

ORDINANCE NO. 16-017

AN ORDINANCE amending the regulations and procedures for the operation and maintenance of the Camas Cemetery by adopting minor clarification amendments to Chapter 12.40 of the Camas Municipal Code and repealing Section 12.40.260 of the Camas Municipal Code.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Section 12.40.260 of the Camas Municipal Code is hereby repealed.

Section II

The noted sections within Chapter 12.40 of the Camas Municipal Code are hereby amended as set forth within the attached Exhibit "A".

Section III

This ordinance shall take force and be in effect five days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 19<sup>th</sup> day of September, 2016.

SIGNED: \_\_\_\_\_

Mayor

SIGNED: \_\_\_\_\_

Clerk

APPROVED as to form:

Shelley  
City Attorney

## Chapter 12.40 - CEMETERY

### Sections:

#### 12.40.010 - Definitions.

As used in this chapter:

"Cemetery" means the burial ground commonly known as the Camas Cemetery, including, without limitations:

1. All land dedicated, reserved or used for interment of the remains of human dead;
2. All vegetation therein;
3. All graves, columbarium niches or other interment spaces therein;
4. All works of art therein;
5. All roads, walkways and other structures of every kind therein;
6. All equipment and facilities incidental to the operation of Camas Cemetery.

"City" means the City of Camas.

"Columbarium" means a structure or other space containing niches for permanent inurnment of cremated remains.

"Committal" means the part of a funeral service which commits the remains of the deceased to their final resting place.

"Companion or double graves" means two single graves side by side.

"Cremated remains" or "cremains" means a human body after cremation in a crematory.

"Funeral" means a memorial service for a deceased person.

"Grave" means a space of land in a cemetery used or intended to be used for the burial of human remains.

"Grave owner" or "owner" means any person in whose name an interment plot stands of record as owner, in the records of the cemetery at Camas City Hall.

"Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition except cremated remains.

"Interment" means the burial or inurnment of human remains.

1. "Burial" means the disposition of human remains by earthen burial in a grave.
2. "Inurnment" means placing of cremated remains in an urn in a grave, or niche.

"Maintenance" means cutting of the lawns on the graves and other lawn areas within the cemetery at reasonable intervals, and the general maintenance of the cemetery including building roads, fences, etc., in so far as the city budget will permit.

"Memorial" means:

1. A monument, tombstone, grave marker, tablet or headstone identifying a grave or graves; or
2. A name plate or inscription identifying a niche to preserve remembrance; or
3. A name inscribed on the remembrance wall.

"Niche" means a space in a columbarium used or intended to be used for the inurnment of cremated human remains.

"Plot" means a grave site or lot.

#### 12.40.020 - Operation and maintenance.

The Cemetery shall be operated and maintained by the City Department of Public Works. The Finance Director and the Public Works Director, subject to regulation by the Mayor, shall appoint suitable personnel to be responsible for administration of this chapter and for the operation and maintenance of the cemetery.

#### 12.40.030 - Admission to cemetery.

Visitors and the public are invited to utilize this cemetery in a manner consistent with its purpose as a place of interment and as a memorial, subject to the following:

- A. Children are not permitted on the premises unless in the company of a responsible adult and they shall be supervised at all times.
- B. The headstones and monuments on the premises shall not be handled, climbed upon or otherwise mistreated.
- C. No one shall move, repair, or otherwise alter any monument or headstone without written consent of the City.
- D. No one shall deface or otherwise damage any monument or headstone.
- E. It is unlawful for anyone to enter or be in the cemetery after dusk or before six a.m. of any day, except when the cemetery is open between such hours by order of the director of public works for a special occasion or service; provided, this section shall not apply to employees of the city who enter the cemetery in the course of their employment. The City reserves the right to close the entrance to the Cemetery at any time.

#### 12.40.050 - Vehicles.

All vehicles must be kept under control at all times. No vehicle shall be driven in any part of the Cemetery except on the driveways laid out for that purpose. Vehicles shall not be driven in the Cemetery at a speed exceeding ten miles per hour. No vehicle in excess of ten thousand pounds gross vehicle weight shall be permitted on the Cemetery grounds except with permission of the City.

#### 12.40.060 - Conduct.

It is of utmost importance that there be strict observance of all rules at all times and the City employees are authorized and directed to prevent improper assemblies or activities.

- A. Loud talking and distracting activities will be avoided within hearing distance of a funeral service.
- B. Littering including wilted or dead flowers and any other refuse on drives, paths, or any grounds or in any building is prohibited.
- C. Picking any flower, breaking any branch or removing any tree or plant is prohibited. Nor shall anyone write upon, deface, or damage any memorial, fence or other structures within the Cemetery.

#### 12.40.070 - Peddling or soliciting.

No person will be permitted to peddle flowers or plants or to solicit the sale of any commodity within the Cemetery.

#### 12.40.080 - Signs.

No signs, notices or advertisements of any kind shall be allowed in the cemetery, unless placed by the City.

#### 12.40.090 - Authority of cemetery staff.

The Cemetery staff is/are empowered to enforce all rules and regulations and to exclude from the cemetery any person violating the same. He or she is responsible for the grounds and buildings. All persons in the Cemetery, including the conduct of funerals, traffic, employees, plot owners and visitors shall comply with this code.

#### 12.40.100 - Errors may be corrected.

The City reserves, and shall correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Cemetery staff, by refunding the amount of money paid on account of said purchase. In the event the error involves the interment of the remains of any person in such property, the staff reserves, and shall have, the right to remove and reinter the remains to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The City shall not correct any errors made by placing an improper description, including an incorrect name or date on the memorial, unless it is solely the City's error.

#### 12.40.110 - Delays.

The City shall not be liable for any delay in the fulfillment of any of its contracts or legal obligations, including, but not limited to, maintenance, care, memorial work or construction which may arise from causes beyond its reasonable control and, especially, from delays caused by the elements, thieves, vandals, strikes, malicious mischief matters, unavoidable accidents, or other circumstances beyond the control of the City.

#### 12.40.120 - Nonlimitation.

In all matters not specifically covered by these general rules and restrictions, the City reserves the right to do anything which in its judgment is deemed reasonable in the cemetery, and such determination shall be binding upon lot holders and all parties concerned.

#### 12.40.130 - Amendments.

The City may, and hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter, or repeal any rule, regulation or article, section, paragraph or sentence in these rules and regulations. Any such change in the rules and regulations shall be binding upon all parties without notice.

#### 12.40.140 - Lot purchase.

- A. Any person desiring to purchase a lot in the Cemetery shall make an application to the Finance Department. Application shall be upon forms to be prepared by the Finance Department. At the time of purchase, the purchaser shall pay the sum set by resolution as the purchase price of the lot and shall be issued a receipt therefor. Payments shall be forthwith remitted to the Finance Department. Upon full payment of such purchase price, the Finance Department shall issue the purchaser a deed under the corporate seal of the city conveying to him or her the sole right to use the lot for burial purposes, but no such deed shall be issued by the Finance Department until the full sum for the lot has been received. All deeds delivered by the City for cemetery lots or graves shall be signed by the City Clerk or their designate and thereon the seal of the City. All such deeds shall be issued subject to rules or regulations then in force or which may thereafter be made by the city for the regulation of the Cemetery.
- B. The Finance Department shall keep a complete record of each lot or single grave sold, showing the date of sale, name and address of the purchaser, number of section of lot sold and price paid therefore.

- C. In the event the purchaser of a Cemetery lot desires to resell his/her lot, the Finance Director is authorized, on behalf of the City, to purchase it at not more than the amount for which it was originally purchased, out of moneys appropriated or budgeted for such purpose.
- D. Lots shall not be reserved for future purchase.
- E. Discrimination in the sale of lots and burial rights based on race, creed, color, or religion is prohibited.

12.40.150 - Arrangements for funerals and interments.

- A. Family of the deceased, friends, or licensed funeral director in the absence of family, taking responsibility for the funeral arrangements, shall come to the Camas City Hall in order to authorize the interment, make necessary arrangement and payment thereof.
- B. The City shall not be responsible for any order given by telephone or for any error arising from the want of precise and proper instructions as to the particular lot or niche location where interment is desired.
- C. Any person signing the authorization for interment of remains warrants any fact set forth in the authorization, the identity of the person whose remains are sought to be interred and his/her authority to order the interment. He or she is personally liable for all damage occasioned by or resulting from breach of such warranty.
- D. No interment shall be made until a completed application for permit to open grave for burial has been issued by the City.
- E. The City has the right to insist upon forty-eight hours' notice prior to any interment.
- F. All funerals will take place during the regular business hours of the cemetery, Monday through Friday, except by special permission and will be subject to overtime rates.

12.40.160 - Cremain lots.

Cremain lots are four feet by four feet. Two cremains may be interred in a cremain lot. Only one marker allowed per cremain lot.

12.40.170 - Interment procedure.

- A. Payment for lots and niches shall be made at Camas City Hall, Finance Department. Interments will not be permitted in lots or niches without being paid for in full.
- B. Lots or niches are sold for the purpose of human remains only.
- C. No burial will be permitted in the cemetery without a properly completed burial permit and a transit permit.
- D. No person shall bury one body on top of another.
- E. Two cremains may be interred on an occupied grave for an additional fee;
- F. A maximum of three cremains may be placed on an unoccupied grave.
- G. Interments including opening and closing for cremains shall be done by the Camas Cemetery staff. Interments including opening and closing for burials shall be done by an approved contractor with suitable equipment and ability to perform. All contractor interments shall be under the direction of City staff.
- H. Burials depth for full burials to be a minimum of at least 18 inches from the top of the vault to the ground surface.

12.40.180 - Outer burial container.

- A. Every burial interment shall be enclosed in a concrete two-piece grave box or concrete vault.
- B. The installation of these outer containers shall be performed by an approved contractor with suitable equipment and ability to perform. All contractor installations shall be under the direction of the Camas Cemetery staff.
- C. Remains shall be in a suitable urn or other receptacle that will not disintegrate over time. If the cremain urn is not suitable for the ground it shall be enclosed in an approved container at the time of burial.

12.40.190 - Lot enclosures.

No person shall place improvements or cornerstones indicating the boundaries of lots, nor shall anyone place fences of wood or iron, or walls, coping or curbs of brick, stone or marble on any lot as an enclosure thereof.

12.40.200 - Record of interments.

In addition to the record heretofore provided for, the Finance Department shall keep a record of interment showing full name of the deceased, place and date of birth, place and date of death, number of lot, number of block, date of interment, name of the funeral home, the responsible party name, phone number, address.

12.40.210 - Permit and identity.

The city will not be liable for the transit permit for burials, nor the identity of the person sought to be interred.

12.40.220 - Opening the casket.

Once a casket containing remains is within the boundaries of the Cemetery, the City reserves the right to refuse permission to all persons to open the casket or to touch the remains without the consent of the legal representative of the deceased or a court order.

12.40.230 - Delay of interment.

The city will in no way be liable for any delay in the interment of the remains when:

- A. A written protest to the interment has been filed in Camas City Hall with the Finance Department.
- B. Instructions regarding the location of a lot or plot cannot be obtained or are indefinite, or when for any reason the interment space cannot be opened where specified.

12.40.240 - Removals and disinterments.

- A. Remains, once interred in the Cemetery, are considered permanently disposed of and removal from one grave to another within the cemetery, or removal from the Cemetery to any other cemetery is strongly discouraged.
- B. Procedure for Disinterments.
  - 1. Signed affidavit(s) of the nearest of kin approving the disinterment or removal.
  - 2. Signed approval of the lot holder or their lawful representative.
  - 3. For casket burials: A disinterment permit from civil authorities for the removal of a casket burial is required if moving to another cemetery other than the Camas Cemetery. If the remains are being moved to a different lot in the Cemetery, a permit is not required.

For cremain burials: No permit is required to be disinterred.

- 4. The desired lot must be selected; all charges for disinterment and reinterment, together with all other charges due, must be paid.
- C. Remains removed from other cemeteries and brought to Cemetery for reinterment must be accompanied by the proper papers as prescribed by law.
- D. Disinterments including opening and closing shall be done by an approved contractor with suitable equipment and ability to perform. All contractor disinterments shall be under the direction of Cemetery staff. City staff shall not perform disinterments.

A licensed funeral director must be present for the disinterment of a casket burial. The Cemetery staff will not handle any part of the casket or remains.

- E. When, in the opinion of the City, a new outside box is needed, at the time of reinterment following a disinterment, it must be provided by the person arranging for the removal.
- F. At least one week's prior notice is required for any disinterment or removal, after the required documents have been obtained and arrangements have been made.
- G. Removal, by the heirs, of any remains so that the lot may be sold is not permitted.

#### 12.40.250 - Ownership rights.

- A. The purchaser of a lot or lots is granted or conveyed only the right of interment of human remains and the right of installation of a marker on each lot. The owner of the right of interment does not possess a fee interest or any other interest in the land itself.
- B. Title and rights to cemetery lots shall be governed by Chapter 68.32 RCW, now and hereafter amended.
- C. Lots can be purchased at Camas City Hall Finance Department. In the event that any lot is purchased immediately prior to the time of interment, payment of such lot and all cemetery fees must be paid before the interment will be made. A purchaser has no right, interest, estate, or title whatsoever to any lot until the purchase price is paid in full.
- D. Upon receipt of full payment for a lot, the city will issue a deed evidencing the ownership thereof.

#### 12.40.270 - Burial Transit Permits

No burial interment will be permitted without the proper burial transit permit as required by the health authorities.

#### 12.40.280 - Individual decorations.

- A. No planting is permitted on any lot. No flower receptacles or planter boxes may be placed on any lot or columbarium unless material, size and design are approved by the City. The City shall have authority to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind, from the Cemetery when, by the judgment of the Cemetery staff, they become unsightly, dangerous, detrimental, diseased or when they do not conform to the standards maintained by the City. The City reserves the right to regulate the method of decorating lots so that a uniform beauty may be maintained. Artificial flowers are not allowed on graves during the mowing season of March 1st to November 30th with the exception of the following: For a period beginning on the Friday before and extending through the weekend following Easter, Mother's Day, Memorial Day, and Father's Day. The City shall not be liable for lost, misplaced or broken flower vases.
- B. No person shall remove any part of any tree or shrub in the Cemetery, whether on his lot or not.
- C. Only the City staff or employees of approved contractors/suppliers may plant any plants, trim vegetation, install monuments, build any structures or dig graves in the cemetery, and no one shall place any articles upon graves except as permitted in this chapter.

- D. The placing upon lots of boxes, tubs, shells, toys, metal designs, ornaments, chairs, settees, vases, glass jars, alcoholic beverages, rocks, gravel, tin or iron or earthenware jars or jugs and similar articles, is not permitted and if so placed, the City may remove the same.
- E. Artificial, dyed or preserved flowers, photographs, souvenirs, wreaths, or flags or other emblems, are prohibited on columbariums. If so placed therein, they may be removed by the City.
- F. Natural plants left on graves will be left, when possible, for a period of one week plus one weekend.
- G. Christmas decorations shall be removed within two weeks after Christmas Day.

12.40.290 - Monuments, headstones, markers.

- A. All monuments, headstones, markers shall be installed by an approved contractor/supplier with suitable equipment and ability to perform. All contractor/supplier installed monuments, headstones; markers shall be installed under the direction of Cemetery staff. All installation charges shall be made in accordance with the size of the monument, headstone, or marker installed. The city shall charge an installation fee according to the fee schedule.
- B. All markers, monuments, and headstones must be of a uniform size and be set flush with the contour of the ground except in approved areas of the cemetery.. No foot stones for graves shall be allowed. The following is the maximum size for markers placed on lots.
  - Double lot markers: 48" x 12" with/without a vase and a minimum of 4" concrete around marker.
  - Single lot markers: 36" x 12" with/without a vase and a minimum of 4" concrete around marker.
  - Creamin lot markers: 12" x 24" with/without a vase and a minimum of 4" concrete around marker; with a vase, a maximum of 7 ½" concrete.
  - Upright lot markers: 36" for a single marker and 66" for double marker.
- C. Lot owners are responsible to have a permanent marker installed by an approved contractor/supplier on all graves within one year of interment. Lot owners must keep in good repair all stones or monumental work upon the grave. The City does not bind itself to furnish, install, maintain, repair or replace, or trim around any grave marker or monumental structures erected upon the grave. The City does maintain the columbarium niche walls. The City reserves the right to repair or maintain any marker after attempting to contact the family.
- D. There shall be a maximum of two markers per grave or companion (double) grave except as hereinafter provided. When there is an existing marker on a grave or companion grave site in conjunction with subsection B above, one additional marker may be placed on an occupied grave when there is an existing marker, not to exceed twelve-inch by twenty-four-inches. The marker shall be centered under the existing marker and materials shall conform to subsection F of section 12.40.290.
- E. The City reserves the right to exclude or remove from any grave and headstone, monument, marker or other structure which may conflict with these regulations or which the city may consider injurious to the general appearance of the grounds.
- F. No person shall place within the cemetery any monument made of any material other than granite, bronze, marble, slate stone, or other approved material. All monuments shall be properly supported with a concrete casing.
- G. No lots shall contain any slab stone nor any head stone in any erect or vertical position except in designated areas. Aforementioned markers, monuments shall be on a concrete foundation, with a minimum of 4" concrete around the marker. Old stones may be maintained, repaired and reset in the same manner.

12.40.300 - Cemetery fees and charges.

The schedule of prices of all lots, blocks, niches or parcels of land in the platted portion of said cemetery property and, also prices for opening and closing graves, urn vaults, perpetual care, setting of markers and all other services, shall be per the fee schedule.

12.40.310 - Indigent burials.

In accordance with RCW 36.39.030, it is the county's responsibility to provide for the disposition of the remains of any indigent person who dies within that county and whose body is unclaimed by relatives or a church organization.

12.40.320 - Cemetery board.

The Cemetery Board shall be comprised of the same city council members and private citizens that serve on the Parks and Recreation Commission as appointed by the Mayor of the City. All matters of the Cemetery Board shall be considered by the Parks and Recreation Board.

12.40.330 - Miscellaneous provisions.

The City and its assigns shall have full power and authority to adopt such additional rules and regulations as it may deem advisable for the management, preservation, care and use of the Cemetery, including, the interment and, disinterment and shall have full power and authority from time to time to enlarge, restrict, amend, abrogate or change any rules and regulations, and all such rules and regulations shall be binding upon lot owners and upon all other persons, firms and corporations concerned.

12.40.340 - Miscellaneous regulations.

- A. Payments to the City for labor and materials are due in full upon provision of service.
- B. Dogs are not allowed in the Cemetery, except service dogs.
- C. Firearms permitted in the Cemetery only at military funerals.
- D. No utensils or devices used in the upkeep of lots, or refuse material resulting from such upkeep shall be left on lots. Any such items found on lots will be removed and disposed of.
- E. The City Administrator shall have the right to make exceptions from the foregoing rules when deemed advisable. Such exceptions shall not be considered as rescinding or waiving any of these rules. Any waiver that may be made by the City Administrator shall not be or considered to be continuing waiver and shall not bar the City or City Council from enforcing the usual rules and regulations at any later time if it may be desired so to do.

12.40.350 - Violation—Penalty.

(1.) Anyone convicted of violating any section of this chapter shall be guilty of a misdemeanor, and upon conviction therefore shall be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.

(2) Every person who in a cemetery unlawfully or without right willfully destroys, cuts, breaks, removes, or injures any building, statuary, ornamentation, tree, shrub, flower, or plant within the limits of a cemetery is guilty of a gross misdemeanor punishable by a fine not to exceed \$5,000 or by imprisonment not to exceed 365 days, or by such fine and imprisonment.