment or disinterment).
5. Disinterments or removals will not be permitted on Saturdays, Sundays or nationally or locally observed holidays.
6. The sexton shall be given at least one week notice of the intention to disinter or remove a body from the cemetery or to another part of the cemetery. When a disinterment is made, the sexton shall permit only the following persons to be present:
 - a. A member or members of the immediate family.
 - b. The mortician conducting the disinterment.
 - c. A legal enforcement official authorized by a court order.
 - d. Any other person specifically authorized by law or the court.
 - e. Any other person(s) who are needed to perform disinterment and/or reinterment.
7. The interment of two bodies in one grave will not be allowed, except in the

following cases:

- a. Two infants.
 - b. One infant and one cremains.
 - c. One cremains and one adult burial (where sufficient space is available).
 - d. Two sets of cremains.
 - e. One adult and one infant.
8. No interment of any body other than that of a human being will be permitted within the cemetery.
 9. All cremations shall be **buried** in a space measuring 18" x 18" x 3' deep in a purchased burial space or space so designated for cremated remains and pursuant to the Nebraska Department of Health.
 10. No burial will be permitted until a legal burial permit has been presented to the cemetery sexton.
 11. Advance notice of not less than forty-eight (48) hours must be given to the sexton, of the intention to enter the remains of any person who died of a virulent contagious disease and arrangements made in accordance with the rules of the State Board of Health made for the protection of the public and the cemetery employees. If any additional costs are incurred in the process the sexton shall bill such cost in addition to the standard cost.
 12. The lot owner or funeral director shall designate the location of the graves on the lot to the cemetery sexton and any change of location made after the opening of the grave has begun shall be at the expense of the lot owner or funeral director. When definite information for locating a grave is not available in ample time for grave preparation to meet the time requested for interment, the sexton will exercise his or her best judgment in establishing the location in order that the requested time for interment may be met. The **ALLEN CEMETERY ASSOCIATION** assumes no responsibility for any error in such location.
 13. The **ALLEN CEMETERY ASSOCIATION** assumes no responsibility for any preexisting unmarked graves.
 14. The **ALLEN CEMETERY ASSOCIATION** or its employees shall not be held responsible for any orders given by phone, or for any mistake resulting from the lack of precise and proper instructions as to the particular space, size, or location in a plot where an interment is desired.
 15. The **ALLEN CEMETERY ASSOCIATION** shall in no way be liable for any delays in the interment of a body where a pretext to the interment has been made or where the rules or regulations have not been followed.

16. The cemetery sexton or his or her delegated representative is to be present in the cemetery for every interment or disinterment.
17. Vaults shall be constructed of non-deteriorating material only. No steel or fiberglass vault shall be allowed except for infants or cremation interments. All cremated remains shall be buried in a permanent container, the minimum being a burial urn.
18. Lot owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the State Department of Health and deliver the same to the cemetery sexton. All disinterments will be made under the supervision of a licensed embalmer or funeral director.
19. Disinterment by heirs of a body so that the plot may be sold or profit to themselves or to any other person, or disinterment contrary to the expressed desire of the original grave owner, shall not be allowed.
20. A body may be removed from its original plot to a larger or better plot in the cemetery when there has been an approved exchange for that purpose.
21. The **ALLEN CEMETERY ASSOCIATION** shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket or vault or urn incurred in making the removal.
22. The **ALLEN CEMETERY ASSOCIATION** shall in no way be liable for any delay in the interment of a body where the rules or regulations have not been followed. The **ALLEN CEMETERY ASSOCIATION** shall be under no duty to recognize any protest to interment unless they are in writing and filed with the sexton or other trustee of the association.

ARTICLE III

Blocks, Lots, and Burial Space

1. The cemetery is divided into blocks, which are in turn are subdivided into lots, each containing eight (8) burial spaces.
2. All arrangements to acquire burial space shall be coordinated with the **ALLEN CEMETERY ASSOCIATION** Board of Trustees through the trustee acting as the cemetery sexton. The owner shall receive a *Certificate of Ownership* from the association for the lot or grave spaces acquired.
3. It shall be the duty of the owner to record any and all deeds issued at the office of the Register of Deeds for Washington County, Nebraska. The **ALLEN CEMETERY**

ASSOCIATION Board of Trustees has no duty to record an owner's deed and has no liability to an owner for failure to record a deed.

4. An owner may not sell the space or spaces her or she owns. If for some reason the owner no longer wishes the said space or spaces, title or interest shall be assigned back to the **ALLEN CEMETERY ASSOCIATION**. All grave spaces assigned back to the **ALLEN CEMETERY ASSOCIATION**, must be conveyed by *Certificate of Transfer*.
5. If there are no heirs at law of a lot owner and he or she has not provided by will for the disposal of lots, the remaining space or spaces escheat back to the **ALLEN CEMETERY ASSOCIATION** after normal inquiry of any know relatives and in accordance with the state statutes pertaining to the above.
6. A single interment may not be buried so as to occupy more than one grave space except that infants' caskets or cremation urns may be placed at the foot of the grave of one of his or her parents or relatives.
7. A single casket may not be buried so as to occupy more than one burial space.
8. Priority is given to existing unmarked graves.

ARTICLE IV Care of the Cemetery

1. All grading, general landscape work, improvements, all openings and closings of graves, and all interments and removals shall be made under the direction of the sexton or other trustee or those whom they have assigned to do so.
2. No person may plant any flowers, shrubs, trees or other plants in any burial space or spaces other than those near the headstone, which would not interfere with the maintenance of the cemetery. Major plantings shall be under the direction of the cemetery grounds committee and the sexton.
3. Plantings elsewhere in the cemetery shall be made at the discretion of the **ALLEN CEMETERY ASSOCIATION** Board of Trustees.
4. Floral arrangements and designs, flowers, shrubs, trees, weeds, any herbage, any plastic or silk, adornments, or other representations of any of these may be removed by the sexton whenever he or she judges them unsightly, unseasonal, dangerous, detrimental, diseased or distracting from the general decoration of the cemetery. The cemetery and its employees shall not be liable for flower pieces, baskets, frames or other objects left for or after a funeral services or for decoration of a grave over the winter.

5. Flowers (silk, plastic or real) along with any other type of decoration are not permitted on lots or grave spaces from April 1 through November 1 except five (5) days before Memorial Day to seven (7) days after unless contained in a permanent type of container approved by these rules.
6. Glass containers of any kind may not be placed anywhere in the cemetery. The **ALLEN CEMETERY ASSOCIATION** is not responsible for the cost of replacement or injury because of such containers.
7. The **ALLEN CEMETERY ASSOCIATION** shall not be liable for lost, misplaced, broken or otherwise damaged flower vases unless damaged by cemetery personnel in the performance of duties. The **ALLEN CEMETERY ASSOCIATION** shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by elements, drought, lack of water, thieves, vandals or by other causes beyond its control.
8. Patrons of the *Allen Pioneer Memorial Cemetery* may decorate grave spaces or lots from November 1 through April 1 with any items they wish except for any glass items. The cemetery and its employees, however, are not responsible for any items that have been moved, damaged or lost during this time period either in the performance of their duties or by third parties.
9. Patrons of the *Allen Pioneer Memorial Cemetery* may water grave spaces, lots, trees, and bushes or flowers ~~only~~ if they are present.
10. Curbing, fences, or hedges around any grave space or lots is prohibited.
11. No elevated mounds shall be built over graves and no lots shall be filled above the level established by the cemetery.
12. The right to replant, regrade, use property, change boundaries, remove or regrade property, change location of drives and walks, alter or change water sources along with removing or planting trees etc., is expressly reserved by the **ALLEN CEMETERY ASSOCIATION** Board of Trustees.

ARTICLE V
Monument and Marker Regulations

1. Permanent flower vases separate from the headstone must be set at the end of the foundation only.
2. The length of a monument or marker (not including grave slabs) may not exceed 75% of the width of a single grave or when two (2) or more adjoining grave

spaces are used, the length may not exceed 75% of the total width of those spaces.

3. The **ALLEN CEMETERY ASSOCIATION** shall charge an extra fee to the lot owner for moving a very large monument for grave preparation.
4. The **ALLEN CEMETERY ASSOCIATION** is not responsible for the replacement of any foundation damage to open a grave.
5. All washes that are placed in the *Allen Pioneer Memorial Cemetery* must extend four inches around the marker or monument and must be at least four inches in depth and be placed even with the ground. This requirement is in accordance with the regular marker or monument depth. Plot owners are responsible for maintenance and repairs of said washes. All monuments or markers must be in a straight line with the lot line.
6. All memorial foundations shall be placed on solid ground not included in the actual grave space except where a grave liner is of permanent type and of sufficient strength to support the weight of the foundation and memorial, and will not interfere with future grave openings.
7. All monuments or markers shall be no more than 16" in width and be set in a straight line with lot lines. All monuments companies shall locate all corner pins in order to maintain said straight lines.
8. All new ground level vases shall be installed against the monument or markers as part of the base or wash on the north and south ends only except in the case where one vase is being replaced and must match a second existing vase.
9. No foundation or vase shall extend outside the grave space or lot owned.
10. No cement shall surround the sides of a monument or marker.
11. All monuments or markers shall be constructed of marble, granite, or bronze. Rock, steel, aluminum, wood, or formed concrete plate etc. shall not be used for markers or monuments.
12. The setting of monuments, markers, or vases and the transportation of all tools, materials, etc. within the cemetery shall be subject to the supervision and control of the sexton.
13. Monuments or markers shall not be removed unless notice has been given to the sexton in writing.
14. Each monument or grave marker shall rest on a foundation specifically approved by the **ALLEN CEMETERY ASSOCIATION** as follows:

- a. Markers up to 20 inches: 16 inches in depth, one hole filled with concrete to bottom of grave.
 - b. Markers up to 24 inches: 20 inches in depth, two holes filled with concrete to bottom of grave.
 - c. Markers up to 36 inches: 36 inches in depth, three holes filled with concrete to bottom of grave.
 - d. Monuments and markers over 36 inches: 36 inches in depth, and one hole per foot with concrete to bottom of grave.
15. For large monuments, the **ALLEN CEMETERY ASSOCIATION** Board of Trustees reserves the right to require the construction of such materials, size and design as will provide ample insurance against possible settlement or injury to the stonework, or which detracts from the dignity of the cemetery or otherwise not in keeping with good appearance of the grounds.
16. The setting of monuments, stones, and markers and the transportation of all tools, materials, etc., within the cemetery shall be subject to the supervision and control of the cemetery sexton.
17. The monuments are unrestricted in that monuments or grave markers of any selected size and design may be placed on the lot where the lot area is sufficient to place a monument on solid ground, and that it will not interfere with future grave openings; however, no monument shall be allowed a base of more than 16 inches in width.
18. Vehicle traffic will not be permitted within the *Allen Pioneer Memorial Cemetery* when in the opinion of the sexton such traffic might cause injury to the grounds.

ARTICLE VI

Mausoleums

1. Mausoleums may be placed only on such lots as may be set aside or designated by the **ALLEN CEMETERY ASSOCIATION** Board of Trustees for such structures. All applications for permits to erect such structures shall be made in writing to the Board of Trustees.
2. Complete plans and specifications of the proposed construction, including details of materials, workmanship, method of construction, etc. shall accompany such application and the approval of the **ALLEN CEMETERY ASSOCIATION** Board of Trustees shall be obtained thereon before any structure that is built which is not considered safe, suitable, or desirable.