

## - CHAPTER 7 - Cemetery

### Section 7.01.01 City Cemetery Established.

Evergreen Cemetery is hereby designated a City Cemetery and shall be maintained forever for the burial of the dead.

Source Ord. 964 2/00

### Section 7.02.01 Cemetery Board.

The Cemetery Board shall consist of five (5) members appointed by the Mayor and confirmed by the Common Council. One of such members shall be appointed for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years, and annually thereafter re-appointments or new appointments shall be for a term of five (5) years or to complete an unexpired term of five (5) years. Such Cemetery Board shall prescribe all rules and regulations for the operation of "Evergreen Cemetery" and all responsibilities of the Superintendent of Cemetery consistent with law.

Source Ord. 964 2/00

### Section 7.03.01 Superintendent of Cemetery.

A Superintendent of Cemetery may be appointed by the Mayor with the approval of the Common Council. If said Superintendent is not appointed, the Common Council may contract for the services to be otherwise provided by the Superintendent.

Source Ord. 964 2/00

### Section 7.04.01 Duties of Superintendent of Cemetery.

The Superintendent shall have general supervision and care of the cemetery. He/She shall cause to be dug any graves for which proper permit shall be delivered to him/her, and shall have graves in readiness for the appointed time of burial after at least twenty-four hours prior notice. A grave digger shall be responsible to the Superintendent and said grave digger shall not be paid until final inspection by the Superintendent. A Superintendent may require forty-eight (48) hours prior notice when the ground is frozen. He/She shall have charge of all disinterments and shall perform such other duties as directed by rule or action of the Common Council.

Source Ord. 964 2/00

### Section 7.05.01 Designation of Portions to be Platted; Determination of Prices and Conditions for Sale of Lots.

The Council shall determine the portions of the cemetery to be platted and laid out and the prices for which the lots and parcels are to be sold and the limitations and conditions under which such sales are to be made. Until otherwise changed by resolution of the Council, grave lot charges shall be as follows:

- (A) Adult graves (single interment): Two Hundred Fifty Dollars (\$250.00) per grave unit; One Hundred Twenty-five Dollars (\$125.00) shall be credited to the General Fund account and One Hundred Twenty-five Dollars (\$125.00) shall be credited to the Cemetery Fund.
- (B) Adult Graves (double interment in single grave unit): Three Hundred Fifty Dollars (\$350.00) per grave unit; One Hundred Seventy-five Dollars (\$175.00) shall be credited to the General Fund account and One Hundred Seventy-five Dollars (\$175.00) shall be credited to the Cemetery Fund.
- (C) Infant Graves: All infant graves shall be sold on a basis of Seventy-five Dollars (\$75.00) per grave unit; Twenty-five Dollars (\$25.00) shall be credited to the General

Fund account and Fifty Dollars (\$50.00) shall be credited to the Cemetery Fund. Infant graves in Section O of the cemetery shall be exempt from any charges retroactive to January 1, 1998.

Source Ord. 964 2/00; Ord. 1019 5/05; Ord. 1091 5/10; Res. 2015-38

#### Section 7.06.01 Conveyance of Lots.

The Finance Officer shall upon payment in full for a lot, deliver to the purchaser thereof a proper conveyance executed by the Mayor and attested by the Finance Officer under the seal of the City.

Source Ord. 964 2/00

#### Section 7.07.01 Rules and Regulations

Rules and regulations shall apply to the cemetery operation as follows:

- A. Only one (1) adult body shall be permitted in a single interment adult grave except in the case of a mother and her infant in which case special permission must be obtained from the Superintendent. Up to six (6) cremains containers shall be permitted in an adult grave and each cremains shall be buried in a cremains vault and marked with a ground level marker. The first two cremains vaults will be placed at the head of the plot, with subsequent vaults proceeding to the foot. Cremains to be placed above ground shall be sealed in an all-weather vault approved by the Superintendent.
- B. Written permission of the lot owner must be filed with the Superintendent for burial of a person other than a member of the immediate family or relative of the lot owner.
- C. No disinterment shall be permitted except by proper authority.
- D. Adult graves shall be located at least six inches (6") within the lot boundaries and shall be dug nine feet (9') deep for the first of a double interment in a single grave unit and five and one-half (52) to six (6) feet for all single interments of adults or infants. "Double interment in a single grave unit" means two individual casket burials in one grave unit; one above the other. The grade established shall be on the level with the surrounding or adjoining graves and compliance with the grade of all lots shall be as determined by the Superintendent.
- E. No sale, assignment, or transfer of a lot shall be valid without the consent of the City, endorsed upon such sale, transfer, or assignment, and entered on record by the City. The City shall have the option of repurchasing a lot offered for sale at the price then being charged for similar lots.
- F. No person shall place papers, decayed flowers, or any rubbish on any lot, grave, roadway, or cemetery ground.
- G. No planting of any tree, bush, shrub, or plant is allowed upon grave units, lots, or in alleyways. As existing plantings located on grave units, lots, or in alleyways die, they shall not be replaced. Certain varieties of trees may be donated as living memorials, if approved by the Cemetery Superintendent as to location prior to planting.
- H. The Superintendent shall remove any unsightly tree, shrub, or object in the cemetery.
- I. Fences, hedges, curbs, and walks around or on grave units or around lots are prohibited.
- J. All memorials and markers placed on any grave require prior approval of the Superintendent in accordance with 07.08.01(A)
- K. All persons are welcome to visit the cemetery while the gates are open. Hours during the summer shall be from 8:00 o'clock a.m. to 8:00 o'clock p.m.; and during the winter shall be from 9:00 o'clock a.m. to 5:00 o'clock p.m.
- L. Floral arrangements and ornaments shall not be permitted on any grave or lot except

from April 1st through October 31st, and on Christmas, Thanksgiving, Easter, and the decedent's birthday. Floral arrangements shall be placed in approved metal vases permanently fixed in the ground or in collapsible vases fitted flush with the ground. No glass jars or tin containers shall be permitted. Any floral arrangement shall be removed when it is wilted and no longer fresh looking. Ornaments shall not be placed so as to interfere with mowing. Ornaments shall have prior approval by the Superintendent.

- M. Funerals shall not be permitted on Memorial Day, Sundays, or legal holidays unless special permission is obtained from the Cemetery Superintendent.
- N. No person shall be buried in the cemetery unless the casket is enclosed in a concrete, steel, fiberglass, or equally hard material container. Said container shall have a minimum of forty inches (40") of soil covering.
- O. The City may repair any lot found to be so un-cared for as to be unsightly and shall not be liable to the lot owner for any damage done thereby unless such damage is caused by willful bad acts by the City.
- P. Markers and Monuments.
  - 1. The cemetery will not allow the use of ledgers, grave markers, surface mausoleums or surface vaults with covers, allowing an exception only to match existing grave covers or markers already paid for.
  - 2. Grave markers must be placed on the lot to be read from the walkway.
  - 3. Foot markers set with a grave marker must be put at ground level.
  - 4. The foundations for monuments or markers may not exceed the boundaries of the owners' legal description of the grave space or spaces.
  - 5. Vases will be allowed to be placed in front, on the side, or on the base of the monument.
  - 6. Monuments are not city property. Maintenance and vandalism are the owners' responsibility.
  - 7. Native rock will be allowed to be used as markers; however, native rock must be the approximate size as other monuments or markers.
  - 8. The use of corner markers with the letter of the last name must be set at ground level.
  - 9. Rock or concrete walls will not be allowed to mark the boundaries of lots or grave spaces.
- Q. Temporary markers shall be placed in concrete flush with the ground within one year from the date of burial, unless replaced with a permanent grave marker.

Source: Ord. 964 2/00; Ord. 982 5/02; Ord. 1034 6/06; Ord. 1177 3/17

Section 7.08.01 Installations of Burial Vaults, Markers, and Monuments under Supervision of Superintendent.

The installation or erection of any burial vault, grave marker, or grave monument in Evergreen Cemetery shall be under the supervision of the Superintendent as follows:

- (A) All monuments or markers must have foundations except for ground level markers.
- (B) All monuments or markers must be set and placed with the use of survey stakes to ensure that the monuments or markers are in line with the others.
- (C) Monuments setters and salespeople must contact the Superintendent or a cemetery employee in order to find the survey stakes so flags can be placed to align the monument or marker properly.

- (D) The vehicles of monument setters are not allowed on the grass while setting the monument or marker without prior permission from the Superintendent.
- (E) Any damage done to the cemetery by contractors or monument companies will be charged to the contractor or Monument Company.
- (F) Monuments must be set and placed level unless the terrain dictates otherwise.
- (G) Any monument or marker that is set and placed improperly is the responsibility of the monument company to correct.
- (H) The City is not responsible for errors on monuments, i.e. placed and faced wrong, paneled the opposite direction, etc.

Source Ord. 964 2/00; Ord. 1091 5/10

Section 7.09.01. License Required for Installation of Burial Vaults, Markers & Monuments at City Cemetery.

No person shall install or erect any burial vault, grave marker, or grave monument in Evergreen Cemetery without a valid City Cemetery Contractor's License.

Source Ord. 964 2/00

Section 7.10.01 Application for a Cemetery Contractor's License.

Application forms for a Cemetery Contractor's License may be obtained from the Engineering Department. The fee shall be Ten Dollars (10.00) per year and will expire December 31<sup>st</sup> of each year. Each new license shall be reviewed and approved by the Common Council.

Source Ord. 964 2/00

Section 7.11.01 Renewal of Licenses.

Licenses may be renewed each year between January 1<sup>st</sup> and March 1<sup>st</sup> by paying a Ten Dollar (\$10.00) fee and meeting the bond requirements.

Source Ord. 964 2/00

Section 7.12.01 Revocation of License.

The Common Council may, upon notice of hearing, revoke any Cemetery Contractor's License upon finding that the holder of such license willfully violated any statute, ordinance, rule or regulation pertaining to such license or has aided or abetted any unlicensed person in performing work which requires a Cemetery Contractor's License or has demonstrated an inability or unfitness to perform the work for which he has been licensed.

Source Ord. 964 2/00

Section 7.13.01 Bond Required for Contractors.

No license shall be issued until the contractor has filed with the City Engineering Department a surety bond in the sum of One Thousand Dollars (\$1,000.00) for faithful performance of all duties required by the City of Hot Springs and for repayment to the City for damages growing out of the willful acts or negligence of the contractor.

Exemption: Contractors who have been licensed with the City for three (3) or more consecutive years, and have not had a bond claim against them in that time, shall have the option of posting a \$100.00 Contractor's Cash Performance Bond on a form provided by the City where approved by the Cemetery Superintendent or Building Official.

Source Ord. 964 2/00; Ord. 1079 6/09

Section 7.14.01 Appeals.

Appeals to administrative determinations of the provisions of this code shall be made to the Common Council of the City of Hot Springs.

Last updated 4/2017