

## GENOA CEMETERY ASSOCIATION

This institution is operated as a "non-endowment care" interment property (NRS 452.140(1))

P.O. Box 971

Genoa, NV 89411

genoacemetery.org

### CEMETERY ASSOCIATION RULES AND REGULATIONS

#### 1.0 GENERAL/DEFINITIONS

- 1.1 Activities of the Genoa Cemetery Association (GCA)** involve the sale of burial plots specifically designated for interment of the human deceased. Designated board members and officers who have access to present mapping and boundary locations shall sell these plots. The public may purchase plots only in the stated sizes and dimensions previously stipulated by the Association for public purchase and only in locations designated by the Association to be open and available for purchase and use at that particular time. Each of the seven Board Members of the cemetery association are volunteers.
- 1.2 Board members and officers who are in charge of sale** or disposal of burial plots shall make every available effort to convey only non-owned and unoccupied plots according to present records. However, due to the age of the GCA cemetery and possible lapses or inadequate record keeping beyond the control of the present association members or officers, the Association officers shall in no way be held responsible or liable for the consequences of the sale or use of any previously sold or previously occupied plot of which the status was unknown by the association or officers. Every effort will be made to accommodate the purchaser at a new location.
- 1.3 GENOA CEMETERY ASSOCIATION (GCA).** The governing board (cemetery authority) of the State Licensed Nonprofit Corporation named "The Genoa Cemetery Association".
- 1.4 "CEMETERY AUTHORITY" DEFINED.** "Cemetery authority" means an individual, partnership, corporation, association or cemetery district owning or controlling cemetery funds or property and engaged in the operation of a cemetery business in this state (NRS 452.008).
- 1.5 "NONENDOWMENT CARE CEMETERY".** A "non-endowment care cemetery" is one that does not comply with the provisions of NRS 452.120 and NRS 452.130. (NRS 452.150 (1)). The GCA is a tax exempt 501.c.13 cemetery. Your purchase is not tax exempt. The cemetery can accept tax exempt donations and endowments.
- 1.6 CONTRACTOR DEFINED.** The term "contractor" as used in these regulations or any other document generated by the GCA does not mean an individual licensed by the State Contractors Board. It is a general description of an individual and/or firm used by the GCA or the Purchaser/Owner of a plot to designate a specific individual/firm to provide services to the GCA or the Purchaser/Owner for a fee.
- 1.7 DE-ROCKING.** Removal of large rocks/boulders from a cemetery plot and backfilling with clean fill so as to facilitate hand digging of a gravesite if necessary. Most of the plots sold currently have already been derocked.

**1.8 CASKET/COFFIN DEFINED.** A case/container for the reception of a corpse for burial in the Genoa Cemetery. The container must be sturdy and of sufficient strength to hold the remains of the deceased during transportation. The casket/coffin must have handles to allow for grasping the casket/coffin during transportation.

**1.9 PLOT DEFINED.** A plot consists of a curbed land burial site in the Genoa Cemetery. Plots are sold in the following dimensions: Cremations 2'x4', 5'x10', 10'x10', 10'x20' and 20'x20' feet. The GCA hires a contractor to do the curbing. Depending on the work schedule of that contractor and weather the curbing may take up to six months from the time of the purchase to be completed.

**2.0 PLOT MARKER.** With the sale/purchase of a plot, the Association member making the sale shall place a stake or marker at each corner of the plot and such marking will remain until curbing is in place.

**3.0 PLOT COST.** A "sale" of a plot includes cost of curbing. The GCA Board of Directors as required to meet changing material and labor costs may adjust costs. Fees must be paid to GCA at time of purchase of gravesite in full.

**4.0 ANNUAL ASSESSMENT.** An **annual assessment** shall be charged for the cleaning, maintenance of common areas of the cemetery. These expenses continue to rise and as such the annual fee can change anytime. Currently the annual fee is **\$35.00** for plots five (5) feet by ten (10) feet and larger and annual fee **of \$20.00** for cremation plots.

## **5.0 DELINQUENT FEES**

**5.1** After the last of the family is deceased and there are no known heirs and assessment payments are delinquent for five years and there is a vacant grave space available in the plot, that vacant space may revert to the GCA for resale and the GCA will maintain the present grave. If you have another family member or individual that would be financially responsible after your passing please include their name(s), address, phone numbers and email addresses on the Grave Purchase Agreement.

## **6.0 BURIALS**

**6.1** Interment without a burial permit is prohibited (NRS 440.560). A copy of both the Death Certificate and a Mortuary Burial Permit (or a Transit Permit) must accompany the remains.

**6.2** If a plot has not been derocked burials cannot take place until plot has been de-rocked. This is usually done at the time the plot is curbed and the cost is included in the purchase price.

**6.3** Single depth graves only. One burial per gravesite. No above ground burials. Cremation urns should be approximately two feet deep. Full burials should be approximately six feet deep, four feet wide and eight feet long. If there is a vault around the coffin it may need to be a little wider and longer.

**6.4** Prior to burial, the cemetery authority must receive a copy of both the Death Certificate and a Mortuary Burial Permit for the remains.

**6.5 NEW BURIALS.** All burials must comply with state laws/regulations in effect at that time.

**7.0 MAUSOLEUMS.** The GCA does NOT allow the construction of any mausoleum, vault or crypt on any of its plots.

**8.0 HEADSTONES.** The GCA requires purchasers to provide headstones or permanent markers for burials **within one year of interment.** However, a headstone may be added at any time after the purchase. Headstones can be obtained through the local mortuary or local artisans (GCA can provide names). Wooden headstone markers are prohibited.

**9.0 CLEANING.** GCA does cleaning and maintenance of the common areas as well as tree and shrub trimming, and removal of pinecones and pine needles. (see paragraph 4.0.) Plot owners are encouraged to tidy up their plots periodically as well. The GCA is not responsible for erosion, weather related damage or damage caused by tree roots.

**10.0 TREES/SHRUBS.** **No trees or shrubs are allowed to be planted in the cemetery plot or general area without specific approval of the GCA Board of Directors.** Any individual wanting to plant a tree/shrub must contact the Secretary GCA, describing the type of tree/shrub, it's size at maturity and proposed location. Bulbs or flowers plants may be planted inside the plot curbing, but it is the plot owner's responsibility to water and care for them. The local deer do eat most plants so you may want to check with your local nursery as to what plants would be best. Daffodils and iris are two plants that the deer do not seem to bother. Owner and his/her heirs recognize the **GCA has final decision authority as to whether a tree or shrub will be allowed and, if allowed, as to its location.** It would be the owner's responsible to water and care for trees and shrubs as well. If a plant or tree becomes overgrown or begins to affect the curbing the GCA has the authority to trim or remove the item.

## **11.0 RESALE OF PLOT**

**11.1 Sale by GCA to the purchaser is final.**

**11.2 Owner may resell to another individual/party subject to the following conditions:**

**11.2.1 Plot must be de-rocked and backfilled with clean fill prior to sale.**

**11.2.2** Original purchaser agrees to contact the Secretary GCA, P.O. Box 971, Genoa, NV 89411-0971, in writing of the sale.

**11.2.3** Information must include: New owners name, address, phone number, alternate names and addresses of additional family or financially responsible individuals for the future annual assessment payments and acknowledge whether plot has been de-rocked and curbed. The new owner will need to be informed of the requirement for the annual fee and given a copy of the current Rules and Regulations.

**11.2.4** If plot has been de-rocked and curbed, GCA will issue a new deed on receipt of \$50.00 for issuance of the deed.

**11.2.5** Original owner accepts that sale will not be finalized, and a new deed issued until plot has been de-rocked in accordance with paragraph 1.7. Therefore, any sale by original owner or his/her heirs would be null and void.

11.2.6 GCA will provide new owner with copy of GCA regulations.

**12.0 DEED.** A grave plot deed is mailed to owner after the check clears. Sometimes it may take up a month for the deed to be completed and mailed. A copy of GCA Rules and Regulations will be included with the issue of the deed. Owner must notify the Secretary of any address change(s) such as a change of address or for the person(s) financially responsible for the annual assessments.

**13.0 PLASTIC AND WILTED FLOWERS, NO GLASS CONTAINERS.** Any plastic flowers, wilted flowers or material left on plots and deemed unsightly, will be removed by the Cemetery's caretaker. It is preferred that you use cans rather than glass to contain your flowers. Glass often breaks and it is difficult to pick up. No decorations made of mylar are allowed. No decorations are allowed to be hung on any of the cyclone fencing surrounding the cemetery. It is recommended that you secure your artificial plants in Plaster of Paris or with tape. Please limit your decorations to a tasteful minimum. No decorations are allowed on any of the fences.

#### **14.0 DE-ROCKING/BURIAL**

**14.1** The Genoa Cemetery is located in a hillside and contains numerous rocks and boulders. Many boulders are a few feet in diameter, and some may be four to six feet or larger in the grave plat. Most of the plots sold are already derocked.

**14.2** Any individual performing work on the GCA premises **MUST CARRY \$1,000,000 LIABILITY INSURANCE AND IS RESPONSIBLE FOR ANY DAMAGE** to any adjoining plot sites. Owner of plot site acknowledges this responsibility at the time of purchase and deed transfer. A copy of the insurance policy must be issued to the Secretary prior to any work starting.

**14.3 REMOVAL OF BOULDERS, LARGE ROCKS FROM CEMETERY.** The purchaser of the plot and the contractor engaged to work on the plot must remove all material extracted from the plot, from the cemetery and properly and legally dispose of such material. With GCA approval some large boulders may be placed on the cemetery property with their supervision if there is a need.

**14.4 PURCHASER TO PAY FOR COST OF MATERIAL REMOVAL BY GCA.** If the contractor performing the work does not remove all material extracted from the plot from the cemetery the owner will be billed by GCA for associated costs.

**14.5 BACKFILLING OF PLOT.** Plot must be backfilled, within 24 hours, of a burial. GCA may backfill if time limit is not met, the reasonable cost of which is to be borne by the purchaser. Purchaser must agree to hold harmless and indemnify the GCA from all costs incurred by the GCA in performing such backfill not performed by purchaser or purchaser's contractor.

**15.0 MORTUARIES.** Mortuaries or their designated representatives must arrange for opening and closing of burial site, furnish the lowering device, chairs, grass carpet and other material/services if required.

## 16.0 DISINTERMENT

- a. The person in charge of the cemetery (at the expense of the plot owner or his personal representative) obtain a permit for disinterment or removal of human remains from the local health officer in accordance with NRS 451.045; and
- b. Comply with State Board of Health regulations section NAC 440.190 that requires a copy of the permit to be sent to the State Registrar.
- c. The plot owner or his personal representative must contact a mortuary for assistance and guidance.
- d. The cemetery authority (at plot owners' expense) or the plot owner must hire a contractor to perform the disinterment or removal. The contractor must carry liability insurance of at least \$1,000,000 and provide Proof of Insurance to the cemetery authority.
- e. The cemetery authority will require the plot owner to sign a disclaimer that he/she will hold the GCA harmless and indemnify the GCA from any damage done to the remains or adjacent gravesites during the disinterment or removal of human remains.

If the plot owner or his/her representative refuses to sign such disclaimer the cemetery authority will so note on the disclaimer and request plot owner/representative acknowledge refusal. Failure to hold the GCA harmless will give cause for the cemetery authority to deny disinterment.

- 17.0 CEMENT CURBING, BLOCK CEMENT, BRICK CURBING DETERIORATION.** Curbing by a Cemetery Association designated contractor will be accomplished in accordance with the standards by the GCA. Due to the extreme high and low temperature range in Carson Valley, **the Genoa Cemetery Association (GCA) is not responsible for the deterioration of the curbing after a twelve (12) month period from date of installation.**

If you have any questions or concerns regarding the cemetery, please contact Wally Adams, GCA President. (775) 720-1627.