

## Chapter 14

### CEMETERIES\*

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\*Cross references: Streets, sidewalks and other public places, ch. 46.

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#### Article I. In General

Secs. 14-1--14-25. Reserved.

#### Article II. City Cemetery

##### Division 1. Generally

- Sec. 14-26. Definitions.
- Sec. 14-27. Purpose.
- Sec. 14-28. Administration.
- Sec. 14-29. Standards.
- Sec. 14-30. Financial responsibility for damage.
- Sec. 14-31. Right of ingress and egress by personnel.
- Sec. 14-32. Work on lots for private compensation.
- Sec. 14-33. Permission for work and liability for damages.
- Sec. 14-34. Use of roadways by visitors.
- Sec. 14-35. Hours.
- Sec. 14-36. Consumption of alcoholic beverages.
- Sec. 14-37. Advertising.
- Sec. 14-38. Firearms.
- Sec. 14-39. Unlicensed recreational vehicles.
- Sec. 14-40. Disturbances.
- Sec. 14-41. Picking of flowers, defacing memorials.
- Sec. 14-42. Disposing of trash and rubbish.
- Sec. 14-43. Children under ten years of age.
- Sec. 14-44. Traversing grounds.
- Sec. 14-45. Placing objects on lots.
- Sec. 14-46. Operation of sprinklers.
- Sec. 14-47. Placement of plantings, stones, decorations.
- Sec. 14-48. Plantings generally.
- Sec. 14-49. Monuments.
- Sec. 14-50. Interments and disinterments.
- Sec. 14-51. Columbarium regulations.
- Sec. 14-52. Animals.
- Secs. 14-53--14-75. Reserved.

##### Division 2. Lots

Sec. 14-76. Sale.

Sec. 14-77. Deed.  
Sec. 14-78. Encumbrances.  
Sec. 14-79. Nonresident.  
Sec. 14-80. Successors.  
Sec. 14-81. Transfer of ownership.  
Sec. 14-82. Escheat.  
Sec. 14-83. Rates.  
Sec. 14-84. Installment purchase.  
Sec. 14-85. Power of attorney.  
Sec. 14-86. Grave opening.  
Sec. 14-87. Grade.  
Sec. 14-88. Curbing.  
Sec. 14-89. Special care.  
Sec. 14-90. Veterans.  
Sec. 14-91. Public expense.  
Secs. 14-92--14-120. Reserved.

### Division 3. Rates and Charges

Sec. 14-121. Designation of residents.  
Sec. 14-122. Grave purchases.  
Sec. 14-123. Grave opening/service charge.  
Sec. 14-124. Use of chapel.  
Sec. 14-125. Storage.

## ARTICLE I. IN GENERAL

Secs. 14-1--14-25. Reserved.

## ARTICLE II. CITY CEMETERY\*

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\*Charter references: Cemeteries, § 10.9.

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### DIVISION 1. GENERALLY

#### **Sec. 14-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Burial space* means a single plot, lot, group of plots or lots under the ownership of one person or family.

*Cemetery plot* or *grave* means an area of sufficient size to accommodate an interment.

*Marker* means a stone or plaque, either flush or above the ground, indicating the given or family name of the deceased. It shall be located on the west side of the plot.

*Monument* means a stone extending above the ground inscribed with the family name. It shall be placed at the location approved by the cemetery superintendent and/or sexton.  
(Code 1984, § 3.112)

Cross references: Definitions generally, § 1-2.

#### **Sec. 14-27. Purpose.**

The city, through its city council, the city manager and cemetery superintendent, administers Lakeview Cemetery. The city council adopts the rules and regulations in this article for Lakeview Cemetery to provide maximum protection to burial space owners and to best ensure and preserve the beauty, orderly development and care of the cemetery.  
(Code 1984, § 3.110)

#### **Sec. 14-28. Administration.**

(a) *Cemetery committee.* A committee of the city council shall be appointed by the mayor to oversee and recommend policy concerning the city's cemetery.

(b) *Superintendent.* The superintendent is responsible for the overall operation of the cemetery, for enforcement of city ordinances applicable to the cemetery and for the management and care of the cemetery.

(c) *Sexton.* The sexton is responsible for day to day operations of the cemetery, including but not limited to lot sales, grave opening and closing, enforcement of rules and regulations, contact with funeral directors, installation of monument or marker foundations, cemetery maintenance and relations with the public.

(Code 1984, § 3.111)

Cross references: Administration, ch. 2.

#### **Sec. 14-29. Standards.**

Where the superintendent, sexton, or other city official is given discretionary authority under this article, such authority shall be exercised based upon the following standards:

(1) Safety of city employees in providing maintenance or other work performed by such employees in the cemetery.

(2) Safety of persons using or visiting the cemetery.

(3) The general appearance of the cemetery.

(4) The general efficiency in the operation and maintenance of the cemetery.

(5) The general health, safety and welfare of the residents of the city and those persons using the cemetery or who own any lots within the cemetery.  
(Code 1984, § 3.118)

**Sec. 14-30. Financial responsibility for damage.**

The cemetery shall not be financially responsible for any damage to lots and structures or objects thereon or for flowers or articles removed from any lot or grave.  
(Code 1984, § 3.113(o))

**Sec. 14-31. Right of ingress and egress by personnel.**

Perpetual right of ingress and egress over cemetery lots for the purpose of operation and maintenance is reserved.  
(Code 1984, § 3.113(k))

**Sec. 14-32. Work on lots for private compensation.**

City employees are not permitted to work on cemetery lots for private compensation during working hours.  
(Code 1984, § 3.113(l))

**Sec. 14-33. Permission for work and liability for damages.**

No person shall perform any work within any cemetery except with the permission of and in accordance with the directions of the cemetery management. Any person causing damage within a cemetery shall be liable to the city for such damage. Any person performing work in a cemetery without permission shall be liable to the city for the cost of restoring the cemetery to the condition that it was in before the work was done.  
(Code 1984, § 3.113(m))

**Sec. 14-34. Use of roadways by visitors.**

Driving off established roadways within the cemetery is prohibited, except for maintenance personnel. Funeral cars shall have the right-of-way over all other traffic. Maximum speed limit is 15 miles per hour.  
(Code 1984, § 3.113(a))

**Sec. 14-35. Hours.**

The cemetery is closed at dusk and reopens at dawn.  
(Code 1984, § 3.113(r))

**Sec. 14-36. Consumption of alcoholic beverages.**

Alcoholic beverages are prohibited in the cemetery except in conjunction with bona fide established burial customs.  
(Code 1984, § 3.113(b))

**Sec. 14-37. Advertising.**

No person shall use any form of advertising on cemetery premises, unless placed, distributed or permitted by the cemetery superintendent when such advertising is of minor or incidental nature only.  
(Code 1984, § 3.113(c))

**Sec. 14-38. Firearms.**

Possession or discharge of a firearm in or adjacent to the cemetery is forbidden except in connection with burial ceremonies, such as a military funeral or by a duly authorized police officer.  
(Code 1984, § 3.113(d))

**Sec. 14-39. Unlicensed recreational vehicles.**

No unlicensed recreational vehicles (snowmobiles, three/four wheelers, etc.) are permitted within the cemetery grounds.  
(Code 1984, § 3.113(e))

**Sec. 14-40. Disturbances.**

No person shall engage in a fight, quarrel or disturbance in the cemetery. No loud or boisterous language or music is allowed. No person shall interrupt or disturb any funeral or memorial service.  
(Code 1984, § 3.113(f))

**Sec. 14-41. Picking of flowers, defacing memorials.**

Persons visiting the cemetery or attending funerals are strictly forbidden from picking flowers, wild or cultivated; breaking or injuring any trees, shrubs or plants; and writing upon, defacing or injuring any memorials, fences or other structures within the cemetery grounds.  
(Code 1984, § 3.113(g))

**Sec. 14-42. Disposing of trash and rubbish.**

All trash, trimmings, dead flowers, etc., from the cemetery shall be placed along the road.  
(Code 1984, § 3.113(h))

**Sec. 14-43. Children under ten years of age.**

No person under ten years of age shall enter the cemetery unless attended by an adult responsible for his conduct or until permission to enter has been obtained at the cemetery office. (Code 1984, § 3.113(i))

**Sec. 14-44. Traversing grounds.**

Walking or driving through the cemetery grounds to property or land outside of the cemetery for the purpose of saving time or distance is prohibited. (Code 1984, § 3.113(j))

**Sec. 14-45. Placing objects on lots.**

No object, except a permanent grave marker, shall be placed on any cemetery lot, except an approved type of flower urn or flower basket as permitted by the superintendent. No summer decorations will be permitted prior to May 15, and they must be removed by November 1. Urns must also be turned by November 1. No winter decorations, such as artificial flowers, wreaths or grave blankets, will be permitted prior to Thanksgiving, and they must be removed by April 1. (Code 1984, § 3.113(n))

**Sec. 14-46. Operation of sprinklers.**

In the cemetery, no person other than city employees shall turn on or move any sprinkler or other equipment owned or in the possession of the city. (Code 1984, § 3.113(p))

**Sec. 14-47. Placement of plantings, stones, decorations.**

Any and all plantings, stones, and decorations which, in the reasonable opinion of the superintendent, hampers maintenance or degrades the appearance of the cemetery may be removed by the superintendent without advance notice. Any plantings, baskets, etc., must be placed within 12 inches of an upright marker as not to impede mowing. No glass receptacles, wooden structures, hanging or wire baskets or shepherds hooks will be permitted. (Code 1984, § 3.113(q))

**Sec. 14-48. Plantings generally.**

(a) *Evergreens.* Planting of evergreens in the cemetery is restricted to the dwarf evergreen variety only.

(b) *Removal.* The cemetery superintendent shall have the right to remove, without notice, trees and shrubs and flowers planted in violation of this article. The superintendent reserves the right to trim, cut down and remove any plantings by a lot owner which interfere with cemetery maintenance or which detract from the general appearance of the cemetery. When it is necessary to remove any trees on a cemetery lot in order to make the lot usable, the city will remove the trees, and the cost of removal shall be borne by the lot owner.

(c) *Planting area.* All real or artificial flowers or floral plantings may be planted in a bed next to the monument or headstone, but not spread out over any grave space, or placed in approved urns or containers. Cemetery personnel will not be responsible for flowers or plantings that may prohibit necessary grounds care activities.  
(Code 1984, § 3.115)

#### **Sec. 14-49. Monuments.**

(a) *Prior approval.* No person, including any professional monument worker, shall install any footing or foundation or place any monuments without obtaining permission from the cemetery superintendent or sexton at least 24 hours before such placement. For any work to be done on any weekend or holiday, permission must be obtained at least one business day prior to the weekend or holiday. Persons requesting permission to install any monument or footings or foundation for any monument must provide the superintendent proof of liability insurance in an amount not less than \$300,000.00 per person or per occurrence, which insurance names the City as an additional insured.

(b) *Fully paid lots.* No monument, or footing or foundation for any monument, may be erected on a lot which is not paid in full.

(c) *Foundations.* All monuments must have an approved foundation except flush stones. No foundation will be poured during the winter months.

(d) *Number and size.* Not more than one monument or marker shall be erected on any one grave site, and the monument should be in proportion with the size of the lot.  
(Code 1984, § 3.116)

#### **Sec. 14-50. Interments and disinterments.**

(a) *Weekend burials.* Interments in the cemetery may be made on a Saturday or Sunday or city-designated holidays only with prior approval of the cemetery superintendent. All weekend and holiday interments shall be charged at overtime rates. Overtime rates are to be paid for by the funeral home at the time of burial unless other satisfactory arrangements have been made.

(b) *Permit.* A burial permit shall be required for all burials including cremains prior to such burial.

(c) *Number of burials per plot.* No more than one burial may be made per plot, except for a parent/infant, two infants or two children buried at the same time; also, a regular burial and a cremation or two cremations per grave site.

(d) *Human remains.* No burial shall be allowed for other than human remains, except that cremains of pets may be placed within caskets prior to burial, and further except that in the event that the pet of an individual who was previously buried dies subsequent to such human burial, pet cremains may be buried only on the same lot as the human remains. Burial of such

pet cremains shall require the same fee for grave openings as any other grave opening. In no event shall any animal remains be buried, other than such pet cremains, and any pet cremains buried must be in a container approved by the superintendent. All human cremains which are not buried in a vault shall be buried only in a container approved by the superintendent.

(e) *Vaults.* All burials shall be in metal or concrete vaults or concrete rough boxes, except for cremations and infant burials in a casket size of two feet six inches or less. All vaults and rough boxes shall be installed only by persons authorized by law.

(f) *Damage.* Persons installing vaults are responsible for damage to turf, landscape, surrounding markers and monuments, even if cemetery staff assists in vault installation, and should use planking when and where necessary to protect the turf.

(g) *Processions.* Cemetery employees will assist with funeral processions if requested.

(h) *Work by cemetery employees.* All interments and disinterments shall be performed by cemetery employees.

(i) *Opening of graves.* Graves cannot be opened for inspection except under court order or pursuant to statute.

(j) *Funeral designs.* Cemetery staff will remove funeral designs and floral pieces as soon as they become unsightly, and the cemetery assumes no responsibility for their return.

(k) *Winter burials.* Weather permitting, burials may be made during the winter months, except that no graveside services, including tent services, may be conducted during the period in which winter weather conditions exist. Such period shall be approximately between December 1 and April 1, but the specific commencement and ending dates shall be determined by the superintendent, who shall notify the local funeral directors of the commencement and ending of such period.

(Code 1984, § 3.117; Ord. No. 973, § 1, 2-10-1997)

#### **Sec. 14-51. Columbarium regulations.**

(a) *Number of burials per niche.* No more than one burial of cremains shall be allowed in a single niche and two cremains in a double niche.

(b) *Internments and disinternments.* All internments and disinternments shall be performed by cemetery personnel.

(c) *Bronze name plates.* The cemetery superintendent shall be responsible for design, ordering and placement of all nameplates on the niches.

(d) *Flowers/Shrubs.* No flowers, glass containers or decorations, other than those placed by cemetery personnel, are permitted on or around the columbarium, however one small bouquet of fresh flowers may be placed on the base at the time of interment until they are wilted.

(e) *Personal items.* Only cremains shall be allowed inside the niches. No personal items shall be allowed.  
(Ord. No. 57-02, § 1, 8-12-2002)

**Sec. 14-52. Animals.**

No person shall bring any dog, cat or other animal into that portion of the cemetery property developed for burial purposes or shall allow any animal owned by such person to be in that portion of the cemetery at any time, whether or not such animal is under the control of such person. This section shall not prohibit any seeing eye dogs or similar dogs specifically authorized by statute.

(Ord. No. 117-04, § 1, 10-11-2004)

**Secs. 14-53--14-75. Reserved.**

DIVISION 2. LOTS

**Sec. 14-76. Sale.**

Every cemetery burial space is sold subject to the rules and regulations in force or that may be adopted and to such changes of the rules as deemed necessary by the city council.  
(Code 1984, § 3.114(a))

**Sec. 14-77. Deed.**

Upon purchase of a cemetery burial space, the owner will be issued a deed or an endowment certificate which entitles the owner and his heirs or successors to burial rights only as specifically authorized in this Chapter 14, and upkeep of the burial plot, subject to the rules and regulations of this Chapter 14.

(Code 1984, § 3.114(b))

**Sec. 14-78. Encumbrances.**

Cemetery burial space is exempt from property taxes and cannot be seized on execution. No mortgage or other encumbrance can be given on any burial space.

(Code 1984, § 3.114(c))

**Sec. 14-79. Nonresident.**

When a person has purchased a cemetery burial space as a nonresident and later becomes a resident, no refund of the purchase price will be made.

(Code 1984, § 3.114(d))

**Sec. 14-80. Successors.**

When a cemetery burial space is purchased by more than one person, each person shall be named on the deed or endowment certificate. The heirs or successors of each person named on the deed or endowment certificate shall be entitled to burial rights, except as provided by law, and subject to the provisions of this Chapter 14.

(Code 1984, § 3.114(e))

**Sec. 14-81. Transfer of ownership.**

Transfer of ownership of a deed or endowment certificate for cemetery burial space shall be made through the city clerk's office. Transfers shall be done by quitclaim deed, a surrender of the original deed or endowment certificate back to the city and shall be signed by each owner, heir or successor in interest or a notarized letter from the owner, or the owner's heir or successor in interest advising the city of the name and address of persons receiving the burial site. Changes will be made on the city's records, and the original deed or letter will be kept on file.

(Code 1984, § 3.114(f))

**Sec. 14-82. Escheat.**

Burial rights to a cemetery plot, lot or burial space which shall remain unused for a period of 50 years may revert back to the city. Reasonable attempts will be made to locate heirs before this escheat takes place.

(Code 1984, § 3.114(g))

**Sec. 14-83. Rates.**

Rates for cemetery lots shall be set by ordinance by the city council in accordance with section 10.9 of the Charter.

(Code 1984, § 3.114(h))

**Sec. 14-84. Installment purchase.**

(a) No cemetery lot may be purchased on installment purchase after February 1<sup>st</sup>, 2007. All lots shall be paid for in cash at the time of purchase.

(b) For all lots purchased on installment purchase prior to February 1<sup>st</sup>, 2007, the following provision shall continue to remain in full force and effect:

A cemetery lot may be paid for entirely at the time of purchase or may be secured by monthly payments to be paid in full within a five-year period unless otherwise established by the city council. A ten-percent down payment is required to purchase a lot on installments. If the purchaser shall pay part but not all of the purchase price within the time required, the purchaser shall forfeit all sums paid as liquidated damages and shall have no further interest in such lot. If a burial is to be made on a lot purchased on

installments, the balance of the purchase price of that grave space, upon which the burial is to be made, must be paid in full before the burial may take place.  
(Code 1984, § 3.114(i))

**Sec. 14-85. Power of attorney.**

Any power of attorney to act for the owner of a cemetery lot must be filed and recorded at the cemetery office to become operative.  
(Code 1984, § 3.114(j))

**Sec. 14-86. Grave opening.**

The right to open graves, rebuild turf and conditioning of lots in the cemetery is reserved by the city council.  
(Code 1984, § 3.114(k))

**Sec. 14-87. Grade.**

Cemetery lots shall not be raised or terraced higher than the surrounding area.  
(Code 1984, § 3.114(l))

**Sec. 14-88. Curbing.**

Concrete, stone or other curbing shall not be placed around any cemetery lot.  
(Code 1984, § 3.114(m))

**Sec. 14-89. Special care.**

A cemetery lot owner who desires special attention for his lot, such as special care for flowers, trees and shrubs, must make arrangements for such care with a person not connected with the city.  
(Code 1984, § 3.114(n))

**Sec. 14-90. Veterans.**

Certain sections of the cemetery have been set aside to honor those veterans who have honorably served in the military or naval forces of the United States during time of war. Permission for burial in the veterans' memorial section may be obtained at the office of the cemetery superintendent. No spousal burial will be permitted in the veterans' block unless the spouse is a veteran.  
(Code 1984, § 3.114(o))

**Sec. 14-91. Public expense.**

The cemetery will provide a designated single grave for a person buried at public expense. A charge will be made for the grave and the opening and closing of the grave. Selections of these grave spaces will be entirely at the discretion of the superintendent.  
(Code 1984, § 3.114(p))

**Secs. 14-92--14-120. Reserved.**

DIVISION 3. RATES AND CHARGES

**Sec. 14-121. Designation of residents.**

For purposes of this division, the following shall be considered residents for purposes of applicable rates, and all others shall be considered nonresident:

- (1) Any adult resident of the city.
- (2) Any minor child of an adult resident of the city.
- (3) Any person who is a student in an institution of higher education and who is a child of an adult resident of the city and who does not claim another residence.
- (4) Any active member of the armed services who was a resident of the city prior to entering military service.
- (5) An owner of real or personal property subject to taxation by the city.  
(Code 1984, § 3.100)

**Sec. 14-122. Grave purchases.**

The cost of purchasing grave spaces in the cemetery shall be as follows:

<i>(a). Grave Purchases</i>	<i>City Residents Per Grave Site</i>	<i>Nonresidents Per Grave Site</i>
Multiple grave sites	\$300.00	\$600.00
Single isolated grave sites	200.00	400.00

The cost of purchasing grave spaces in the columbarium shall be as follows:

<i>(b). Grave Purchases</i>	<i>City Residents Per Grave Site</i>	<i>Nonresidents Per Grave Site</i>
Single Niche	\$400.00	\$600.00
Double Niche	600.00	800.00

(Prices for columbarium to include perpetual care, bronze nameplate, and opening/closing.)  
(Code 1984, § 3.101; Ord. No. 57-02, § 2, 8-12-2002)

**Sec. 14-123. Grave opening/service charge.**

(a) The following charges shall be made for all cemetery grave openings (other than in the columbarium) for services conducted Monday through Friday, except on holidays, which are concluded no later than 4:00 p.m.:

	<i>City Residents</i>	<i>Nonresidents</i>
Full adult size	\$300.00	\$600.00
Vaults to six feet	150.00	300.00
Stillborn	100.00	150.00
Cremaains	100.00	300.00

(b) For all grave openings, whether for residents or nonresidents, which are made on Saturday, there shall be a charge of \$300.00 in addition to the charges stated in subsection (a) of this section.

(c) For all grave openings made on Sundays or on holidays recognized under any employee contracts, there shall be a charge of \$500.00 in addition to the charges stated in subsection (a) of this section.

(d) For all burials made on Monday through Friday, but not on any holiday, which extend after 4:00 p.m., an additional charge of \$100.00 per hour shall be made for each hour past 4:00 p.m. Such charge shall be made in addition to the charges stated in subsection (a) of this section, with a minimum charge of one hour for services which extend beyond 4:00 p.m.

(Code 1984, § 3.102; Ord. No. 57-02, § 2, 8-12-2002)

#### **Sec. 14-124. Use of chapel.**

For all burials made within the city cemetery, there shall be no charge for the use of the chapel. For burials made in any other cemetery, there shall be a charge of \$50.00 for the use of the chapel.

(Code 1984, § 3.103)

#### **Sec. 14-125. Storage.**

For any burials made in the city cemetery, there shall be no additional charge for reasonable storage awaiting burial, due to weather or other causes. For storage awaiting burials in another cemetery, there shall be a charge of \$50.00. Such storage shall not exceed a reasonable period of time necessary to allow for such burials. If storage shall continue beyond such reasonable period of time, the city may charge such additional reasonable fees as the city sexton shall deem appropriate under such circumstances.

(Code 1984, § 3.104)