

**TITLE 8.
CITY PROPERTY.**

CHAPTER 8-200. CEMETERIES.

8-201. Definitions. The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

(1) The terms "Lot Owner" or "Purchaser" and "Grave Owner or Purchaser" shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right of use for a described lot or by proved and recognized descent or devise from the original owner.

(2) The term "Lot" shall include the partial lots or single graves in the City Cemetery.

8-202. The Name. The burial ground of this City, shall be known and designated by the name of "Riverview Cemetery."

8-203. Cemeteries Covered. All cemeteries owned and/or maintained by the City wherever situated are hereby declared subject to the provisions of this Chapter.

Part 8-210. Cemetery Superintendent.

8-211. Office of Cemetery Superintendent. There is hereby created the position of Cemetery Superintendent.

8-212. Duties of the Cemetery Superintendent. The duties of the Cemetery Superintendent shall be adopted by the City Council, in the form of a Resolution, from time to time, as the Council shall see fit.

Part 8-220. Regulation of Cemetery and Burials.

8-221. Burials. Before any deceased person is buried in the City Cemetery, a permit properly issued by the Registrar of the Registration District in which the death occurred or, in the absence of such Registrar, a permit duly issued by the State Division Cemetery Superintendent shall be presented. After burial, the Cemetery Superintendent shall endorse upon the permit a description of the location where the deceased is buried and shall enter all the information contained in the permit in the cemetery records.

8-222. Burial Permit. It shall be unlawful for any

person to bury the body of a deceased person in the City Cemetery without first obtaining a Certificate of Burial Right for the lot used or producing satisfactory evidence of the right to burial based on a properly acquired Certificate of Burial Right.

8-223. Registration of Burials. Before any deceased person may be buried in the City Cemetery, the relatives or person having charge of the deceased shall provide the Recorder with a written statement which shall be filed by the Recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, date of burial, name of cemetery and the description or the location of the grave.

8-224. Burials and Disinterment.

(1) A person shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council if they:

- (a) Disinter any body buried in any cemetery, except under the direction of the Cemetery Superintendent who shall, before disinterment, require a written permission from both the City Health Officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
- (b) Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so encased at the time of dis-interment.

(2) Any person shall be in violation of this Ordinance and shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council if they inter anything other than the remains of human bodies in cemeteries.

(3) Any person shall be in violation of this Ordinance and shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council if they bury the body of any person within this City except in the City Cemetery or a private cemetery, unless by special permission of the City Council under such rules and regulations that may prescribe.

8-225. Vaults Required.

(1) Unless in writing waived by the Cemetery Superintendent, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel, or brick-lined or of such other material approved by

the City Council, substantially constructed and covered with a similar durable material.

(2) No wood shall be used as a permanent part of the construction of any part of the vault.

8-226. Religious and Fraternal Organizations.

The City may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families.

8-227. Sale Subject to Rules. Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery.

8-228. Care Reserved. The City reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

8-229. Orders and Responsibilities for Errors.

Under no circumstances will the City assume responsibility for errors in opening graves when orders are given by telephone.

8-230. Traffic Rules.

(1) The provisions of the City Traffic Ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this Ordinance.

(2) It shall be unlawful for any person to ride or drive within the City Cemetery at a speed greater than 20 miles per hour.

8-231. Children. Children under the age of 18 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

8-232. Animals Prohibited. No animal shall be allowed in any cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

8-233. Decorum. Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall

be required of all persons.

8-234. Injury to Cemetery Property Prohibited.

(1) Any person shall be in violation of this Ordinance and shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council, if they injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery.

8-235. Landscaping by Private Persons. Except as provided by the rules and regulations of the City Council, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley or walk in the cemetery or to grade the ground or land thereof. The Cemetery Superintendent shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

8-236. Placement of Markers. It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the City Council regarding the placement, construction, and design of all such markers.

8-237. Additional Rules and Regulations.

(1) The City Council may promulgate by Resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.

(2) The Mayor may from time to time as the City Council deems necessary direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the City Cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this Ordinance after they have been adopted as official by Resolution of the City Council.

(3) Any change in the rules and regulations shall be adopted by the City Council before such changes shall be official.

Part 8-240. Fees and Charges.

8-241. Collection of Fees. The Recorder, and such other persons as the City Council may designate, are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves

or other services which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. Fees are subject to the fee amount contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council.

8-242. Fee to Be Paid for Opening Grave.

(1) No grave shall be opened in the City Cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.

(2) The presentation of a receipt from the Recorder or person designated by the City Council, when presented to the Cemetery Superintendent, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the City wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees, the Recorder or authorized person may give the Cemetery Superintendent authority to open graves without the presentation of a receipt from the Recorder or authorized person.

8-243. Purchase Price and Fees. The City Council shall from time to time by Resolution fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for various cemetery services to be provided. Fees are subject to the fee amount contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council.

Part 8-250. Sale of Lots.

8-251. Sale.

(1) The Recorder, and such other person as the City Council may designate, are hereby authorized to sell the use of lots in the City Cemetery for burial purposes only and to collect all sums arising from the sale. The Recorder shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. The Recorder or designated person shall deliver to each purchaser a Certificate of Burial Right for each lot purchased, which Certificate shall, among other things, describe the location of the lot, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continued maintenance or currently paid services.

(2) A Certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price.

(3) No other improvements, changes, or service, shall be made on any lot without the Certificate

holder or his heirs first submitting to and receiving from the Cemetery Superintendent, written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the City Council.

Part 8-260 Through 8-280. Reserved.

Part 8-290. Indigents.

8-291. Burial of Indigents.

(1) The City Council may by Resolution designate a portion of the City cemetery to the burial of indigents. Whenever it is made to appear to the Mayor by proof submitted to him by the Recorder that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the Mayor may grant burial space for such deceased person at the request made to him by the Recorder.

(2) The Mayor shall communicate his decision to both the Recorder and the Cemetery Superintendent. The Mayor shall give report of his decision, whether affirmative or negative, to the City Council at its next regular meeting. All strangers without funds or other persons who may die in the City may be granted the privilege granted herein.

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