



Ohio Revised Code

Section 4767.09 Reasonable maintenance.

Effective: October 29, 2018

Legislation: House Bill 168 - 132nd General Assembly

(A) The owner or person responsible for the operation of a cemetery registered with the division of real estate in the department of commerce shall provide reasonable maintenance of the cemetery property and of all lots, graves, mausoleums, scattering grounds, and columbaria in the cemetery based on the type and size of the cemetery, topographic limitation, and contractual commitments with consumers.

(B) In determining whether the owner or person responsible for the operation of a cemetery registered with the division provides reasonable maintenance of the cemetery property, the division or the cemetery dispute resolution commission may consider all of the following:

(1) The size of the cemetery;

(2) The type of cemetery;

(3) The extent and use of available financial resources;

(4) The contractual obligations for care and maintenance of the owner or person responsible for the operation of the registered cemetery;

(5) The standard of maintenance of one or more similarly situated cemeteries. In determining whether a cemetery is similarly situated, the division shall consider the cemetery's size, type, location, topography, and financial resources.

(6) The suggested maintenance guidelines the commission publishes under division (H) of section 4767.06 of the Revised Code;

(7) Other sections of the Revised Code related to cemetery maintenance.



(C) The owner or person responsible for the operation of the cemetery registered with the division, in the course of providing reasonable maintenance, may not preclude the exercise of lawful rights by the owner of an interment, inurnment, or entombment right, or by the decedent's immediate family or other heirs in accordance with the rules and regulations of the cemetery or other agreement of the cemetery authority.

(D) In the case of a cemetery or any portion of a cemetery dedicated as a nature preserve, reasonable maintenance by the owner or person responsible for the operation of the cemetery shall be in accordance with the regulations of the cemetery or the master plan governing the cemetery.

(E) A cemetery shall maintain electronic or paper cemetery records pertaining to interment, entombment, or inurnment right owners and interment, entombment, or inurnment records indicating the deceased's name, place of death, and date and location of the interment, entombment, or inurnment in the cemetery's office. Records may be maintained in an electronic formation only if the electronic copies are true copies of the original documents.