

Cave Hill Cemetery Company Rules and Regulations

	<u>Page #</u>
I. Introduction_____	2
II. General Provisions_____	2
A. Foreword	
B. Definitions	
III. General Rules _____	5
A. Visitor Rules	
B. General Policy Rules	
IV. Floral Memorialization _____	7
A. Artificial Flowers and Decorations	
B. Cut Natural Flowers and Potted Plants	
C. Special Care	
1. Annual Care	
2. Endowed & Preservation Care	
V. Markers and Monuments_____	9
A. Rules	
B. Regulations	
VI. Columbarium Rules and Regulations_____	15
VII. Interments and Burial Rights _____	16
A. Lot Holders	
B. Interments	
C. Removal or Disinterment	
D. Burial Rights – Descent of Lot KRS 391.010	
VIII. Modifications and Amendments_____	20
IX. City Ordinance _____	21

I. Introduction

Established in 1848, Cave Hill Cemetery has become one of the premier historical cemeteries in the country. The city has grown to surround the approximately 300 acre site which, when dedicated in 1848, was a rural garden cemetery. Nationally renowned as both a cemetery and an arboretum with over 400 varieties of trees and shrubs, Cave Hill Cemetery has buried some 120,000 individuals. From the original designs laid out by Edmund Lee and Benjamin Grove to the meticulous controlled landscape designs carved out of pastoral farmland by the five Superintendents that were in charge over the years, Cave Hill Cemetery serves as a living memorial to all its visitors and those who are buried within its grounds.

Through the generations, Cave Hill Cemetery and its governing Board of Managers (Board) have established guidelines, rules and regulations related to the maintenance, proper management and fiscal wellbeing of Cave Hill Cemetery. These guidelines have served to help build and preserve Cave Hill Cemetery as we know it today. Continued diligence and adherence to these Rules and Regulations will insure that Cave Hill Cemetery will always be an asset to the community and a living memorial to those who are buried here.

II. General Provisions

A. Foreword

Holders of burial rights, their successors and visitors to the Cave Hill Cemetery are subject to these Rules and Regulations including additions, amendments, and alterations.

Ownership of the land itself remains vested in Cave Hill Cemetery. Actual title to the land does not change hands but rather the lot holder holds an easement or right of burial in a particular lot. The lot holder is limited to the right to place the remains of deceased human beings in the designated lot subject to the Rules and Regulations and Articles of Incorporation of the Cave Hill Cemetery.

Cave Hill Cemetery's Rules and Regulations play an important part in the beautification and preservation of the grounds and buildings. These Rules and

Regulations safeguard both the lot holders and Cave Hill Cemetery, and have been devised in keeping with Kentucky Cemetery Law and other applicable state and federal laws. In many cases, they reflect directly on the health and safety of patrons and workers.

B. Definitions:

1. Arboretum: a place where an extensive variety of woody plants are cultivated for scientific, educational, and ornamental purposes.
2. Burial: the disposition of human remains by earthen burial in a grave.
3. Burial right: the right of interment granted by Cave Hill Cemetery to individuals only.
4. Care: general maintenance of a cemetery and of the lots, graves, crypts, niches, memorials, and markers therein within the sole discretion of Cave Hill Cemetery. This includes cutting and trimming of lawn, shrubs and trees at reasonable intervals; keeping drains, water lines, roads, buildings, fences in repair and other structures in keeping with a well maintained cemetery; also, overhead expense necessary for such purposes, including maintenance of machinery, tools and equipment for such care; compensation of employees, payment of insurance premiums, reasonable payments for employee pension and other benefit plans, and maintaining necessary records of holders, transfers and burials.
5. Casket: a rigid container designed for the encasement of human remains and customarily constructed of wood or metal, ornamented and lined with fabric.
6. Cemetery: burial ground commonly known as Cave Hill Cemetery including, without limitation:
 - (a) all land dedicated, reserved or used for interment purposes;
 - (b) all vegetation therein;
 - (c) all graves, mausoleums, crypts, columbaria, niches or other interment spaces therein;
 - (d) all memorials and works of art therein;
 - (e) all roads, walkways, and other structures of every kind therein;
 - (f) all equipment and facilities incident to the operation of Cave Hill Cemetery; and
 - (g) all public rights of way.
7. Columbarium: room or building consisting of niches or spaces for cremated human remains.
8. Community Mausoleum: a structure, above ground, or partially above and partially below ground, containing crypts and niches used or intended for use by members of the general public.

9. Contractor: any person, firm or corporation or anyone engaged in placing, erecting or repairing any memorial, or performing any work on the cemetery grounds, other than an employee of the cemetery.
10. Cremated Remains: the ashes that remain after cremation of a human body.
11. Crypt: a space in a mausoleum used or intended to be used for the entombment of human remains.
12. Die: the upright portion of a monument.
13. Entombment: the placement of human remains in a crypt
14. Family (Private) Mausoleum: a structure above ground, or partially above and partially below ground, containing crypts, the use of which is restricted to a group of persons related to each other by blood or marriage.
15. Family Burial Estate: an area of lots for which use is restricted to a group of persons related to each other by blood or marriage.
16. Foundation: the base or foundation upon which a memorial is installed. A foundation must be approved granite or concrete.
17. Foundation Cover: a slab of stone that is a minimum of 4" thick and used for the placement of a bench.
18. Grave: a space of land in the cemetery used or intended to be used for the burial of human remains.
19. Installation and Maintenance: the preparation of the earth to place a memorial and the future maintenance of the foundation.
20. Interment: the burial or entombment of human remains or the inurnment of cremated human remains
21. Inurnment: the placement of cremated human remains in an urn and the placement of such urn in a niche, crypt, grave or other suitable location in the Cemetery.
22. Lot or Plot: typically multiple adjoining graves.
23. Maintenance: the maintenance of the Cemetery as defined under care.
24. Marker: a memorial of granite, marble, cast bronze or combination thereof, placed at the head of one grave.
25. Memorial: a bronze or granite marker identifying a grave or graves; or a name plate or inscription identifying a crypt or niche.
26. Monument: a memorial of granite, marble, cast bronze, lead, or combination thereof, used on a designated lot, to mark one or more graves which, when installed in the ground, is more than 30 inches in height above the ground.
27. Niche: a compartment or space for the inurnment of cremated remains.
28. Plot: two or more adjoining graves.
29. Special Care: the care of a lot in accordance with specific instructions on the basis of an annual charge or to the extent of income derived from a special trust fund created by a holder in accordance with Kentucky law. It may include the improvement or embellishment of all or any part of Cave Hill Cemetery or any lot in it, the erection, maintenance, removal, repair or preservation of any memorial structure, the planting and cultivation of flowers, trees, shrubs, or plants in and around the Cemetery, or any part

thereof, and the filling and the care of vases, special care flower beds, and the placing of floral decorations at Easter, Memorial Day, Christmas or at any other date requested, including the special care or ornamenting of any plot, section or building, or any portion thereof, in the Cemetery, or any other purpose or use not inconsistent with the purpose for which the Cemetery was established or maintained.

30. Vault: any container or enclosure that is placed in the grave around the casket or urn to prevent the collapse of the grave.

III. General Rules.

A. Visitor Rules. All visitors are welcome to enjoy the beauty of Cave Hill Cemetery. Please remember that Cave Hill is a cemetery and not a public park. For many of our visitors, Cave Hill Cemetery is symbolic of the memorialization and remembrance of their loved ones.

1. A maximum speed of 20 miles per hour within the grounds must be observed to insure the safety of visitors and employees.
2. No pets are allowed in Cave Hill Cemetery as they may damage and disturb the flora and fauna.
3. Bicycles, joggers, motorcycles, motor homes, and buses are not allowed out of respect to those visitors mourning the death of a loved one.
4. No picnicking allowed.
5. Do not park on the grass.
6. No one under sixteen years of age will be permitted in Cave Hill Cemetery unless accompanied by a responsible adult.
7. No leaf collecting or commercial photography is permitted without written permission.
8. Balloons, toys, rocks, statues, ornaments, and similar articles are inconsistent with the décor and maintenance of the grounds. Objects of a temporary nature cannot be placed at a gravesite or anywhere in Cave Hill Cemetery. Items of this nature decay rapidly, become eyesores, and create hazards to employees and visitors alike. Likewise, ceramic, plastic and concrete urns, planters, shepherd hooks and figurines are not permitted.
9. Ritualistic, ceremonial burning of various items is only permitted in appropriate metal containers. No adjoining lots should be trespassed upon. The person supervising the ceremony or ritual must provide these containers.

10. Visitors to Cave Hill Cemetery are subject to an Ordinance enacted by the City of Louisville that provides the authority for imposing fines for prohibited conduct. A copy of this Ordinance is printed at the end of these Rules and Regulations.

B. General Policy Rules.

1. Exceptions: On occasion special circumstances may arise in which literal enforcement of the rules may impose an unnecessary hardship. Cave Hill Cemetery reserves the right to make exceptions, interpretations, or modifications in any of these rules provided that these exceptions, interpretations or modifications do not violate Kentucky law. Such exceptions, interpretations or modifications shall not be construed as affecting the general application of such rules.
2. Notorious Character: The Board has the right to refuse to sell burial rights in Cave Hill Cemetery to persons of notoriously bad character, and such persons shall not be interred in Cave Hill Cemetery.
3. Cave Hill Cemetery Closing: The Cemetery may be closed by Cave Hill Cemetery personnel when the safety of visitors and preservation of the Cemetery is threatened by inclement weather or similar factors.
4. Caskets: Caskets containing human remains are not to be opened after they are delivered to Cave Hill Cemetery without the consent of the Superintendent. A funeral director must fill out the appropriate consent form to open the casket with the permission of a family member of the deceased and with a person representing Cave Hill management present.
5. Cremated Remains: No one will be permitted to scatter cremated remains within the grounds of the Cave Hill Cemetery except in designated scattering garden areas and with the consent of Cave Hill Cemetery. Visitors violating this provision will be charged for any expenses related to recovering improperly scattered cremated remains.
6. Cave Hill Cemetery and Burial Maintenance: Generally, all landscaping, grading, sod maintenance, trimming, tree removal, opening and closing graves, pouring of foundations, and improvements to the land of any kind are to be performed by Cave Hill Cemetery personnel unless otherwise ordered by the Superintendent.
7. Contract workers: All contractors must provide Cave Hill Cemetery with a certificate of liability insurance and must comply with all applicable requirements provided for in these Rules and Regulations. All work is to be done during regular Cave Hill Cemetery business hours. All work being done near a funeral site must stop during a funeral service.
8. Errors may be corrected: Cave Hill Cemetery reserves the right to correct any error that is made by anyone. Errors involving the description, transfer or granting of any interment space may be corrected by canceling such grant and substituting and granting other interment space of equal or greater value and

similar location if possible. In the event that an error involves an interment, Cave Hill Cemetery reserves the right, with proper State and family approval, to remove the remains and transfer them to the correct location or to another space of equal value or similar location. Cave Hill Cemetery reserves the right to charge the responsible party for errors that are not attributable to Cave Hill Cemetery.

9. Resale of Lots: If no burials have been made on a given lot or space, a lot holder may resell his or her burial rights. Lots are sold in whole and cannot be split and sold in parts. A transfer fee must be paid to record the sale in Cave Hill Cemetery's records and to issue a new certificate of burial rights. Cave Hill Cemetery will not provide assistance to those lot holders wishing to sell their burial rights to other individual parties. Cave Hill Cemetery may purchase lots or spaces from the original lot holder for 40% of the current selling price as established by the Superintendent.
10. Improvements Subject to Board approval: Permanent structures erected in Cave Hill Cemetery are subject to review by the Board. The Board has the right to prevent the installation of, or to require removal of, any memorial, statue or structure that does not meet the regulations as noted in Section V: A. and B.
11. Use of Adjoining Lots: Cave Hill Cemetery reserves the right to use adjoining lots in order to perform excavation, burials and other work as may be necessary.
12. Prepayment: Lot holders and others requesting service must prepay all charges for interments, labor, and materials.
13. Section Planning and Layout: Cave Hill Cemetery, from time to time, may lay out or alter sections, avenues, or walks, or make such rules and regulations for the government of the grounds, as it may deem requisite and proper to secure and promote the general objectives of Cave Hill Cemetery.
14. Self-help Covenant. Default. Upon a Holder of burial rights', their successors', agents', or suppliers' (collectively "Holder") failure to comply with the provisions of the Rules and Regulations, as may be amended from time to time, Cave Hill Cemetery may freely enter upon the Lot and all improvements thereon at any time and take or cause to be taken such action as may be considered necessary at Cave Hill Cemetery's sole discretion to cause compliance therewith, without liability unto Cave Hill Cemetery or any of its respective successors, assigns, officers, employees, stockholders, directors, partners, agents, servants or contractors, or affiliates or related entities, from the Holder, or any other person or entity for trespass, theft, emotional distress or otherwise, and the Holder shall immediately, upon demand, reimburse Cave Hill Cemetery or other performing party for all expenses incurred in so doing, including, without limitation, attorney's fees, and Cave Hill Cemetery shall have a lien on that or other lots in Cave Hill Cemetery owned by Holder and the improvements thereon to secure the repayment of such amounts.

IV. Floral Memorialization: All floral memorials placed on lots are solely the responsibility of the lot holder. Cave Hill Cemetery assumes no liability or risk related to the placement of floral memorials, nor does Cave Hill Cemetery pledge to safeguard or guarantee any floral memorial.

A. Artificial Decorations.

1. Artificial flowers and decorations are not permitted anywhere in Cave Hill Cemetery except as outlined below. Items of this nature become eyesores, and create hazards to employees and visitors alike.
2. Artificial Christmas decorations are permitted from December 1 through January 31. Cemetery personnel, starting February 1, will remove these decorations. Decorations must be removed prior to January 31 by whoever placed them, as Cave Hill Cemetery will not hold and store Christmas decorations.
3. Offensive and/or inappropriate decorations may be removed at any time under the direction of the Superintendent. Such items may include, but are not limited to, beer and liquor bottles, any form, shape or wording that may be considered derogatory to an individual, race, religion, handicap etc.

B. Cut Natural Flowers and Potted Plants.

1. Cut natural flowers and potted plants may be placed any time during the year. They will be removed by Cave Hill Cemetery personnel within ten days or when they become unsightly, whichever comes first.
2. Flower poles, hooks, and hanging baskets are not allowed.
3. Landscaping: Shrubs, flowers and ground covers are not permitted unless the lot is in "Special Care". Contact the administration office for details.

C. Special Care: Special care consists of annual care, endowed care, or preservation care. If the lot holders are deceased, any person who has a right of burial on the lot may provide for special care without the written consent of any other interested parties. The Administration Office will verify that a lot may be placed in special care.

1. Annual Care is available for almost all lots in Cave Hill Cemetery. A lot holder or interested party may inquire at the Administration Office for an estimate for the services available. The individual who established the account pays for annual care services on an annual basis. Annual care payments are due by January 31 of each year. When annual care is discontinued, Cave Hill Cemetery will exercise its right to remove any ivy,

flower beds, evergreen planting, trees, shrubs, or other landscape improvements.

2. Endowed Care and Preservation Care: An individual may establish an endowment fund to pay for annual care on a lot. An endowment fund is set up to generate income during the year in order to pay for services in the following year. An endowment fund for an estimated amount will be established through the Cave Hill Investment Company. Interest earned on this endowment will pay the annual charge related to the services selected. The endowment fund principal will remain intact and will not be used to pay any portion of the lot expenses. As financial markets and cost of the services are subject to change, Cave Hill Cemetery cannot guarantee that an endowment will always be sufficient to pay for the services selected. Additions to these funds may be made at any time.

- V. **Markers and Monuments.** Markers and monuments will be allowed as indicated on the lot holder certificate and/or as otherwise indicated below.
 - A. Rules. The holder, or their successors, of the lot or grave must make application for permission to erect monuments and markers to the Superintendent of Cave Hill Cemetery. At the request or application of a relative to erect a monument or marker at the grave of a decedent, permission may be granted without the consent of the lot holder if unreasonably refused. (The right to enter and erect a marker to the dead is within the grant of the right of burial, and not revocable by the lot holder.)
 1. Permission: Application for permission to erect monuments or markers within the grounds must be accompanied by plans, sketches, or descriptions with a copy of the inscription included or attached.
 2. Foundation Charge: The charge for foundations is based on a square foot price and can be obtained by calling the Cave Hill Cemetery office.
 3. Third Party Installers: Third party installers may pour foundations at the request of the lot holder. The installer must be a professional skilled in

concrete construction. Work, materials and mode of operation must meet the specifications of Cave Hill Cemetery. Proof of liability insurance is required. The third party installer must dig the foundation hole and remove the soil and other debris from the grounds and repair any damage done to the property of Cave Hill Cemetery. Cave Hill Cemetery will charge an inspection and layout fee for completed foundations.

4. Removal of Foundation: The charge for removal of a foundation for monuments and markers will be double the current foundation price for the comparable monument or marker.
5. Pouring Foundations: Foundation pouring will stop on November 1st of each year and commence on March 1st of each year.
6. Superstructures: All superstructures (monuments, tablets, headstones, and markers) must be constructed or removed under the supervision of the Superintendent. The work cannot begin and the material cannot be delivered until Cave Hill Cemetery has notified the contractor that the foundation has been poured. Also, the contractor must be ready to proceed with the construction immediately after such materials have been delivered.
7. Supervision: The supervision of the Superintendent of Cave Hill Cemetery, as required, is for the protection of the Cemetery and to enforce its rules. Cave Hill Cemetery will not be responsible for defects in the superstructure, or for negligence on the part of the contractors or their employees.
8. Above Ground Structures: Crypts, Vaults or Tombs wholly or partly above ground, will not be allowed without special permission. Application to build such a structure must include plans and specifications.
9. Endowments: An endowment for a private mausoleum or large monumental structure is required to include maintenance of the structure and landscaping. The endowment fund must be established prior to construction of such structure. An estimate for the endowment fund can be obtained through Cave Hill Cemetery.
10. Directions: All Contract Workers are subject to the direction of Cave Hill Cemetery while on the grounds, and must enter and leave Cave Hill Cemetery within the working hours of the Cemetery employees. Any Contract Worker that interferes with any funeral service shall immediately cease working when notified by the Superintendent.
11. Damage: Cave Hill Cemetery assumes no liability or risk related to the placement of monuments or markers nor does Cave Hill Cemetery pledge to safeguard or guarantee any monument or marker other than outlined in Cave Hill Cemetery purchase agreements. Cave Hill Cemetery is not responsible for damage to monuments and markers or other decorations for any reason including but not limited to theft, vandalism, storms, acts of God, pesticide use, or accidents due to normal cemetery maintenance including mowing and interment activities.

12. Removal: The removal or change of a monument or marker erected at the grave of one buried by the lot holder will not be permitted, except with the consent of all the heirs and the spouse of the deceased. Monuments or markers cannot be removed from Cave Hill Cemetery except by written order of the lot holder or his/her successors and Cave Hill Cemetery.
 13. Enclosures: Enclosures around a lot are not allowed. Also, lettered boards designating graves will not be permitted.
 14. Engraving: Engraving the family name on the back of a monument is permitted.
- B. Specifications. All monuments, markers, and statuary must be constructed of good quality granite, marble, stainless steel, standard bronze, or lead. Monuments or markers that include glasswork, i.e. leaded glass, or stained glass must include an exact depiction of the work that includes the design in detail as well as the color of the glass being used. Mosaics are not allowed. Families requesting monuments or markers that include glass or metal works of art must place a fund sufficient for future maintenance of the piece in the Cave Hill Cemetery Preservation Fund. Cave Hill Cemetery will calculate the fund amount on an individual basis. The monument dealer must supply the name, address and telephone number of the artist on the foundation order.
1. Accounts Paid in Full: No monument or marker will be allowed on any lot where all accounts have not been paid in full, including but not limited to the lot itself, interments, and foundation fees.
 2. Approval of Superintendent: The Superintendent must approve all monuments, markers, epitaphs, verses and etchings. The size, number and content of all etchings must be shown on the foundation order supplied by the monument dealer and filed with the Cave Hill Cemetery engineer. Etchings of excessive size (over 12 inches), quantity and questionable content will not be allowed unless otherwise approved by the Superintendent.
 3. Proper Scale: It is the responsibility of the monument dealer and monument or memorial purchaser to design monuments or markers in the proper scale in relation to the lot size. Excessively tall monuments, markers and statuary cannot be set on lots accommodating four spaces or less. Statuary should be set in direct proportion to the proper viewing height of the piece, i.e., at an average individual's eye level. Cave Hill Cemetery will not approve monuments or markers that are not in scale to the lot size.
 4. Maximum Height: Maximum height on grave markers is 12 inches.
 5. Minimum Height: Minimum height for all monuments is 30 inches unless a bench is used as a monument or it is a single grave monument as hereinafter indicated.
 6. Flush Marker Thickness: All flush markers must be at least four inches in thickness.

7. Porcelain Photographs: Porcelain photographs are not allowed on flush grass level markers. Porcelain photographs may be placed on raised beveled headstones and monuments, but they must have bronze covers.
8. Flush Government Markers: Flush government markers may be placed on graves in addition to family purchased markers.
9. Colorants: Colorants used to enhance engravings are limited to white, gray and black.
10. No Socket or Dowel: No gravestone or marker can be set in a socket or with a dowel.
11. One Marker per Burial: Only one marker per burial will be allowed at a grave and it shall be placed at the head facing the grave unless otherwise permitted by the Superintendent.
If there are three burials in one grave and the lot certificate indicates:
 - a. "Raised marker privilege", one raised marker may be placed at the head of the grave and two flush grass level markers below the raised marker.
 - b. "Flush marker privilege", three flush markers are allowed.
12. Markers on Older Lots: On older lots that have several types and sizes of markers, any one of the types on that lot or a flush grass level are allowed and must conform to the current rules and regulations unless otherwise approved by the Superintendent.
13. Flush Double Markers: Flush double markers larger than 26 inches X 14 inches are not permitted.
14. Dies: No die shall be less than eight inches in thickness except as indicated below.
15. Single grave monuments:
 - a. Minimum Height 18 inches
 - b. Maximum Height 48 inches
 - c. Minimum Width 13 inches.
 - d. Maximum Width 30 inches.
 - e. Minimum thickness must be 8 inches unless otherwise noted below.
 - f. 6-inch stock may be used if proper scale and proportions call for a thinner die; approval of the Superintendent is required.
 - g. Government style tablet monuments may be a minimum of 4 inches thick.
 - h. Slants are permitted if they meet the minimum height requirement and are placed on a base.
 - i. Monoliths must be made of granite.
 - j. Bases with smooth or sawn sides are not allowed.
16. Marker Sizes: minimum and maximum.
 - a. Single Grave markers

Minimum size	24 inches X 12 inches X 4 inches
Maximum size	26 inches X 14 inches X 12 inches

- b. Double Grave Markers
Minimum size 36 inches X 12 inches X 6 inches
Maximum size 38 inches X 14 inches X 12 inches
 - c. Triple Grave Markers
Minimum size 40 inches X 12 inches X 6 inches
Maximum size 48 inches X 14 inches X 12 inches
 - d. Infant grave markers. (One size only) 20 inches X 10 inches X 6 inches
17. Monument Bases: All bases must have rock pitched sides.
- Minimum Lengths.** Exceptions: Vertical tablets with a base six feet or more in height, crosses, statues, monoliths, and boulders.
- a. Lots 6 feet to 8 feet wide-----3 feet
 - b. Lots 9 feet to 11 feet wide-----4 feet
 - c. Lots 12 feet to 14 feet wide-----5 feet
 - d. Lots 15 feet to 17feet wide-----6 feet
 - e. Lots 18 feet to 20 feet wide-----7 feet
 - f. Lots 21 feet to 23 feet wide-----8 feet
 - g. Lots 24 feet to 26 feet wide-----9 feet
 - h. Lots 27 feet to 29 feet wide-----10 feet
 - i. Lots 30 feet to 32 feet wide-----11 feet
 - j. Lots 33 feet to 35 feet wide-----12 feet
- Maximum Length.** The maximum length of any monument base is limited to permit a space between the base of the monument and the sideline of the lot according to the following schedule.
- a. Lots 6 feet to 8 feet wide-----4 feet
 - b. Lots 9 feet to 11 feet wide-----7 feet
 - c. Lots 12 feet to 14 feet wide-----9 feet
 - d. Lots 15 feet to 17 feet wide-----10 feet
 - e. Lots 18 feet to 20 feet wide-----11 feet
 - f. Lots 21 feet to 23 feet wide-----12 feet
 - g. Lots 24 feet to 26 feet wide-----13 feet
 - h. Lots 27 feet to 29 feet wide-----14 feet
 - i. Lots over 29 feet consult Cave Hill Cemetery
- Maximum base width** for monuments on standard lots is 24 inches. Some lots may allow larger base widths upon approval of Cave Hill Cemetery.
18. Polished margins: Bases (2-inch polish margin 6-inch rock pitch) and raised markers with polished margins must be 8” tall.
19. Mausoleum Specifications:
- a. A warranty for an unlimited period of time for materials used and workmanship is required from the manufacturer.
 - b. Outside walls must meet the specifications necessary for the size of the structure to properly support all parts of the building. Wall thickness may vary from 4 inches for garden crypt-type buildings to 6 inches

thickness for mid-size buildings to 8-inch thickness for larger buildings.

1. The building must be constructed using natural stone product, preferably domestic granite.
 2. Materials to meet NBGQA (National Building Granite Quarries Association) specifications.
 - c. C clamps and appropriate epoxy must be used on all wall joints.
 - d. Gabled roofs must be mortise and tenon.
 - e. All joints must be sealed with GE Silicone NB and appropriate sized backer rod.
 - f. In lieu of solid granite flooring, concrete floors may be used. Pre-cast concrete shall be a minimum of 4000 PSI and of a certified engineered design. Cast in place large mausoleums shall be engineered and concrete shall meet ASTM (American Society for Testing and Materials) standard 94 C and shall be 4000 PSI.
 - g. Crypts cannot be an integral structural component of the mausoleum. Certified-engineered pre-cast concrete crypts and shelves may be used.
 - h. Interior crypt shelves must be four inches thick.
 - i. The back wall must be one solid piece with any window structure cut from that solid piece, unless the wall is locked into position from the floor below the wall and the roof above the wall.
 - j. A detailed blueprint of the building and foundation is required prior to construction.
 - k. It is highly recommended, but not required, that the building have separate interior walls made of either granite or marble to prevent interior wall moisture.
20. Center of Lot: All monuments are to be placed in the center of the lot, unless otherwise permitted by the Superintendent.
21. Inscriptions on Bases: No inscriptions are permitted on the sides of bases. Inscriptions may, however, be placed on the tops of bases.
22. Only One Monument: Only one monument may be placed on a lot regardless of size and subject to the lot certificate guidelines. Not all lots have monument privilege. Refer to the lot certificate or call the Administration Office to determine monument rights.
23. Monument Construction:
- a. All dies must be finished on both sides, polished, axed, steeled, or stippled. However, a different finish may be used on the monument back from that on the front.
 - b. Materials to be used in the monument construction must be incorporated into the foundation application, along with a sketch of monument, complete with dimensions.
 - c. All monuments must have a solid base unless otherwise authorized by the Superintendent.

24. Construction of Benches: Bench seats and supports must be at least 4 inches in thickness. If, however, the bench is being used as a monument, the support members must be at least 6 inches thick. The seat may be 4 inches in thickness depending on the length of the bench in relation to the relative proper scale of the overall memorial. All benches must have a base (foundation cover) made of the same material as the bench itself. If a bench is placed on a lot as a feature in addition to a monument, an additional Preservation Fund fee must be paid for future maintenance.
25. Pins: Pins used to join two pieces of a memorial must be made of stainless steel or brass.
26. Slabs and Ledgers: No slab or ledger may be placed on any lot designed to accommodate less than twelve adult graves, nor can the lot contain less than 400 square feet. Only two slabs or ledgers will be permitted on these lots. The ledgers must be raised and not flush with the ground. The lot must be placed in endowed care so that ground cover can be planted around the ledger. Special permission may be granted by the Superintendent for additional slabs or ledgers on extremely large lots. No slab or ledger shall be less than six inches thick and must be set on two foundations, each measuring one foot two inches by the width of the slab.
27. Height Limitations: Mausoleums and vaults are limited to four crypts in height.
28. Right to Stop Construction: Cave Hill Cemetery reserves the right to stop all construction if the Superintendent determines that it is in the best interest of the safety and protection of the visitors, employees or workers, or for the preservation of Cave Hill Cemetery or any other reason. No heavy equipment will be allowed on the turf in Cave Hill Cemetery during wet weather.
29. Contract Worker Hours: Contract workers, monument dealers, etc. will not be allowed to enter Cave Hill Cemetery after 3:30 p.m. to perform any work. Contract Workers in Cave Hill Cemetery prior to 3:30 p.m. will be required to leave the grounds by 5:00 p.m.
30. Materials in Cemetery: Materials will not be allowed to remain in Cave Hill Cemetery longer than is strictly necessary for the completion of the work. All refuse or unused material must be removed at once when the work is completed.
31. Signs, Inscriptions and Logos: Signs, inscriptions, and company logos, including seal marks on monuments and structures of an advertising, offensive, or improper nature are prohibited and will be removed. An exception for seal marks is granted if they are required for warranty purposes. They must be engraved as follows:
 - a. Markers: Seal marks on markers must be placed no higher than two inches above the grass line, on the back vertical surface or anywhere on the underside of the marker.

- b. Monuments: Seal marks may be placed on the back vertical surface of the die above the base, but no higher than two inches above the base. No horizontal surfaces may be engraved with seal marks.
32. Crosses:
- a. No part of any cross design shall be less than eight inches thick, unless proper scale dictates smaller dimensions.
 - b. The entire cross must be cut from one solid piece of approved material.
 - c. The base, or plinth, upon which the cross is mounted, and which is under 10 inches in thickness, must be cut solid with the next section below it.
33. Urns and Vases:
- a. Urns and vases must be cut in one piece.
 - b. Vase lids must be of the same material or U.S. standard bronze.
 - c. The minimum diameter of any urn or vase should not be less than four inches and the maximum diameter any more than 10 inches.
 - d. Permanent installation of vases on top of flush or raised markers is not permitted.
 - e. Bronze vases may be attached to outdoor niches and crypts. Only vases recommended by Cave Hill Cemetery management may be used. Recommended vases are available for purchase at the Cave Hill Cemetery sales office.

VI. Columbarium Rules and Regulations:

- A. Cremation urns placed inside the niches must be manufactured in accordance with the standards for urns used for the disposition of cremated remains. Cave Hill Cemetery reserves the right to approve all urn selections.
- B. Only urns made of bronze, pewter, copper, marble, cultured marble, artisan metal, kiln dried wood, ceramic material, glass or cloisonné may be placed inside a glass front niche.
- C. Cremated remains that are in a container made of any material other than the above materials must be placed inside a marble front niche. No perishable materials may be used.
- D. Pictures, toys, statues, ornaments or other mementos may not be placed inside or outside of the niches.
- E. No item may be attached to the outside of any niche.
- F. Floral Decorations:
 - 1. Only one funeral arrangement may be placed inside the Columbarium for a committal service. Any other arrangements may be displayed on the porch of the building during the service. After the service, cemetery personnel will remove these arrangements.
 - 2. Only live cut flowers may be used in vases and displayed on the floral remembrance table, the windowsills or on the floor in front of the niches.

- Flowers will be removed within ten days or when they become unsightly. Cave Hill Cemetery reserves the right to approve all floral displays.
3. Potted plants may not be used.
 4. Artificial decorations are allowed only from December 1st through January 31st. Artificial decorations placed at any other time will be removed by cemetery personnel.
- G. Cave Hill Cemetery must approve inscriptions and epitaphs. Inscriptions on all niches must be done by Cave Hill Cemetery personnel to insure uniformity.
- H. Only cemetery personnel are allowed to open the niches.

VII. Interments and Burial Rights

- A. Lot Holders: Purchasers of burial rights acquire, subject to these Rules and Regulations, the right of burial for themselves and loved ones. Holders of burial rights do not own real property. Instead, their burial rights are similar to an easement on real estate.
1. Burial rights may be purchased through one of Cave Hill Cemetery's sales representatives. The rights may be purchased outright or be placed on installment loan. No burials will be made until the lot is paid off.
 2. No more than two names are to be recorded as holders of record on a lot certificate.
 3. Lot Holders and their successors may, by affidavit filed with Cave Hill Cemetery, exempt the lot/lots standing in their name from the application of Kentucky Revised Statute (KRS) 381.715 (The 100 Year Lot Law). Otherwise, KRS 381.715 allows Cave Hill Cemetery to deem said lot/lots abandoned if a burial has not been made on the lot/lots for a period of 100 years and allows Cave Hill Cemetery to sell the burial rights to other parties.
- B. Interments:
1. Interments are subject to these Rules and Regulations as well as all applicable state cemetery disposition of body laws.
 2. Direction as to the particular space on a lot to be opened for interment is the sole responsibility of the lot holders. If the lot holders are deceased, then any family member having right of burial on the lot may designate the space to be used and sign the interment order subject to any assignments or reservation recorded with Cave Hill Cemetery. Cave Hill Cemetery strongly urges the lot holder or family member responsible for a given interment to come to the Cemetery to select the grave to be opened. Cave Hill Cemetery does, however, allow family members to select a

grave space from a lot diagram that the Cemetery will fax or mail to the funeral director. Under these conditions, the funeral director assumes all legal responsibility for the correct location.

3. The grave to be opened is the sole responsibility of the family member who signs the interment order. Cave Hill Cemetery will not be responsible for any mistake or error in the transmission of information. This service is solely for the benefit and accommodation of the lot holder or family member and others having business with Cave Hill Cemetery.
4. Application for interment must be made at the Cave Hill Cemetery office at least twenty-four hours prior to the service. The lot holder or next of kin must select a space for burial and sign an interment order form.
5. If the lot holder is deceased, the spouse or next of kin must prove the descendant's right of burial in a particular lot.
6. The proper burial certificate required in all cases by the State Board of Health must be delivered to the Superintendent before an interment is made.
7. All fees related to the interment must be prepaid at the Cave Hill Cemetery office where a schedule of fees is maintained.
8. No interment will be made unless all proper forms provided by Cave Hill Cemetery are completed and delivered to the Superintendent.
9. In the absence of the lot holder or family member, an affidavit must be signed stating the relationship to the lot holder of the person to be interred.
10. The usual depth of a grave is 67 inches with a concrete box or 58 inches with a sealed vault. When a greater depth is required or when a grave is to be wider than usual, an additional charge will be made.
11. An outer burial container is required for every interment. The container must be made of concrete or metal, with all metal containers being constructed of material not lighter than twelve gauge.
12. An outer urn vault is required for all in-ground burial of cremated remains.
13. Additional Right of Interment: Up to three burials may be made in a single full-size space consisting of one full size adult or child and two cremated remains or three cremated remains. The fee charged for each additional right of interment is fifty percent of the current cost of the space. These rights may be purchased pre-need. In monument and raised marker sections, the monument may be used for the memorialization of one burial and the other two spaces must be marked with grass level markers or one raised marker and one grass level marker. A raised marker space may use one raised marker and two grass level markers. In grass level marker sections the markers must all be grass level.
14. Interment services shall be permitted only on scheduled work days for Cave Hill Cemetery and shall not be permitted on Sundays or holidays observed by the cemetery including: Memorial Day; Fourth of July; Labor Day; Thanksgiving; Christmas; and New Year's Day. The Superintendent

may grant special permission for interment services on these days, in which case, special interment fees apply.

- C. Removal or Disinterment: The removal of a body buried by the lot holder on his/her lot will be allowed after his/her death under the following circumstances:
1. The remains may be moved to a grave space of equal or greater value, or to a different cemetery or by order of a state governing body.
 2. The removal of a person buried by a lot holder on his/her own lot will not be permitted without the written consent of the individuals as required by state law.
- D. Burial Rights: Burial rights in Cave Hill Cemetery are subject to all conditions, restrictions, requirements and limitations contained in these Rules and Regulations and the applicable provisions of Kentucky Law.
1. No individual, group, company, or corporation may purchase burial rights solely for resale without the prior authorization of Cave Hill Cemetery.
 2. Lot Holders may by last will and testament, or by writing, directed to Cave Hill Cemetery, signed by the lot holder, and attested by one witness, determine who shall control the right of burial after their death.
 3. A lot holder may reserve spaces for designated individuals. All reservations must be recorded in the Cave Hill Cemetery office.
 4. A mere residuary devise in a will cannot be construed as conveying any interest or control over any lot in Cave Hill Cemetery. (example: “ I leave the remainder of my estate to my nephew”)
 5. In the absence of a specific devise or written directions as to who controls the remaining burial spaces in a lot, the Kentucky Statutes of Descent and Distribution, (KRS 391.010) will dictate. The current provision as of the date of the enactment of these Rules and Regulations is as follows.

Descent of Lot (from holder)
KRS 391.010

- a. Fifty percent (50%) interest to the surviving spouse of the decedent.
- b. To his children and their descendants; if none then:
- c. To his father and mother, if both are living, one moiety each; but if the father be dead, then the mother, if living, shall take the whole estate; if the mother be dead, then the whole estate shall pass to the father; if no father nor mother, then:

- d. To his brothers and sisters and their descendants; if none, then:
- e. Surviving spouse of the decedent; if there are none surviving then:
- f. One moiety of the estate shall pass to the paternal and the other to the maternal kindred in the following order:
- g. First, the grandfather, and grandmother equally, if both be living; but if one be dead, then the entire moiety shall go to the survivor; if no grandfather or grandmother, then:
- h. To the uncles and aunts and their descendants if none, then:
- i. To the great grandfathers and great grandmothers in the same manner prescribed for grandfather and grandmother in subsection g; if none then:
- j. To the brothers and sisters of the grandfathers and grandmothers and their descendents; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants as herein prescribed.
- k. If there is no such kindred to one of the parents, the whole shall go to the kindred of the other. If there is neither paternal nor maternal kindred, the whole shall go to the husband or wife of the intestate; or, if the husband or wife is dead, to his or her kindred, as if he or she had survived the intestate, and died entitled to the estate.

- 6.A surviving spouse of the lot holder has the right to reserve a grave at such place in the lot, in writing, if space is available.
- 7.A lot holder may not divest his or her spouse of such rights without the agreement of the latter; however, a final divorce decree terminates such rights unless otherwise provided by such decree.
- 8.If no written notice is available, the Cemetery may permit the burial of an individual whose right of burial is certified by an affidavit of a credible witness who knows, or should reasonably know, the legal holders. The determination and decision of Cave Hill Cemetery under its rules are final and conclusive. If the legal holders prove to the satisfaction of Cave Hill Cemetery that the decedent did not, in fact, have a right of burial they may, with the consent of Cave Hill Cemetery, at their own expense, remove and rebury the body in another grave. The grave is to be provided by the legal holders and approved by Cave Hill Cemetery.
- 9. A descendant, heir, husband, or wife may release by writing, the right of burial for themselves and their descendants and wives and husbands.
- 10.Descendants include children of the lot holder and their children's children indefinitely as born, with their husbands and wives. The right of burial is in the order of their death. If, for example, a lot holder should leave three children and three vacant burial spaces, those spaces could be filled with

grandchildren of the lot holder and the children's burial rights would be lost.

11. A legally adopted child is considered a descendant, while a stepchild is not considered a descendant.
12. In the absence of a specific testamentary devise or directions as herein provided, the lot of a deceased shall, as to the power of voting and general control (except as to the right of burial), pass to the surviving spouse. If there is no surviving spouse, control passes to the eldest sibling of the lot holder, then to the eldest heir at law. Anyone may renounce in writing, filed with Cave Hill Cemetery, his or her position as controller of any given lot.
13. Executors and administrators have no power to prohibit the burial of one entitled to be buried, or permit the burial of one not legally entitled to be buried.
14. When all of the descendants of one class unite, they may by writing exercise the holders' general right of control to reserve grave spaces.

IX. MODIFICATIONS AND AMENDMENTS

1. Because of continuing changes in customs, practices, economic conditions, and products, the Board of Cave Hill Cemetery may, and hereby expressly reserves, the right at any time or times, with or without notice to Lot holders, to adopt new Rules and Regulations, or to amend, alter and/or repeal any Rule, Regulation and/or article, section, paragraph and/or sentence in these Rules and Regulations. The Board of Cave Hill Cemetery further reserves the right to modify and change all prices referred to herein without notice.
2. A copy of the current Rules and Regulations and price list will be available for inspection at the Cave Hill Cemetery office located in the Cemetery during its regular office hours. In order to prevent confusion and misunderstanding as to which Rules and Regulations apply the official copy shall remain on Cave Hill Cemetery's premises.
3. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Board of Cave Hill Cemetery, therefore, reserves the right, without notice, to make exceptions or modifications in any of the Rules and Regulations

when, in its judgment, the same appear advisable; and such exceptions or modifications shall in no way be construed as affecting the general application of such.

4. If any section, subsection, paragraph, clause or provision of these Rules and Regulations shall be adjudged invalid, unenforceable or such adjudication shall apply only to the provision so adjudged, the rest of these Rules and Regulations shall remain valid and effective.

An Ordinance for the Protection of Cave Hill Cemetery

Be it ordained by the General Council of the City of Louisville:

Section 1. Any person who shall mutilate, deface, or otherwise injure any tombstone, monument, vault, vase, enclosure, furniture ornament, building, or any building of any description, tree, shrub, flower (wild or cultivated), or who, without permission obtained from the Cave Hill Cemetery Company, shall erect, build, plant, cut or remove any tombstone, monument, vault, vase, enclosure, furniture, ornament, tree, plant, shrub, building, or other structure, or interfere with any grave in said Cemetery, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 2: No person except those to whom certificates granting right of burial have been issued, and their accompanying friends, shall enter Cave Hill Cemetery at any time without permission, and persons are prohibited from entering or leaving said Cemetery grounds, except through the gates provided by the Cave Hill Cemetery Company for that purpose.

Section 3: No person shall climb any tree (without permission of Cave Hill Cemetery Company), lie down, or sit upon any grave or walk, nor participate in any loud or angry discussion, nor use any profane language within said Cemetery.

Any person, who shall disturb the quiet or good order of said Cemetery by noise or improper conduct, may be compelled instantly to leave the premises.

Section 4: Neither refreshments nor liquors of any kind are allowed in said Cemetery. All hunting, fishing, or disturbance of fish or birds, and the discharge of any firearms, fireworks, or missiles, (without the permission of Cave Hill Cemetery), by the use of gunpowder, or other explosives, within, into, or over any portion of said Cemetery is hereby prohibited.

Section 5: Any person who shall violate any provision in section 2, 3, or 4 of this ordinance, shall be fined not less than five dollars nor more than fifty dollars; and all fines imposed by this ordinance shall be recovered as other fines in the appropriate court of the City of Louisville.

Section 6: The Superintendent, gatekeeper, and all persons appointed and qualified as private policemen of the City of Louisville, upon application the Cave Hill Cemetery Company shall have full authority to enforce this ordinance, and to arrest any person or persons violating any provision thereof.

Section 7: All ordinances in conflict with this ordinance are hereby repealed.

Section 8: This ordinance shall take effect from its passage.

S. F Harlan, C.B.C.
Theo Stern, P.B.C.
Chas. P. Weaver, Mayor.

Alf. W. Davis C.B.A.
C.T. Ballard P.B.A.

Approved December 29, 1899

Succession of Burial Rights

