

Effective January 1, 2020

RULES AND REGULATIONS OF THE NILES CITY CEMETERY

The family must agree to the following rules and regulations:

The City of Niles has established the following Rules and Regulations for the mutual benefit and protection of the cemetery grounds, the interred, visitors, and personnel.

Fees

All fees and charges for services are established by the Director of Public Service and shall be paid at the Cemetery Office. Only cash or checks, in full, will be accepted.

All cemetery lots or niches must be paid in full at the time of purchase.

All cemetery openings must be paid in full at the time of purchase.

A schedule of fees for services and lots at the Niles City Cemetery is attached.

All fees are subject to change at the discretion of the Director of Public Service.

Hours of Operation

The Niles City Cemetery is open every day of the year from sunrise to sunset. No one is permitted in the cemeteries outside of these times with the exception of authorized city personnel.

The Niles City Cemetery office is open Monday-Friday, 7 a.m. – 3 p.m.

No funeral service will be scheduled on the following holidays:

- New Year's Day
- Dr. Martin Luther King Day
- Memorial Day
- President's Day
- Good Friday
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day and the day after Thanksgiving
- Christmas Eve and Christmas Day
- New Year's Eve and New Year's Day

General Rules

All visitors must enter through the main entrances.

All visitor vehicles shall remain on the driveways. No vehicles are permitted on the burial areas.

All-terrain vehicles are prohibited within the cemetery. Only automobiles are permitted.

Speed Limit in the Cemetery – Ten (10) mph

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Children under the age of fifteen (15) must be accompanied by an adult.

Pedestrians have the “right of way” on all roads within the Niles City Cemetery.

Place all debris, discarded flowers or decorations in trash containers or dumpsters.

No advertising permitted in the cemetery.

All pets must be on leash. Pet owners must clean up after their pets. Cemetery personnel reserve the right, at its discretion, to request an owner remove their pet from the premises.

No person, shall in any way injure, deface, or destroy any monument, structure, grass, flower, tree, shrub, vine or fixture.

No person, other than cemetery personnel, shall remove any object, other than decorations they placed at a grave, from the cemetery.

No person shall disturb the quiet good order of the cemeteries by loud or boisterous noise or inappropriate conduct.

All trash, unsightly material, or debris accumulated from any work, or any other cause, must be removed at once by the person causing its accumulation.

Tools must be removed upon the completion of work, and the grounds left in as good condition as found.

Littering is prohibited by City of Niles Ordinance and State law, and all penalties apply.

The following conduct is prohibited in the cemetery:

- Discharging a firearm, except in the case of an Honor Guard in the performance of ceremonies during funerals, the Memorial Day Service, and the Veterans’ Day Service.
- The consumption of alcoholic beverages and/or use of illegal substances.
- The operation of unlicensed motor vehicles; other than cemetery maintenance vehicles.

The City of Niles is NOT liable for injuries incurred by visitors to the Niles City Cemetery.

Grave Decorations

Decoration area is limited to a six-inch (6”) radius on all sides. Please do not place decorations behind the grave monument.

Limit mulch or peat moss (six inches (6”) on either side of grave monument. Do not mulch behind the headstone. In no case should mulch be placed beyond the limits of the grave space.

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Edge borders/fencing, made of wood plastic or metal, around memorials are not permitted.

No figurines or statues greater than twelve inches (12”).

All decorations must be permanently affixed to headstones (clear silicone is suggested as an adhesive).

NO GLASS OF ANY KIND PERMITTED AT GRAVESITES. Any glass found will be disposed of immediately. Glass poses a safety issue for cemetery personnel.

NO ROCK/STONE OF ANY KIND PERMITTED AROUND GRAVESITES. Any rock/stone found will be disposed of immediately. Rock/stone poses a safety issue for cemetery personnel.

Shepherds hooks, free standing crosses, ceramics, and fences around headstones are not permitted.

Please limit solar lights to two (2) per headstone. Multiple lights present maintenance Issues for cemetery personnel.

Decorations are not permitted on the columbarium’s corners or on the bottom ledges.

The use of stickers, signs, or any other item attached to a niche, either temporarily or permanently, is prohibited.

Cemetery personnel reserves the right, at its discretion, to remove decorations if they do not conform to standards or they become damaged and worn.

Live/Artificial Flowers

All flowers of any kind must be permanently affixed to headstones.

Live bouquets of flowers shall be removed after thirty (30) days.

All saddles must have an identification tag with the name and contact information of the owner.

When flowers, saddles and headdresses fall off of monuments, cemetery personnel reserve the right to dispose of them.

Planting of large perennial flowers, evergreens or bushy plants is strictly prohibited. Small annuals or perennial plantings may be placed next to the headstone.

Plantings must be maintained by owner throughout the growing season. If plantings become unkempt, they will be groomed to the height of the surrounding area.

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During the growing season, flowers must be placed on graves only in approved containers. You may place flowers year-round in permanent vases affixed to grave monuments no glass is permitted.

The cemetery staff reserves the right, at its discretion, to remove all floral designs and flowers if they do not conform to standards or they become damaged and worn.

Removal of Decorations and Flowers

Twice each year, cemetery personnel shall remove all decorations and affixed flowers regardless of condition or type. All decorations and affixed flowers should be removed prior to the following dates or they will otherwise be disposed of by cemetery personnel:

The “Spring Clean-up” takes place from April 1st to May 1st.

The “Fall Clean-up” takes place from October 1st to November 1st.

Winter holiday decorations and flowers including wreaths on wire easels and winter grave blankets are permitted after November 1.

- Plastic decorations that become brittle and easily disintegrate with cold weather are not permitted.
- Any grave blanket shall be removed by Cemetery Staff, at their discretion, prior to the annual Spring Clean Up, if it becomes unsightly or removal is needed for maintenance purposes.
- All remaining winter holiday decorations and grave blankets will be removed during Spring Clean-Up regardless of condition.

Niles City Cemetery personnel has the “Right of Way” to all cemetery plots. The City of Niles is NOT responsible for damages decorations, flowers, or landscaping resulting from ordinary hazards of cemetery work, vandalism, or natural causes. Such landscaping, flowers, or decorations are personal property.

Trees and Shrubs

Any planting of live shrubs and/or trees must be approved by the Cemetery Foreman/Superintendent before any work is started.

The Cemetery Foreman/Superintendent has the authority to remove any and all plantings, including shrubs and/or trees which are dead, have outgrown their usefulness, have spread beyond control, were planted without permission, are infested, or have become a nuisance.

Trees and shrubs donated by private individuals become the property of the City of Niles.

No plants on the Federal or State Invasive Plant List shall be planted on cemetery grounds and shall be removed without notice.

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Requirements for Benches, Monuments and Other Markers

No bench, monuments or markers shall be erected or placed in the cemetery unless application, specifications, plans and location have been first submitted to and approved by the Cemetery Foreman/Superintendent.

Design sketches for all monuments and markers must be submitted to the Cemetery Secretary and then for approval. The City of Niles is not responsible for misprints on any monument or marker or niche plate.

Specifications for Benches, Monuments and Other Markers

Articles made of concrete, benches, urns, boxes or the like are not permitted without approval of the Cemetery Foreman/Superintendent.

Memorial benches must be approved by the Cemetery Foreman/Superintendent. Benches of wrought iron or concrete must be set on a permanent foundation of ample size to sustain the weight of the bench through the years. A land use fee may be assessed by the City of Niles.

Grave markers not purchased through a monument company must be approved by the Cemetery Foreman/Superintendent prior to installation.

A single monument or marker is permitted on each grave space at the head of the grave. All lots are permitted a foot marker except in the Cremains and Baby Sections.

After a monument or marker has been placed in the cemetery, it shall not be removed without written permission of the Director of Public Service.

Only one headstone and one footstone are allowed per grave.

No homemade monuments or markers are acceptable and will be removed.

Grave markers provided by funeral homes at the time of burial are intended to be temporary markers only. All such markers will be removed when a permanent headstone is placed, or when the temporary marker is damaged or unreadable.

In the case of multiple cremated remains placed in one grave, or a combination of cremains and a casket burial, only one standing monument shall be installed at the head of the grave, and one footstone at the foot of the grave. All other markers must be installed flush with the ground.

Monuments and/or markers installed prior to the adoption date of these rules and regulations are exempt unless they become unsightly or deteriorated. The adoption date is located herein.

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Monuments and markers shall be constructed of natural stone (marble, granite, other) or bronze, or a combination of natural stone and bronze.

Only one above-grade monument permitted per grave site. Additional markers on gravesite (government markers or markers for second interment/cremated remains) must be installed at grade.

Oversized grave monuments must be approved through the Cemetery Foreman/Superintendent. Please note the purchase of additional grave spaces may be required to accommodate an oversized grave monument.

The Cemetery Foreman/Superintendent, at their discretion, shall have the right to limit the size, design, and type of material of monuments.

Foundations for Benches, Monuments and Other Markers

Each grave monument shall be placed on an approved foundation.

Monument or bench foundations shall only be made of poured cement; no pavers. Cement shall also be used to install commemorative plaques, and as a purchased pre-formed base for in-ground markers of a specific size, such as military plaques.

Outside Sales and Contractor Requirements

All contracts for the sale and erection of a monument, memorial stone, stone bench or base are strictly between the memorial company and the owner(s) of the burial lot. The City of Niles Cemetery will not be a party to such arrangements.

Monument companies are ONLY permitted to preform work in the Niles City Cemetery during normal cemetery operation hours. Companies are not permitted to preform work after hours, on weekends, or holidays listed herein.

The monument company shall obtain the necessary permits from the City of Niles Cemetery Department for all work performed within the Niles City Cemetery, including the installation of any footer.

All footer permit fees must be paid in full to the *City of Niles*, prior to the installation of the footer. A footer application is attached and may be subject to change at any time with the approval of the Director of Public Service.

All footer locations shall be approved and properly marked by the Cemetery Foreman/Superintendent, prior to the installation of any footer or monument.

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Broken or Damaged Items

The City of Niles is NOT responsible for damages to headstones, vases, monuments, vaults, foundations, or mausoleums resulting from ordinary hazards of cemetery work, vandalism, or natural causes. Such items are personal property.

Niles cemetery personnel has the authority and discretion to remove any and all broken monuments or grave markers under certain conditions:

- The monument or marker has nothing to identify who it memorializes.
- The original location of the grave is unknown.

Broken monuments shall be kept in storage by the City for twelve (12) months and, if not claimed by the heirs within that time, the broken pieces will then be disposed of.

Maintenance and repairs to any monuments, markers, or other permanent installation is the responsibility of the Burial Rights Owner(s) or their heirs.

Monuments may be insured against damage by the owner. Please consult your insurance agent, or the monument company for more information.

Interment

Proof of ownership may be required for interments.

Only remains of human beings can be interred in the Niles City Cemetery.

Interment and disinterment can only be made by cemetery personnel.

Permits for any type of disinterment will only be issued upon written consent of the Trumbull County Probate Court.

A burial permit from the Board of Health is required before a body is buried or entombed with in the Niles City Cemetery.

Burials and entombments are not permitted on Sundays or general holidays, except in the event of a contagious disease as ordered by the Trumbull County Board of Health.

Bodies of individuals that die of a contagious disease cannot be entombed in the mausoleum.

Opening of a casket at the gravesite is not permitted unless an application to do so is made in advance and is approved by the Cemetery Foreman/Superintendent.

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The Number of burials allowed at an individual lot is fixed at the time the lot is purchased. No additions will be permitted. Arrangements of the location of graves within a lot are determined by the Cemetery Foreman/Superintendent.

The City of Niles ONLY allows two (2) burials per day.

- A two (2) day notice is required for all grave interments, prior to the interment date.
- A three (3) day notice is required for all Saturday burials, prior to the burial date.
- Any burial request received on Friday will be scheduled for a Tuesday burial.

Chapel use is prohibited on non-scheduled workdays.

One (1) casket or two (2) cremated bodies can be buried in a single space.

A maximum of two (2) individual cremation remains can be placed in a double columbarium niche.

Only two (2) cremations are allowed in private crypt or mausoleum space designed for one casket burial.

All cremains must be placed in a secure urn (minimum of a culture marble urn).

Concrete or steel burial vaults or concrete grave liners are required for all burials. Wooden over-boxes are not permitted.

Disinterment

There will be no disinterment preformed without a Court Order issued to The City of Niles.

Ownership of Right

It is the responsibility of the Cemetery Foreman/Superintendent to enter any lot and prohibit, modify or remove any structure, object or ornament that is places there in violation of the rules and regulations herein.

Mausoleum crypts and cremains niches are not issued a Warranty Deed. When permitted by law, cemetery personnel reserve the right to: move, repair, and/or replace crypts and cremation niches when necessary to ensure the preservation of remains.

The grave owner, during his/her lifetime, is permitted to designate his/her grave to another person to buried in that said lot. This request is contingent on the following condition:

The owner shall provide in writing to the Niles Cemetery Department the name of the person permitted to be buried in the lot. A transfer fee of \$50.00 will be charged to perform this service.

Upon the death or judicially declared incompetency of a lot owner, it is the responsibility of the owner's heir, devisor and guardian to file competent proof of their right to use of the lot with the City of Niles.

Further burials in the lot in the lot will not be permitted until the proof is provided.

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Indigent Burial

The City of Niles authorizes the Director of Public Service to allow for the burial of persons meeting the criteria for indigent status in the Niles City Cemetery.

To qualify for indigent burial at the City's expense, the person must qualify as a resident of the City of Niles at the time of death and must meet any other criteria set forth in Ohio Revised Code Section 9.15.

All persons qualifying for indigent burial will be cremated. The person applying for indigent burial will acknowledge that the deceased will be cremated.

The City of Niles will pay no more than, \$400.00 to any funeral home for all services relating to an indigent person. The funeral home shall submit any paperwork the City of Niles, requiring the approval of indigent status to the Cemetery Foreman/Superintendent.

Cremation of Unclaimed Bodies

There is hereby established a burial fund for the payment of expenses for the cremation of unclaimed bodies eligible (Niles City Ord. 32-02).

When the body of a dead person who was a legal resident of the City is found within the State of Ohio, and such person was not an inmate of a correctional, benevolent, or charitable institution of the State of Ohio, and the body is not claimed by any person who is not indigent for private interment or cremation at the person's expense, or delivered for the purpose of medical or surgical study or dissection in accordance with Ohio R.C. 1713.34, the City will cause the remains to be cremated at a cost not to exceed four hundred dollars (\$400.00). The Director of Public Service, or his designee, is hereby authorized to sign the required Cremation Authorization form on behalf of the City.

- The cremains will be placed in a labeled, temporary plastic urn provided by the crematory and entombed in a communal crypt in the Niles City Cemetery so designated by the City.
- When the City is notified in regard to an unclaimed body, Funeral Directors doing business within the City will be contacted regarding arrangements under this chapter on a rotating basis by the Law Director's office. (Niles City Ord. 36-13)

Veterans' Section

The City of Niles has established specific rules and regulations for the Veterans' Section of the Niles City Cemetery (Niles City Ord. 43-19).

Violation

Any and all violations of these rules are subject to a penalty in accordance with the Ohio Revised Code and Niles City ordinances.

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Modifications and Amendments

The Director of Public Service may, at any and all times, adopt new rules and regulations, or amend, alter and/or repeal any rule, regulation, article, section, paragraph and/or sentence in these Rules and Regulations and do so with or without notice to Owners.

The City of Niles recognizes that special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. Therefore, the Cemetery reserves the right, when in its judgment the same appears advisable, to make exceptions to, or suspensions or modifications of, any of these Rules and Regulations and to do so without notice. Such temporary exceptions, suspensions or modifications shall in no way be construed as an enforceable precedent, repeal or permanent waiver of the affected rule(s), or as affecting the general application of these Rules and Regulations.

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Signing below states you've received a copy of the Cemetery Rules & Regulations:

SIGNATURE: _____ **DATE:** _____