

Chapter 8

**CEMETERIES**

- Art. I. In General, §§ 8-1—8-20**
- Art. II. Regulations Governing Work in Cemeteries, §§ 8-21 – 8-40**
- Art. III. Monroe Hills Memorial Gardens, §§ 8-41 – 8-59**

## ARTICLE I. IN GENERAL

### **Sec. 8-1. Exclusive jurisdiction of city; boundaries.**

The city shall have exclusive jurisdiction and control over the city-owned cemeteries and shall prescribe the boundaries thereof by resolution of the City Council or otherwise. The city will have absolute charge of the cemeteries, will enforce all rules and regulations, and will supervise all workers, visitors, and drivers of vehicles and be responsible for their proper conduct therein.

### **Sec. 8-2. Burials and sale of lots for burials limited to recognized cemeteries.**

- (a) No person shall be buried, and no person shall bury or cause any person to be buried, within the city limits, except in one of the cemeteries owned by the city or in a private cemetery officially designated as such by the City Council.
- (b) No person shall sell, give, or offer for sale for burial purposes, any lot within the limits of the city unless officially designated for such purpose.

### **Sec. 8-3. Private cemeteries.**

The city shall have no responsibility for the maintenance of private cemeteries. In order to establish a private cemetery the proposed cemetery must be approved by the City Council, must be consistent with local zoning ordinances, and must be consistent with state law.

### **Sec. 8-4. Price of lots; plat of unsold lots.**

The City Council shall, by resolution, fix the price of all lots in the cemeteries owned by the city. It shall be the duty of the City Manager or his or her designee to keep a record of all unsold lots belonging to the city and show the same to prospective purchasers.

### **Sec. 8-5. Damaging or defacing cemetery property.**

No person shall damage or destroy any shade tree, ornamental tree, shrubbery, or flowers in any cemetery or deface any tombstone or monument therein.

### **Sec. 8-6. Burial Containers.**

In order to maintain a high standard of care, to eliminate sunken graves, and for other purposes related to the maintenance of the city cemeteries, it is required that all burials and interments be made in outside containers of natural stone, brick, metal or reinforced concrete. Such containers must fit the standard grave size of three feet in width, eight feet in length, and four feet in depth, and any such container or vault must be plastic-lined.

### **Sec. 8-7. Removal of monumental work, markers, etc.**

If any marker, effigy, structure or other object or inscription placed in or upon any lot in the cemetery is found by the City Council to be offensive or injurious to the appearance of the surrounding lots or grounds, city personnel shall have the right to enter upon such lot and remove such object or inscription.

**Sec. 8-8. Planting, pruning, etc., of vegetation; placement of cut flowers.**

No trees, shrubbery, or plants shall be planted or pruned in the city cemeteries or removed from their grounds, and no sod therein shall be disturbed, except by authorized employees or agents of the city. Cut flowers may be placed only in submerged vases.

**Sec. 8-9. Conduct of visitors generally.**

Persons visiting city cemeteries shall conduct themselves in an orderly manner or be denied access to the grounds.

**Sec. 8-10. Firearms and alcoholic beverages prohibited.**

No person shall carry any firearm or alcoholic beverage into any city cemetery.

**Sec. 8-11. Advertising signs prohibited.**

No advertising signs of any nature shall be allowed in the city cemeteries.

**Sec. 8-12. Pets prohibited.**

It shall be unlawful for any person to bring any pet into any city cemetery, except for those used to assist handicapped persons.

**Sec. 8-13. Application of ordinance regulations and police powers.**

All regulations and police powers set out in ordinances adopted by the City Council are hereby extended to include and be fully effective upon the land embracing the city cemeteries.

**Sec. 8-14. Limitation on use of lots.**

Lots in the city cemeteries shall be used for no other purpose than the burial of human dead.

**Sec. 8-15. Conveyance and assignment of title to lots.**

The perpetual and exclusive right of interment in lots in the city cemeteries shall be conveyed by certificate of title which may be assigned only by the consent of, and upon filing with, the city. In order to receive a certificate of title a person must complete the prescribed form as approved by the City Council. The fee for such assignment shall be prescribed, from time to time, by the City Council.

**Sec. 8-16. Care of lots and graves by city.**

The city shall be responsible for the care and maintenance of all lots in city cemeteries.

**Sec. 8-17. Service charges and orders.**

The City Council shall adopt by resolution, from time to time, a schedule of charges and fees for services performed within the city cemeteries by city personnel.

**Sec. 8-18. Interments generally.**

No interment will be permitted in a city cemetery lot, without the written order of the lot owner showing the exact location of the grave on the lot. A twenty-four hour notice is required, except by order of the proper health authorities, before any interment. Only one interment shall be permitted in a grave except in the case of a mother and infant or two children in one casket.

**Sec. 8-19. Payment of half of purchase price of lot prerequisite to burial; failure to pay balance.**

Before a burial is made on a lot in the cemetery, at least 50 percent of the purchase price of the lot must be paid. If the balance is not paid according to the agreement, the city shall have the right to remove the body to a single grave.

**Sec. 8-20. Disinterments.**

- (a) No disinterment shall be made in city cemeteries, except by authorized city personnel and upon written request of the lot owner, after all legal requirements have been met.
- (b) If a body is removed from any grave, the ground shall revert to the cemetery and city shall charge a fee for disinterment as shall be prescribed from time to time by the City Council by resolution.

**Sec. 8-21. Reserved.**

**ARTICLE II. REGULATIONS GOVERNING WORK IN CEMETERIES**

**Sec. 8-22. Compliance with article; remedies for noncompliance.**

- (a) It shall be unlawful for any person to inter dead bodies or perform any labor of any kind, including but not limited to, the opening and closing of grave sites, within the limits of any cemetery of the city, except in conformity with this article.
- (b) In addition to any penalty imposed for a violation of this article, if any person engaged in the opening and closing of grave sites in a city cemetery fails to comply with any of the requirements of this article, the city may perform the necessary corrective actions, and if the city so elects, such person shall be billed by the city for the full and necessary expenses incurred by the city in taking such action. Payment of such bill shall be made to the city within 10 calendar days of bill issuance.
- (c) Upon conviction of any violation of this article or upon failure to promptly remit to the city any sums billed pursuant to subsection (b) above, any such person engaged in the opening and closing of grave sites shall have all privileges and rights to engage in such activity terminated or suspended, after notice and an opportunity to appear before the City Council, upon such terms, and for such period of time as the Council, in its discretion, shall determine.

**Sec. 8-23. Supervision.**

No labor of any kind, specifically including, but not necessarily limited to, the opening and closing of grave sites, shall be performed in any city cemetery, except under the supervision of city personnel or a licensed

funeral director.

**Sec. 8-24. Permit for opening grave.**

No grave site shall be opened in any city cemetery unless a permit for such activity has been issued by the City Clerk.

**Sec. 8-25. Standards for opening and closing grave.**

Any person who performs any labor in connection with the opening and closing of grave sites in any city cemetery, whether for compensation or free of charge, shall perform such labor in accordance with the following:

- (1) The area immediately surrounding the grave opening and all loose dirt removed from the grave shall be covered by a tarpaulin or other suitable covering and all excess dirt shall be removed from the grave site area and from the cemetery.
- (2) The opening and closing of grave sites shall at all times be carried out in such manner as to provide the minimum of disturbance to the grave site area and to the cemetery.
- (3) All vehicles used in the opening and closing of grave sites shall at all times be parked on roadways within the cemetery, except when being actively used for opening or closing. Such vehicles shall be parked and moved so as to ensure that they will not sink into the area surrounding the grave site. If any sunken areas, tracks, or other blemishes are made, they shall be promptly and completely corrected and filled.
- (4) Any articles removed by any person in opening and closing grave sites, including grave markers, grave stones, monuments, fences, and other such articles and materials, shall be promptly and completely replaced by such person. Such person shall be liable for any damage to such articles and materials.

**Sec. 8-26. Removal of tools and equipment.**

All persons carrying any barrels, boxes, mortar boxes, mortar troughs, or tools or implements of any kind into a city cemetery or using them therein, shall remove them from the cemetery within three calendar days after having carried them there or used them. No person shall leave any of the articles mentioned herein on the private lot of another or on the walks or driveways of the cemetery.

**Sec. 8-27—8-40. Reserved.**

**ARTICLE III. MONROE HILLS MEMORIAL GARDENS**

**Sec. 8-41. Application of article.**

In addition to the other provisions of this chapter applicable to all cemeteries, the provisions of this article shall apply to the cemetery known as Monroe Hills Memorial Gardens and, as used in this article, the word "cemetery" shall mean Monroe Hills Memorial Gardens.

**Secs. 8-42—8-51. Reserved.**

**Sec. 8-52. Grave enclosures and mounds prohibited.**

No enclosure of any kind, such as a fence, coping, hedge, or ditch, shall be permitted around any grave or lot in the cemetery. Grave mounds will not be allowed and no lot shall be raised above the established grade.

**Sec. 8-53. Monuments, markers, plaques, etc., generally.**

(a) Unless otherwise designated by the City Council, all parts of the cemetery shall be non-monumental sections and all monuments or markers, except bronze memorial plaques flush with the ground, shall be prohibited. To preserve the park-like appearance of the grounds, no private mausoleum, monuments or tombstones will be permitted. In order to ensure quality and uniformity, bronze memorial epitaph plaques only will be installed when approved by the city officials. Only one memorial will be permitted on a grave. Memorials serving to cover more than one grave will not be permitted. Corner lot markers showing the number of the lot have been installed without charge to the lot owner. Any special corner markers which are installed at the expense of the owner must be of bronze, six inches square, and set flush with the ground on foundations 12 inches deep.

**Secs. 8-54—8-59. Reserved.**