

Alliance City Cemetery

RULES AND REGULATIONS

JANUARY 1, 2018

CITY OF
ALLIANCE, OHIO

CITY ADMINISTRATION

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ALLIANCE CITY CEMETERY 541 WEST VINE STREET

**ALLIANCE CITY CEMETERY OFFICE
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CONTENTS

	Page
Section 1 – General.....	2
Section 2 – Definitions.....	2, 3
Section 3 – Traffic and Conduct.....	3, 4
Section 4 – Funerals.....	4, 5
Section 5 – Disinterment.....	6
Section 6 – Purchase of Burial Spaces.....	6, 7
Section 7 – Transfer of Ownership.....	7, 8
Section 8 – Who May Be Interred.....	8
Section 9 - Fees, Prices and Charges.....	8
Section 10 – Care of Lots.....	9, 10
Section 11 – Vaults and Mausoleums.....	10, 11
Section 12 – Memorials, Monuments, Headstones, Markers, Corner Posts.....	11, 12, 13
Section 13 – Mainwaring Chapel Policies and Fees.....	13
Section 14 - Recovery of Unused Burial Spot.....	13, 14
Section 15 – Amendments of Regulations.....	14
Section 16 – Correction Errors.....	14
Section 17 – Severability Clause.....	14

REGULATIONS

1.0 ENACTMENT POWERS

A. General Regulations

- (1) These regulations were promulgated and adopted by the Safety-Service Director of the City of Alliance, and are effective until amended or repealed. Unless context otherwise requires, these regulations are applicable to the cemetery, its operation and control.
- (2) The cemetery is owned, operated and maintained by the City of Alliance exclusively for cemetery purposes.
- (3) All rights in and to a burial space shall be derived from a deed or other similar instrument executed by the City of Alliance.
- (4) All persons who have acquired the ownership of a burial space in the cemetery from other than the City of Alliance are reminded that “ownership” or “title” means the right to use such burial space for cemetery purposes, subject to present and future rules and regulations, and that such ownership or title does not include the fee of the ground.

2.0 DEFINITIONS

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| 2.01 Body | The body of a human being, or part thereof, including the remains after cremation, also known as cremains. |
| 2.02 Burial Space | Includes burial lot, grave space, niche, or crypt. |
| 2.03 Cemetery | The Alliance City Cemetery |
| 2.04 Crypt | A vault especially constructed for the entombment of bodies |
| 2.05 Funeral | The entrance of a body into the cemetery for the purpose of Interment therein, together with the procession to the grave, vault, niche, or crypt, graveside ceremonies and departure from the |

Cemetery.

- 2.06 Grave Space A portion of ground designed for the burial of one person.
- 2.07 Inter To bury. Interment is synonymous with burial.
- 2.08 Lot A plotted area of land in the cemetery containing two or more graves.
- 2.09 Mausoleum A structure designed to accommodate more than one crypt.
- 2.10 Niche A recess or hollow designed to accommodate more than one crypt.
- 2.11 Owner An owner of a lot or grave space is one whose name is registered in the cemetery office as possessing the burial rights in such lot, grave space, niche or crypt. If two or more persons are so registered, they are co-owners.
- 2.12 Related Includes relationship by whole blood, half blood, marriage, adoption, or designation of heirs.
- 2.13 Spouse Wife or husband of living person. For the purpose of these regulations, the word "spouse" includes widow or widower who has not remarried.
- 2.14 Director Director of Parks, Recreation and Public Lands.
- 2.15 Service Dir. Safety-Service Director for the City of Alliance.

3.0 TRAFFIC AND CONDUCT

3.1 Business and Visiting Hours

The cemetery records office is located as 2930 South Union Avenue. Business hours are Monday thru Friday 8:30 A.M. to 4:30 P.M. The Alliance City Cemetery, located 541 W. Vine St., is open for visiting weekly between dawn and dusk. Visiting is prohibited during all other hours. All persons entering or leaving the cemetery shall use the regularly designated entrances and exits at the designated times.

3.2 Conduct in the Cemetery

The cemetery is a place where decorous conduct and good order are essential. Loud, menacing or boisterous conduct, mischief, unnecessary

noise, trampling grass, shrubs and flowers, and trespassing are prohibited. The City of Alliance has police jurisdiction within the cemetery.

3.3 Traffic

Speed shall be 10 M.P.H. Parking is permitted only at the edge of established roads, off the grass and with brakes set. No parking near open graves or in “no parking” areas. Cars are prohibited during night hours.

3.4 Vehicles

Buses, trailers, bicycles are prohibited except by special permission.

3.5 General

The following are prohibited:

- Carrying firearms except at military funerals as part of a military escort.
- Post Mortem examinations within the cemetery.
- Dogs, unless leashed or confined to vehicles.
- Playing radios, picnicking, lounging, loafing, and using cemetery as a recreational area

4.0 FUNERALS

4.1 Advance Notice

Arrangements for funerals shall be made 48 hours in advance (except as otherwise provided by law) at the department office.

4.2 Funeral Hours

Funerals shall be conducted during regular cemetery hours, Monday thru Friday, prior to 3:00 P.M. and on Saturday prior to 3:00 P.M. The time of a funeral shall be determined as of the entry of the procession into the cemetery. There will only be allowed 2 Funeral Services per day.

4.3 Additional Charges

In addition to the regular cemetery charges for a funeral, there will be additional fees required for Weekdays between hours of 3:00pm to 5:00pm and Saturday, Sunday and Holidays interment shall be paid at interment.

4.4 Advance Information

Persons making request for burials shall furnish information regarding the deceased, as is required by the cemetery records office, to satisfy Section 8 of these regulations entitled "Who May Be Interred." Such arrangements and information also applies to burial in vaults or mausoleums and where remains have been removed from another burial place for reinterment in the city cemetery.

4.5 Burial Permit

Interment shall not be made until a burial permit is deposited with the cemetery office, except as otherwise provided. Such permit shall be in the form required by law, and with payment in advance to the City of Alliance.

4.6 Potter's Field (Indigent Section)

No Interment in Potters Field shall be permitted without a signed document from the funeral director testifying that the deceased was at time of death an **Alliance resident**, indigent and no funds are available for burial. Interment is to be **Cremains only**, no full body burials are allowed. No headstones are permitted unless land and open / close fees are paid. Land and open / close fees that are paid at a later date shall be those fees in effect at the time of burial.

4.7 Vaults

All burials at the cemetery shall be in vaults. Outer cases shall be made of concrete or metal. Exceptions may be made for small children. Metal vaults shall be of not less than 12 gauge steel or other metallic materials of equal or greater strength except for children of not more than 36 inches, the material may be Styrofoam, laminated plastic of similar material.

4.8 Temporary Vault

When it is impossible to make immediate permanent interment, the city mausoleum may be used as a temporary vault, with the permission of the Director, but subject to removal upon 24 hours notice. The remains of the person who has died of a contagious disease may not be placed in a temporary area. A burial permit is required. A body placed in the temporary area shall be encased in a tight, strong and well-constructed casket.

4.9 Lowering Device

All vault companies that service the Alliance City Cemetery are required to use a lowering device.

5.0 DISINTERMENT

- 5.1 No body interred in the cemetery shall be removed from the cemetery or disinterred until a permit or other documents required by the City or laws have been deposited at the cemetery records office. Disinterments shall not be conducted during those periods of time as prescribed by State Law. A body may be disinterred from one part of the cemetery and reinterred in another part of the cemetery. Permission of the owner of the lot or grave space in which reinterment is to take place is required as though it were a first interment. (See Section 8)
- 5.2 If a body is disinterred from a single-grave space, the rights of the owner of the vacated space may be terminated by the City upon payment by the city of the purchase price received by the City for such single-grave space.
- 5.3 No disinterment or subsequent reinterment shall be permitted until the person requesting such action has filed with the City of Alliance, upon a form provided by the City, an assumption of liability for damages which the City of Alliance may sustain by reason of such disinterment or reinterment.
- 5.4 Disinterment and reinterment are subject to the payment in advance of scheduled fees to the City of Alliance.

6.0 PURCHASE OF BURIAL SPACES

- 6.1 The City of Alliance, by agreement with the purchaser, may sell to such purchaser a single-grave space or a lot or a niche or crypt in a plotted section of the cemetery, at such prices as have been fixed by the City of Alliance. Such space or lot may not be used, nor shall any interment be permitted therein until the same is fully paid for; provided, however, that the city may sell a lot upon an agreement that the same shall be paid for in installments, the last of which shall be due not later than one year from the date of purchase. In such cases, 10% down payment is required. However, if the graves are not fully paid for by the end of the one year from the date of purchase, the rights of the purchaser shall terminate as to all unoccupied grave spaces, and the purchaser shall not be entitled to reimbursement. A headstone may be erected at each occupied grave space that has been paid for, but the remainder of the lot shall not be used for the erection of a monument or other memorial until the full purchase price of the lot is paid, within the time of aforesaid period.

6.2 The location of a lot is a matter of selection and agreement for which a personal inspection is desirable. A single-grave section is available with no regulation to order. However, veterans, infant and potters field sections are used in regular order.

6.3 Owners of lots requesting that more than one grave be used to bury a family member must present a notarized written statement. This will be placed on a permanent file.

6.4 Two cremations may be interred per grave.

7.0 TRANSFER OF OWNERSHIP

7.1 Transfers from a Deceased Owner

A burial space may be transferred from a deceased owner of record by will or under statutes of descent and distribution to any transferee, except a corporation (other than a fiduciary of the City of Alliance). If the estate of a deceased owner of record is not administered, or if such space is omitted from property administered, the right to succeed to record of ownership thereof may be established by sworn statement of affidavit. In such case, title to said burial space shall be deemed to have passed under the statutes of descent and distribution of the State of Ohio in effect upon the date of such stated or affidavit, without regard to the domicile of the decedent or the date of death.

7.2 Transfers from a Living Owner

It is the policy of the City of Alliance that burial spaces shall not be purchased and resold for the purpose of deriving a profit therefrom. Accordingly, a transfer of ownership will be accepted at the office as follows:

- A. Family members related to the transferer, or related to a deceased person who is interred in said lot by blood, marriage or adoption.
- B. A will.
- C. City of Alliance (Payment for burial spaces shall be for the purchase price.)
- D. A trustee or guardian for the transfer or for beneficiaries who are so related to the transferer.
- E. Quit Claim Deed for sale of the lot from the owner to a second party, price not to exceed original purchase price of said lot.

- 7.3 A corporation, other than a fiduciary, shall not become the owner of a burial space. If said corporation is no longer in existence, said lot or space may be recovered.

8.0 WHO MAY BE INTERRED

- 8.1 No body, except that of a human being, may be interred in the city cemetery.
- 8.2 With the written approval of the owner or co-owners the written approval of one co-owner or the majority of said co-owners shall prevail over the objection of others.
- 8.3 When a person is to be interred upon a lot or in a single grave space, the aforementioned written approval may be omitted by the Director if he is satisfied that such person is related to the owner, or to a co-owner, or to a person then interred upon lot, as a spouse, lineal ancestor of lineal descendant, brother or sister.
- 8.4 When the owner of record of a burial space is deceased, and no action has been taken to transfer ownership on the cemetery records to a living person or persons, or when there is no known living person upon whom said ownership may devolve, the Director, with the approval of the Service Director, may consent to the interment thereon of a deceased person as to who there is reasonable grounds to believe that such a person would be entitled to be an owner or co-owner by devolution of title from the last owner of record under the statutes of descent and distribution of the State of Ohio in effect at the time of such interment.
- 8.5 It is the policy of the City of Alliance to construe these regulations liberally, and to accept what evidence is deemed credible, so that requested interment may proceed without protracted research or to the embarrassment of relatives and friends. It is expected, however, that lot owners will take steps to bring titles up to date, to the end of avoiding any possible problems.

9.0 FEES, PRICES AND CHARGES

- 9.1 All permits and the fees therefore, the prices of burial spaces sold by the city, and all charges for services performed by the city, its agents and employees, in or concerning the cemetery, shall be established by the City of Alliance, and the Service Director is authorized to establish, increase and decrease the same. A schedule of fees and charges shall be available for inspection at the cemetery office. **NO REFUNDS** for prior arrangements for the purchase of burial lots and open/close fees.

10.0 CARE OF LOTS

- 10.1 Endowment for perpetual care is included in the purchase of price of lots. On older lots not endowed, lump sum endowments can be obtained. The yearly rates for lots not endowed can be obtained from the cemetery office.
- 10.2 The term Endowment, used in reference to lots, shall be held to mean the cutting of grass on said lots at reasonable intervals, the raking and cleaning of said lots and the pruning of the shrubs and trees that are **planted by the City Cemetery only.**
- 10.3 **Planting of trees, shrubs, bushes or decorative rocks of any kind is strictly prohibited.**
- 10.4 All flower beds must be maintained and kept weed-free, or they will be reseeded by the department and an invoice will be sent to the permit holder for payment. Charges are based on current hourly rates. Failure to maintain or payment refusal will be grounds for no further planting permit being issued.
- 10.5 The cemetery will not be responsible for any flowers or decorations damaged during regular maintenance operations.
- 10.6 The Director shall have the right to remove any tree, shrub, or ornament, boxes, shells, toys metal or wood designs, chairs, settees, vases, urns, glass, wood or iron cases and similar articles on lots.
- 10.7 Glass containers are strictly prohibited on any grave.
- 10.8 The city cemetery shall have the authority to remove all flowers, trees, shrubs, plants or herbage of any kind from the cemetery as soon as, in the judgment of the Director, they do not conform to the standards maintained.
- The city shall not be liable for the floral pieces, baskets or frames in which or to which such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the cemetery.
- The city shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the element, thieves, vandals or any other sources beyond their control.
- 10.9 The city reserves the right to regulate the methods of decorating plots so that uniform beauty may be maintained. They city reserves the right to

prevent the removal of any flowers, floral designs, trees, shrubs or plants or herbage of any kind without the Director's consent.

10.10 Damage done to lots, walks, drives, trees, shrubs or other property by dealers or contractors, or their agents, shall be repaired by the contractor or the department. If the department repairs damage, charges area based on an hourly man-hour basis.

10.11 No coping, curling, fencing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any lot. The city reserves the right to remove same if so erected, planted or placed.

10.12 All urns are allowed only at the sides or directly in front of the monuments.

10.13 Flowers will be permitted on the graves at the following times.
Summer: May 1st thru October 1st.
Winter: November 1st thru March 31st.

Those not removed by the deadlines will be removed and discarded by cemetery employees.

11.0 VAULTS AND MAUSOLEUMS

11.1 Private mausoleums will be permitted upon lots especially provided for this purpose.

11.2 Exterior walls shall be sandstone, granite or marble and filled with catacombs where interments can be made separately, and hermetically sealed at the time of depositing the body.

11.3 Entrance to such vaults with more than one crypt must be provided with one or more durable non-corrosive doors.

11.4 Plans and specifications for such intended structure must first be submitted to the Director and the City Engineer and will be subject to their approval.

11.5 The construction of any vault shall be subject to the inspection and approval of the Director, who reserves the right to reject any material or manner of workmanship.

11.6 In all cases, the owner of the lot shall be held liable for any and all damage caused either to the cemetery or private property in the construction of the vault.

- 11.7 Persons engaged in erecting vaults are prohibited from attaching ropes to trees or shrubs and from scattering their material over adjoining lots and in all cases must restore the grounds and drives to a condition satisfactory to the Director.
- 11.8 The cemetery shall not be responsible for damage to vaults or other structures caused by forces over which it has no control. The director reserves the right to inspect and recommend repair to any structure which has become unsafe or neglected.
- 11.9 After January 1, 1985, vaults or mausoleums cannot be constructed until sufficient funds have been deposited in the Special Care Fund to provide adequate permanent repair and maintenance, the amount of such deposit to be determined by the Service director after consulting the City Engineer and Director. Interest received from each separates special Care Fund shall be used for maintenance of the specific vault or mausoleum.

12.0 MEMORIALS, MONUMENTS, HEADSTONES, MARKERS AND CORNER POSTS

- 12.1 No monument or corner post of any kind may be installed until full payment of lot or space has been made to the cemetery.
- 12.2 No wooden, iron or concrete crosses or memorials will be permitted. No concrete blocks or fieldstone will be permitted.
- 12.3 All foundations installed shall be kept flush with the surface of the terrain.
- 12.4 The Director reserves the right to remove any structure or object which is deemed objectionable.
- 12.5 Markers
- (a) A single space shall have one single marker.
 - (b) A two-grave lot may have two single or one double marker.
 - (c) A three-grave lot may have three singles, a double and a single, or a triple marker.
(See Section X for restrictions)
 - (d) A four-grave lot may have a single marker, four singles, two doubles or a triple and a single.
 - (e) Section L Restrictions:

- Foot markers cannot project more than 6" above ground.
- (f) Section U Veterans Restrictions:
- Only flat Veteran's foot markers are permitted.
- (g) Section X Restrictions:
- The only other marking permitted on monument lot is single-grave foot markers which in size, number and location shall not exceed more than six inches above ground.
 - There will be no slant monuments or markers permitted.
- (h) Bases for all monuments must be axed, stippled, steel honed, polished or rock finish.
- (i) All monuments must conform to cemetery regulations, or will be subject to removal.
- (j) Temporary nameplates are permitted for ninety (90) days from date of burial only. Type of temporary marker must be approved.
- 12.6 When a multiple marker refers to two or more burials, the position of the individual's name on the stone shall indicate the position of the burial.
- 12.7 A monument dealer, with supervision, may use guy post or stakes to assist in setting a monument, and the dealer will assume the risk of any damage which may occur as a result of these guy posts or stakes.
- 12.8 The use of a tree or monument for assistance in setting a monument is strictly prohibited.
- 12.9 The City of Alliance is not liable for any misinformation appearing on the monument.
- 12.10 Foundations
- (a) Individuals must hire a contractor to pour foundations for their markers, as long as they meet the specifications and approval of Alliance City Cemetery.
- (b) No foundation may be poured by a contractor until a minimum of six months has passed since the last burial on the grave site.
- (c) No foundations shall be poured between November 15th and April 1st, or as otherwise directed.
- (d) Minimum depth of foundations shall be approximately 36 inches.

- (e) When foundations are installed by a contractor, there is a foundation inspection fee that is to be paid by the Monument Company with the foundation order request form.
- (f) When disinterment has been made, the memorial shall be removed and no allowance shall be granted for the foundation.
- (g) The department is not liable for any incorrect foundation sizes given by a dealer. At no time will the department add to an existing foundation to increase its size in order to accommodate a larger marker.

12.11 Deliveries:

No deliveries are to be made on Saturdays, Sundays, or holidays, or after 3:30 P.M. on weekdays. Arrangements for delivery and erection of memorials shall be made so that there will be no interference with interments in nearby areas. No memorials may be delivered between December 1st and April 1st without permission from the service director.

13.0 MAINWARING CHAPEL POLICIES AND FEES

13.1 Policies:

1. The Chapel must be reserved for use, as it is an option and not mandatory. Tent and /or graveside services are permitted.
2. Chapel reservations will be made on a first come, first serve basis only.
3. Maximum time for use of the Chapel will be thirty (30) minutes, unless special arrangements are made prior to the service.
4. There will be a one-hour interval between reservations to allow for Chapel preparations between services.
5. Food and/or beverages are **not permitted** inside the Chapel.

Fees:

1. No fee will be charged for any standard Chapel reservation prior to 3:00 pm each day.
2. There will be a \$100 fee charged for any reservation request after 3:00 pm each day.

14.0 RECOVERY OF UNUSED BURIAL SPOTS

- 14.1 Where the owner of a burial space is deceased or is presumed to be deceased by reason of unexplained absence from his usual place of residence for more than seven (7) years and no interments have been made in said lot for more than twenty-five (25) years and there are four or more adjacent vacant grave

spaces thereon, (such adjacent vacant grave spaces being side by side as distinguished from end to end), and by reasonable effort the names and addresses of the persons entitled to inherit such burial spaces may be declared abandoned by the Director, said spaces shall revert to the City of Alliance and may be sold by the City, free from claims of any and all persons otherwise entitled to the same under these rules and regulations. Provided, however, that at least one grave space shall be left vacant on either side of any body interred on such lot. In the event that any person entitled to inherit said lot should subsequently appear, the City of Alliance shall provide for such person suitable space or spaces, free of charge, as he may be entitled to, either one or more of the spaces left vacant or elsewhere.

15.0 AMENDMENTS OR REGULATIONS

- 15.1 In order to maintain a high standard of care and service consistent with changing conditions, the director reserves the right to change these rules from time to time, subject to the approval of Alliance City Council.

16.0 CORRECTION OF ERRORS

- 16.1 The Service Director reserves and shall have the right to correct any errors that may be made when making interments or removals, or in the description, transfer or conveyance of any burial rights, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property or equal value and similar location as far as possible, or as may be selected by the Service Director, or in the sole discretion of the Service Director, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Service Director reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

17.0 SEVERABILITY CLAUSE

- 17.1 It is the intention of the City of Alliance that these rules and regulations shall be considered separable and in the event that and provision, clause or portion of any rule or regulations is held to be unenforceable or invalid, the remaining portions of these rules and regulations shall nonetheless survive and continue in full force and effect.