

## CHAPTER 9

## CEMETERY

## ARTICLE I - ADMINISTRATION

**9-1-1**        **POSITION ESTABLISHED.**    The position of Cemetery Foreman is hereby established. The Cemetery Foreman shall be under the supervision and direction of the Commissioner of Public Affairs. The Cemetery Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Commissioner of the Department of Public Affairs. When a vacancy occurs in the position of Cemetery Foreman, such position shall be filled by appointment by the Commissioner of Public Affairs, with the advice and consent of the Council. The Commissioner of Public Affairs shall have the authority for any reprimand or discipline of the Cemetery Foreman. The Commissioner of Public Affairs shall have the authority to terminate the Cemetery Foreman with the advice and consent of the City Council. The Commissioner of Public Affairs shall have the authority to suspend the Cemetery Foreman until such time as a termination recommendation can be brought to the City Council for advice and consent.

**9-1-2**        **DUTIES OF CEMETERY FOREMAN.**    Under the supervision and direction of the Commissioner of Public Affairs, it shall be the duty of the Cemetery Foreman to take charge of Greenhill Cemetery and preserve the same from injury, to attend all burial ceremonies within said cemetery, to mow grass and weeds, trim trees, assist patrons in locating lots upon which burials are to be made and give necessary directions regarding the same, to superintend all work done within said Cemetery, remove excess earth from new graves and use the same toward filling in older and sunken graves or depressions, and to do all ordinary repair work necessary to be done upon buildings, fences, gates, drains and driveways, and other public property of Greenhill Cemetery. It shall also be the duty of the Foreman to keep a correct plat of Greenhill Cemetery together with a complete record of all persons who have purchased and own lots in the cemetery. Upon the sale of any lot, the Foreman shall cause to be prepared a deed for such a lot to be executed by the Mayor and attested by the City Clerk. The Cemetery Foreman shall have the authority, subject to the approval of the Commissioner of Public Affairs, to hire a sufficient number of suitable and qualified subordinate employees to perform the duties of cemetery maintenance, to direct the work of any such subordinate employees and to effectively recommend to the Commissioner of Public Affairs the suspension, layoff, discharge, reward or discipline of any such cemetery personnel, including the adjustment of grievances.

**9-1-3**        **PERMIT ISSUANCE.**    Any person applying for a burial permit in any cemetery owned or controlled by the City, shall obtain a permit for burial or removal duly signed by the Cemetery Foreman. The Foreman shall first determine that such person has the right to bury the person in the cemetery and that all costs to the City, including the purchase price of the portion of any lot to be so used, and the cost of grave digging have been paid in full before issuing a burial permit to the applicant therefore, but under no other circumstances shall a permit be issued.

**9-1-4**        **DIG GRAVES.**    When the Foreman is presented with a burial permit, he shall dig such graves as may be designated in the permit. All graves shall be dug so that the bottom of the coffin shall be at least **six (6) feet** below the surface of the ground. Any burial space used will be paid for by agreement with the funeral home director or prior arrangements with the family. All spaces sold by contract will be paid in full within **one (1) year**.

**9-1-5**        **COUNCIL TO FIX PRICE OF CEMETERY LOTS.**    The City Council shall appraise the lots of Greenhill Cemetery as shown on the various recorded plats of the Cemetery and shall fix the sales price thereof, and may reappraise those that remain unsold, from time to time, as they deem necessary. The charge per burial space is established at **Four Hundred Dollars (\$400.00)** per space.

The charge per cremation niche is established at **Eight Hundred Dollars (\$800.00)** for a single cremation niche and **One Thousand Six Hundred Dollars (\$1,600.00)** for a double cremation niche. This fee includes the grave openings. (**Ord. No. 23-28; 08-28-23**)

## ARTICLE II – FINANCES

**9-2-1**            **SALE OF LOTS AND CONVEYANCE THEREOF.** Any person wishing to purchase a lot in said Cemetery, shall make application to the Foreman of the Cemetery and upon the payment of the price of said lot, shall be entitled to a conveyance, executed by the Cemetery Foreman, and attested by the City Clerk under the corporate seal of the City, conveying to such person(s), exclusive use of such lot for the purpose specified in this Chapter, subject to the control of the City Council by this Article, of which conveyance, the Foreman shall keep a record. The price to be paid by any person(s) purchasing any lots in the Cemetery shall be the price outlined in **Section 9-1-5** of this Chapter. No lot shall be used for burial purposes until the amount asked for such portion shall have first been paid to the Cemetery Foreman. Under no circumstances, shall the Foreman be required to execute a deed for any portion of any lot until the same has been fully paid for. The terms of any such option shall provide that upon a failure of the holder thereof to fully comply with its stated terms for a period in excess of **thirty (30) days**, such holder shall lose and relinquish all of his rights under such option, except as otherwise provided by this Article. **(Ord. No. 23-28; 08-28-23)**

**9-2-2**            **FUNDS USED EXCLUSIVELY FOR CEMETERY.** All receipts on account for Greenhill Cemetery, whether arising from the sale of lots therein, from donations, from appropriations, from the City Treasury, or otherwise, shall be expended and applied under the direction and control of City Council exclusively, for the operation of said Cemetery, including protecting, ornamenting, improving and laying out of the grounds of said Cemetery, and the avenues, walks and lots therein.

**9-2-3**            **“CEMETERY FUND” ESTABLISHED.** There shall be a “Cemetery Fund”, and which shall be kept separate and apart from all other funds of the City. The City Council shall approve disbursements from the Cemetery Fund, which shall be monitored, maintained, and administered by the City Treasurer in the same manner as other City funds and accounts. Any warrants issued shall be paid from the “Cemetery Fund.”

**ARTICLE III – REGULATIONS**

**9-3-1**        **TRESPASSING.** It shall be unlawful for any person to deface, remove or injure any vault, tombstone, monument, gravestone, or curbing or any article placed by the owner or persons in control of any lot, or shall cut or break any tree or shrub or plant in the cemetery, or willfully disturb the contents of any vault or tomb or grave.

**9-3-2**        **FENCES.** It shall be unlawful for any person to erect or construct any enclosure or fence on or around any lot in the Cemetery; provided that this shall not be so construed as to prevent any person from erecting any concrete or stone coping not over **eighteen (18) inches** in height.

**9-3-3**        **GARBAGE AND REFUSE.** It shall be unlawful to litter, dispose of, or place any garbage, rubbish, trash, waste materials, litter, debris or other refuse, such as papers, cans, boxes, or other non-food waste substances and materials in any area of the Cemetery at any time.

**9-3-4**        **FEES.** Grave openings shall be **Six Hundred Fifty Dollars (\$650.00)** per opening during the week (Monday – Friday), and shall be **Seven Hundred Fifty Dollars (\$750.00)** per opening during weekends (Saturday – Sunday) and City holidays. Each cremation, entombment and infant grave opening shall be **Three Hundred Fifty Dollars (\$350.00)** per opening during the week (Monday – Friday), and shall be **Four Hundred Fifty Dollars (\$450.00)** during weekends (Saturday – Sunday) and City holidays.

**9-3-5**        **BURIALS.** No deceased body shall be buried in the cemetery unless a permit therefor has been issued by the Foreman and signed by the Funeral Director.

**9-3-6**        **RECORDS.** The Foreman shall keep a record of all permits issued, with the date of burial, name of deceased and upon what lot buried and such other information as may be required.

**9-3-7**        **APPLICATION OF CITY CODE.** All provisions of the Municipal Code now in force or hereafter enacted relating to and defining public offenses in the City, insofar as the same shall be applicable, shall be in full force and effect in the City Cemetery.

**9-3-8**        **UNLAWFUL ENTRY.** It shall be unlawful for any person(s), other than duly authorized officers, officials or employees of the City to enter or be upon the cemetery grounds during the time after sunset and before sunrise of any day without first obtaining the permission of the Foreman. It shall further be unlawful at all times for any person to enter or leave the grounds other than by the established and open entrances or gateways.

**9-3-9**        **LOITERING; EXCEPTIONS.** It shall be unlawful for any person(s) to loiter upon lots and graves of the Cemetery or for the parent or guardian of any child under the age of **sixteen (16)** to permit such child to be within the cemetery grounds unless accompanied by an adult person; provided nothing herein shall be construed to prohibit any person having lawful business in the cemetery in connection with the improvement thereof or persons visiting the graves of relatives or friends from being in the cemetery in accordance with the rules.

**9-3-10**        **SPEED OF VEHICLES.** It shall be unlawful for any person to drive any vehicle in the cemetery faster than **ten (10) miles per hour.**

**9-3-11**        **OPERATION OF VEHICLES AND PARKING.**

(A)            Vehicles may not be operated upon or obstruct any walks, walkways, paths or private lots in the cemetery. Vehicles may only be operated over a roadway open for vehicular traffic, except for a hearse in the course of a burial.

(B)            No person shall use the cemetery grounds or any driveway therein as a public thoroughfare or drive any vehicle through said grounds except for purposes of making deliveries in the cemetery or visiting any grave site.

(C)            It shall be the duty of the Foreman and/or the Police to direct all vehicular traffic and the Foreman is authorized to direct the parking or standing of all vehicles in the cemetery. No person shall disobey or disregard the directions of the Foreman relating to the movement or standing of all vehicles within the cemetery.

**9-3-12**        **GRAVE DECORATIONS (FLOWERS).** The placing of cut flowers or artificial flowers over individual graves shall be permitted; however, the City shall not be responsible for the care of such flowers or the containers in which they are placed. The City may remove, without notice, all flowers, real or artificial which remain over **sixty (60) days.**

**9-3-13**        **PROPERTY DAMAGE.** No person shall negligently, willfully or maliciously injure the fences, gates, decorations or other improvements on any cemetery lot in the cemetery. Nor shall any person remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker, tomb, vault or mausoleum in any cemetery lot in the cemetery or open, disturb or molest any grave or place of burial therein. This shall not prohibit acts by cemetery officers and employees or public officials in carrying out their duties.

**9-3-14**        **TREES, SHRUBS, AND FLOWERS.** It shall be unlawful for any unauthorized person to plant any trees, shrub or other plant in the cemetery except those permitted by the general landscape plan approved by the governing body of the City. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any tree, shrub or other plant growing in the cemetery or to pick, pluck or cut any flower or decorative plant, except as authorized by the cemetery rules.

**9-3-15**        **REMOVAL OR BURIAL PERMIT REQUIRED.** No burial or interment of any person shall take place in and from the City, nor in any cemetery within the corporate limits of the City or within the control of the City, nor shall the (dead) body of any person be removed from any cemetery in the City for the same shall have first been procured and surrendered to the Foreman of such cemetery along with the necessary fees. Burial permits are received after the funeral.

**9-3-16**        **DISORDERLY CONDUCT; PENALTY.** No person shall, within any cemetery in or under the control of the City, be guilty of any indecent activity, rioting or disorderly conduct, or use any profane, indecent or insulting language, or willfully or maliciously do or say anything calculated to disturb the quiet or unlawfully injure the feelings of any person(s) visiting said Cemetery.

**9-3-17**        **PLACING, DEPOSITING, OR SCATTERING OF ASHES.** It shall be unlawful for any person to place, deposit, or scatter the ashes of a deceased human or animal on the grounds of any public cemetery or burial ground, or on any other public property of the City.

**9-3-18**        **BURIALS PER SPACE.** No more than one body or two cremains, or one body and one cremain shall be allowed in any one burial space. Only cremains from one person may occupy a single cremation niche. Cremains from no more than two persons may occupy a double cremation niche. **(Ord. No. 23-28; 08-28-23)**

**ARTICLE IV – PENALTY**

**9-4-1**        **PENALTY.** The City may prosecute violators of this Chapter under the provisions of **Section 1-1-20 “General Penalty”** of the Municipal Code.

**[NOTE: The Cafeteria Court procedures in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]**

**[This Chapter Ord. No. 22-17; 09-12-22]**

**ARTICLE V – COLUMBARIUM RULES AND REGULATIONS****9-5-1            GENERAL INFORMATION.**

(A)            The City is responsible for the reservation and maintenance of columbarium niches. The City will establish records regarding the columbarium. These records will include the names of those who have reserved a niche, copies of Columbarium Right Agreements, copies of Certificates of Cremation, Columbarium Rules and Regulations and Niche Maintenance Reports.

(B)            A columbarium niche is for the interment of human remains only. Deceased pets, valuables, flowers, mementoes, etc., will not be allowed in a niche.

(C)            Niche openings can only be performed by City employees. Anyone, other than a City employee who attempts to open a niche, will be prosecuted under state and local laws. Any acts of vandalism will also be prosecuted under state and local laws.

(D)            The City will be responsible for repairs to the columbarium. The City will take all reasonable care to ensure the safety of interred remains. However, the City will not be held responsible for the loss or destruction of interred remains due to vandalism, acts of nature or any unforeseen circumstances.

**9-5-2            NICHES.**

(A)            A single niche is 12" x 12" x 12". The City will allow one cremains urn per niche as long as the total dimensions of the urn does not exceed 10" x 10" x 10".

(B)            The urn must be of a material suitable for interment (no cardboard). The City shall have full authority to refuse for interment any receptacle deemed unsuitable. Leaving the cremains in the urn sent by crematorium is allowed as long as it meets the above requirements.

(C)            Please be aware that these containers are considered temporary and the City will not be responsible for damage or loss of any cremains that are left in temporary containers.

**9-5-3            NICHE RESERVATIONS.**

(A)            Upon payment in full, a Columbarium Right Agreement will be given to the person or persons who purchased the rights to the niche (hereby known as the lessee(s)). This is their proof of payment and should be kept in a safe place that is known to family members or friends. The lessee(s) will receive a copy of the Columbarium Rules and Regulations.

(B)            The holder of the Agreement acquires no property rights in the columbarium or any of its niches. Legal title to the columbarium and niches remains with the City at all times. The Agreement attests only to the right to inter cremains of the person(s) named on the Agreement in the specific niche, also stated on the Agreement, pursuant to the Columbarium Rules and Regulations, as amended from time to time. In the event of a discrepancy between the Agreement and the administrative records, the latter shall take preference.

(C)            Columbarium Right Agreements for a niche can only be made through the City. A niche must be paid in full before interment. There will be no exceptions to this rule.

(D)            A niche reservation cannot be transferred or sold without first notifying the City. A new Columbarium Right Agreement in the name of the new lessee(s) must be written before any niche transfer is considered legal.

**9-5-4            INTERMENT.**

(A)            Interment arrangements must be made by the lessee or the lessee's family; this can be done through a funeral home or by contacting the City directly.

(B)            A copy of the Certificate of Cremation must accompany the cremains. Any orders from the funeral home are considered orders from a family.

(C)            Any funeral home costs are the responsibility of the lessee or the lessee's family. An opening and closing fee will be assessed at the time of the opening at the current rate.

**9-5-5            ENGRAVING OF NICHE COVER.**

(A)            To maintain the columbarium in a uniform manner, the City will arrange for the engraving of the niche plaque and/or scroll. Only first and last name, date of birth, and death date will be allowed.

(B)            Only one front scroll will be allowed on all niche plaques.

(C)            An engraving fee will be assessed at the time of the engraving at the current rate. Niche plaques are required to be engraved. Engraving of the niche plaques are allowed before interment of the cremains.

**9-5-6            FLOWERS AND WREATHS.** No flower arrangements, plants, wreaths, toys, or mementoes will be allowed to be placed near the Columbarium at any time, except at the time of interment.

**9-5-7            REMOVAL OF THE INTERRED CREMAINS.**

(A)            In the event that the columbarium requires repairs in order to maintain its integrity, the lessee(s) agrees to permit the temporary removal of any cremains until those repairs are completed. The cremains will be returned to the proper niche by the City.

(B)            If cremains must be removed from the columbarium by the family or an authorized person, a written request must be made to the City. This request must explain the reason for the removal, who is making the request, their relationship to the deceased, the day and time requested for the removal, and who will take possession of the cremains. Additional information or documentation may be required.

(C)            An opening and closing fee will be assessed at the time of the opening at the current rate. The City will exercise reasonable care in making a removal, but it assumes no liability for damage to any urn in the process of making a removal.

(D)            If a niche's cover has already been engraved, the cost of replacement cover is not the responsibility of the City. Replacement covers can be obtained from the City at the current rate.

**(Ord. No. 23-28; 08-28-23)**