

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, REPEALING CHAPTER 10 AND ADDING A
REVISED CHAPTER 10, TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA FOR
CEMETERIES**

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That Chapter 10 of the Code of Ordinances, City of Graham, North Carolina, is hereby repealed in its entirety.

Sec. 2. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by adding the revised Chapter 10 – Cemeteries, to read as follows:

Chapter 10 - CEMETERIES

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

For the purposes of this article:

Cemetery means any burial park for earth, columbarium or mausoleum interments, owned or operated by the City of Graham, specifically Graham Memorial Park and Linwood Cemetery.

(1) Graham Memorial Park: Located at 1204 E. Gilbreath St. Sec. 10-55. through 10-58.

(2) Linwood Cemetery: Located at 321 E. Elm St. Sec. 10-78. through 10-81.

Cremated remains, as used herein, refers to the pulverized ashes returned after a deceased person has been cremated by a state-certified crematorium.

Cremation grave applies to a space reserved only for the interment of the cremated remains of a single human body, whether located in the designated cremation section or within other sections. In instances where a regular, full size grave has been designated as a cremation grave, that grave may be subdivided into two symmetrical burial spaces, front and back, to accommodate two separate cremation burials. These subdivided graves are still limited to only one regulation grave marker. Any information pertinent to burials in these graves must be limited to this single marker.

Grave applies to a space of sufficient size to accommodate one adult interment.

Grave Certificate applies to the original conveyance (Deed or Certificate of Burial Right) given by the City of Graham to the original purchaser.

Infant grave, a space reserved for the interment of the remains of a single human baby, whether located in a designated 'baby' section or, when available, within other sections of the cemetery. This includes the 'cremation' section.

Interment means the permanent disposition of the remains of a deceased person by cremation, entombment or burial.

Lot applies to numbered divisions as shown on the recorded plat, each of which consists of two or more graves.

Lot marker means a concrete, ceramic, metal marker or marker of other suitable material used by the city to locate corners of the lot.

Management means the properly designated agents and employees of the City of Graham.

Marker means a memorial flush with the ground.

Memorial includes a monument, marker, tablet, headstone, private mausoleum or tomb for a family or individual use, tombstone, coping, lot enclosure, surface burial vault, urn and crypt and niche plates.

Monument includes a tombstone or memorial of granite or other materials, which shall extend above the surface of the ground.

Owner includes only the person named on the purchase agreement and, upon full payment of said agreement, on the original Deed or Certificate of Ownership.

Owner's Declaration of Reservation means the document executed by the owner in the presence of the management, designating and specifying the person entitled to burial in the lot or grave for which a Grave Certificate is held.

Resident or residents means any person or persons whose permanent home address is within the Graham city limits or:

- (1) Any current or former employee with 15 years active service shall be charged the same rate as a Graham resident for a cemetery grave for themselves and spouse, even if they are a nonresident of the City of Graham; and
- (2) Heirs of any employee of the city who dies while carrying out duties on the job shall have the option to receive a free grave within any city cemetery.

Section means the major divided areas within the cemetery.

(Code 1983, § 5-1; Ord. of 2-1-2000; Ord. of 9-1-2009)

State Law reference— Definitions as to cemeteries, G.S. 65-48.

Sec. 10-2. - Damage—Cemeteries.

No person shall in any way disturb any grave; deface, pull up or remove anything put or placed to mark a grave or for the ornamentation thereof, or any paling or wall around a grave; or shall remove any plant, post or timbers in any cemetery, except by order or with the permission of the management.

(Code 1983, § 5-2; Ord. of 2-1-2000)

Sec. 10-3. - Same—Graves; shrubs; trees.

No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure or thing placed in the cemeteries or any fence, railing or other work for the protection of or ornamentation of any tomb, monument, gravestone or other structure aforesaid, or for the ornamentation or protection of any cemetery, or shall unlawfully and willfully destroy, cut, break, remove or injure any tree, shrub or plant that may have been planted or that may be growing in any cemetery, or commit any other depredation within the limits of any cemetery, unless authorized in writing by management.

(Code 1983, § 5-3; Ord. of 2-1-2000)

Sec. 10-4. - Same—Flowers.

No person shall wantonly or willfully injure or destroy any flowers, either wild or cultivated, in any cemetery.

(Code 1983, § 5-4; Ord. of 2-1-2000)

Sec. 10-5. - Disturbing fixtures.

No person shall unlawfully and willfully disturb or remove any vase, jardinière or other receptacle for flowers or shrubs, or any other thing placed on or by any grave for the ornamentation thereof.

(Code 1983, § 5-5; Ord. of 2-1-2000)

Sec. 10-6. - Discharge of firearms.

No firearms shall be permitted within the cemetery except when in the possession of law enforcement or military personnel or on special permit.

(Code 1983, § 5-6; Ord. of 2-1-2000)

Sec. 10-7. - Sale of merchandise.

No person shall sell, or offer for sale, any article of merchandise, or any fruit, drink or beverage, or anything of value within the limits of any cemetery.

(Code 1983, § 5-7; Ord. of 2-1-2000)

Sec. 10-8. - Use as playground.

No person shall use any part of any cemetery as a playground.

(Code 1983, § 5-8; Ord. of 2-1-2000)

Sec. 10-9. - Use as thoroughfare.

No person shall use any cemetery as a common thoroughfare or public way.

(Code 1983, § 5-9; Ord. of 2-1-2000)

Sec. 10-10. - Automobiles generally.

Automobiles shall not be driven through the grounds of any cemetery at a greater rate of speed than 15 miles per hour and must always be kept on the right-hand side of the cemetery roadway. Automobiles are not allowed to park or to come to a stop in front of an open grave unless such automobiles are in attendance at a funeral. Automobiles are not permitted to drive or park except on paved areas.

(Code 1983, § 5-10; Ord. of 2-1-2000)

State Law reference— Speed restrictions, G.S. 160A-141.

Sec. 10-11. - Driving over walks or drives.

No person shall drive any carriage, wagon or other vehicle over any walks or drives of any cemetery, or allow any such vehicle to stand thereon, if forbidden by the cemetery management.

(Code 1983, § 5-11; Ord. of 2-1-2000)

Sec. 10-12. - Where interments made.

No person shall bury or inter a human corpse except in a cemetery regulated by this article or in a licensed private cemetery. The scattering of ashes or cremated remains is strictly prohibited except in a designated area.

(Code 1983, § 5-12; Ord. of 2-1-2000)

Sec. 10-13. - Size and price of lots.

The classification, sizes and prices of lots in cemeteries shall be fixed from time to time by the city council. A current schedule thereof shall be kept on file in the office of the city clerk and is hereby referred to and incorporated in this section by reference as fully as though set forth herein in full.

(Code 1983, § 5-13; Ord. of 2-1-2000)

Sec. 10-14. - Work on lots—Permission required.

No person shall do any work of any kind in any cemetery on any lot without first notifying management, and presenting to management an order in writing, authorizing the bearer thereof to do such work.

(Code 1983, § 5-14; Ord. of 2-1-2000)

Sec. 10-15. - Same—Supervision.

No person authorized to do the work mentioned in section 10-14 shall do the same in such manner as to interfere with the walks, decoration or general arrangement of a cemetery, except with the permission of the person in charge thereof and under his supervision.

(Code 1983, § 5-15; Ord. of 2-1-2000)

Sec. 10-16. - Fences.

No person shall be allowed to put up any fence or other enclosure around any grave in any cemetery.

(Code 1983, § 5-16; Ord. of 2-1-2000)

Sec. 10-17. - Interments and disinterments generally.

All interments, disinterments and removals of graves shall be subject to the general laws of the state in addition to the rules and regulations established by this chapter.

(Code 1983, § 5-17; Ord. of 2-1-2000)

Sec. 10-18. - Disinterment; permit.

No person shall disinter the remains of any human body without first having obtained written permission from the county health department for such disinterment.

(Code 1983, § 5-18; Ord. of 2-1-2000)

State Law reference— Disinterments, G.S. 65-13.

Sec. 10-19. - Interment orders.

The cemetery management shall issue an interment order before any grave is dug or burial made in any cemetery. The interment order shall show grave ownership, grave number, name of the interred, funeral service used (if any) and date issued.

(Code 1983, § 5-20; Ord. of 2-1-2000)

Sec. 10-20. - Additional regulations.

The management of any such facility is hereby authorized to establish additional cemetery regulations. The regulations shall be filed in the office of the city clerk and shall be considered as a part of this chapter.

(Code 1983, § 5-21; Ord. of 2-1-2000)

Sec. 10-21. - Agreement between city and lot owners.

The cemetery purchase agreement, Grave Certificate and the owner's Declaration of Reservation (if any), this chapter and any amendments thereto constitute the entire agreement between the city and the owner of any lot or grave in the cemetery.

(Code 1983, § 5-36; Ord. of 2-1-2000)

Sec. 10-22. - Modifications; amendments.

Special cases may arise in which the literal enforcement of any rule in this article may impose unnecessary hardship. The management of any such facility, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations when, in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such rule.

(Code 1983, § 5-37; Ord. of 2-1-2000)

Sec. 10-23. - Admission to cemetery.

- (a) The management may compel all persons driving motor vehicles into any cemetery to bring such vehicles to a full stop at the intersection next to the park entrance.
- (b) No person shall enter the cemetery grounds or use any of the cemetery facilities if the management may reasonably deem said person to be acting in a disorderly manner.

(Code 1983, § 5-38; Ord. of 2-1-2000)

Sec. 10-24. - Transfer; assignment.

- (a) *Bequest of lot or grave.* Heirs or Power of Attorney to the original owner of an unused grave may use the grave in accordance with Sec. 10-56 (c) and Sec. 10-80 (c) or may, with the approval of the city, sell or transfer burial rights to another individual as long as all criteria are met.
- (b) *Consent of city.* No transfer or assignment of any lot or grave or interest therein shall be valid without the consent in writing of the management, and such transfer or assignment must be filed in the office of the city clerk upon forms provided by the city. The original Grave Certificate must be surrendered at the time application for transfer is made.

- (c) *Transfer of option.* The city will refuse to consent to a transfer of any option to purchase where a balance of the purchase price is still owing to the city.
- (d) *Transfer charges.* All transfers of ownership in lots or graves shall be subject to a charge to be paid to the city when the transfer is recorded.
- (e) *Purchase by city.* In the event the original lot owner moves or heir to the owner (see Sec. 10-56 (c) and Sec. 10-80 (c) wishes to sell their lot back to the City, the city may buy back said lot at one half of the current per-grave price for city residents.
- (f) The amounts referred to in subsections (d) and (e) of this section shall be fixed by the city council and kept on file in the office of the city clerk.

(Code 1983, § 5-39; Ord. of 2-1-2000)

Sec. 10-25. - Interments, etc.

- (a) *Time; charges; procedure.* All interments, disinterments and removals must be made at the time and in the manner set forth by management and upon payment of such charges as may be determined by the city council.
- (b) *Application for interment.* In the absence of the owner's Declaration of Reservation, the management shall have the right to refuse interment in any grave and to refuse to open any burial space for any purpose, except upon written application by the grave owner of record made out on forms provided by the management and duly filed in the office of the management.
- (c) *Location of interment space.* When instructions regarding the location of an interment space in a lot cannot be obtained, or when such instructions are indefinite, or when, for any reason, the interment space cannot be opened where specified, the management may, in its discretion, open such interment space in such part of the lot as the management may deem best under the circumstances, so as to avoid delaying the funeral; and in such case, neither the city nor any of its employees shall be liable for any error in failing to open the interment space in the proper location.
- (d) *Orders given by telephone.* The management shall not be held responsible for any order given by telephone or for any mistake resulting from the want of precise and proper instructions as to the particular space, size and location in a lot where interment is desired.
- (e) *Correction of errors.* Management shall have the right to correct any error made by the city, either in making interment, disinterment or removal, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and conveying in lieu thereof other interment property of equal value and similar location insofar as may be possible, or by refunding the amount of money paid on account of the purchase of the grave. In the event such error shall involve the interment of the remains of any person in a different location, the management shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be transferred in lieu thereof.
- (f) *Delays in interments caused by protests.* Neither the city nor any of its employees shall be liable for any delay in the interment or where there has been a failure to comply with the rules and regulations. The management shall be under no duty to recognize any protests of interments unless such protests shall be in writing and shall have been filed in the office of the management.
- (g) *Responsibility for identity or embalming.* The management shall not be liable for interment permit nor for the identity of any body sought to be interred or cremated, nor shall the management be liable in any way for the embalming of any body.
- (h) *Grave paid for.* No interment shall be permitted in any lot or grave in any cemetery, nor shall any memorial be placed thereon, where the purchase price of the lot or grave has not been paid in full.
- (i) *Interment of more than one body.* Not more than one body, or the remains of more than one body, shall be interred in one grave or vault, except in the case of a mother and her newborn infant, unless such grave or vault has been purchased with the written agreement that more than one body or the

remains of more than one body may be interred therein, or unless management has given its written consent thereto; nor shall interment be permitted unless proper identification shall be made of such interment on one individual or single memorial or marker. A grave of a conventional burial may be reopened to allow the additional interment of cremated remains on top of or beside of an existing burial container. Said cremated remains shall be interred in the smallest container available as to not interfere with the existing vault. Additional financial criteria must be met for second right to interment as set forth in the fee schedule.

- (j) *Interment in church or lodge lot.* Where a lot is owned by a church, lodge or other society, interment shall be limited to the actual members of the organization and their husbands and wives and to immediate members of the family or members of the organization, unless otherwise provided in the Grave Certificate.
- (k) *Interment in vaults, grave liners or cremation containers.* All interments must be made in vaults, grave liners or cremation containers of cave-resistant, non-deteriorating material. Should a grave sink or settle, the city has the right to remove the sod and refill the grave without asking or receiving permission of the lot owner.

(Code 1983, § 5-41; Ord. of 2-1-2000)

Sec. 10-26. - Disinterments, removals generally.

- (a) *Removal for profit.* Removal of a body by the heirs of an original grave or lot owner, to the end that such lot or grave may be sold for profit, or removal contrary to the expressed or implied wishes of the original owner of such lot or grave is forbidden.
- (b) *Authorized removal.* A body or the remains thereof may be removed from its original lot or grave to a larger or better lot or grave in the cemetery in cases in which there has been an exchange or purchase for that purpose.
- (c) *Care in removal.* The management shall exercise reasonable care in making a removal, but it shall assume no responsibility or liability for damage to any casket or burial case sustained in making such removal.
- (d) *Payment of service charges.* All charges for services in connection with any interment, disinterment or removal must be paid at the time of the issuance of the order for interment, disinterment or removal.

(Code 1983, § 5-42; Ord. of 2-1-2000)

State Law reference— Disinterments and removal of graves, G.S. 65-13.

Sec. 10-27. - Control of work.

- (a) *Work done by city.* All grading, landscape work and improvement of any kind; all care of graves; all planting, trimming, cutting and removal of trees, shrubs and herbage; all openings and closing of graves; and all interments, disinterments and removals shall be made by the city or a contractor authorized by management.
- (b) *Improvements.* All improvements or alterations of lots or graves in the cemetery shall be under the direction of, and subject to, the consent, satisfaction and approval of the management. Should same be made without written consent, the city shall have the right to remove, alter or change such improvements or alterations at the expense of the grave owner, or in any event, at any time, when, in management's judgment, they become unsightly.

(Code 1983, § 5-43; Ord. of 2-1-2000)

Sec. 10-28. - Decoration of graves.

- (a) *Floral arrangements and receptacles.* Only one floral arrangement or decoration shall be allowed per grave unless the marker has provisions for additional vases. Arrangements shall be securely clipped on a marker or placed in a receptacle which meets the requirements described in subsections (a)(1) and (2) of this section and shall be placed on or beside the grave marker or monument so as to not hinder the maintenance of the grounds.
 - (1) *Approved receptacles for cemeteries.* All receptacles must be of sufficient weight and of substantial construction to be self-supporting as no bricks, wire, rocks, metal rods or stakes for additional support will be allowed. Receptacles must be constructed of cast bronze, precast concrete, stamped or extruded aluminum, granite, marble or other rock and shall not be constructed of grass, wire, wood or ferrous metals. Receptacles should be set on the marker not exceeding 12 inches in height and nine inches in width.
 - (2) *Approved receptacles for memorial parks.* Approved receptacles shall be limited to cast bronze vase and ring units not exceeding 12 inches in height or nine inches in width set on granite or a precast concrete base set flush with the ground. The vase may be incorporated into the design of an approved individual or family marker. In circumstances where a vase was not incorporated into the original design of the marker, a vase in compliance with the provisions in subsection (a)(1) of this section and this subsection (a)(2) with a supporting granite or precast concrete base not exceeding 12 inches on any side set flush with the back of the original marker may be added.
- (b) *Prohibited ornaments.* The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, glass cases, wood cases, balloons, banners, Christmas trees, upright and free-standing floral arrangements except at the time of interment shall not be permitted, and the city shall have the right to remove and dispose of such items. An authentic United States flag not exceeding 8½ by 11 inches may be placed in the receptacle.
- (c) *Removal of decorations.* All grave decorations shall become the property of the city at the time of placement. All arrangements placed on the grave at the time of interment, except for one arrangement meeting the specifications for floral arrangements and receptacles as contained herein, shall be removed and discarded by the eighth day following burial. The city shall have authority to remove all floral arrangements, flowers, weeds, trees, shrubs, plants or herbage of any kind from a cemetery or memorial park when, in the opinion of the city such becomes unsightly, dangerous, detrimental or diseased or otherwise does not conform to standards herein. The city shall not be responsible or liable for arrangements or decorations placed on a grave.
- (d) *Christmas decorations.* Special arrangements not exceeding 36 inches in height and otherwise in compliance with requirements for receptacles shall be allowed for Christmas during the time period from December 1 through January 10. No holes may be dug in the ground and any decoration which is displaced by wind or weather shall be removed and discarded by the city. Special arrangements shall be removed by January 10 and all other Christmas flowers shall be removed by March 1. The city shall have the right to remove and discard any such items remaining after dates for removal.
- (e) *Special Holidays honoring our Veterans.* A single United States flag not exceeding 8½ by 11 inches may be placed on the grave of a veteran during the Memorial and Veterans Day holidays and any other holiday established to honor our veterans.

(Code 1983, § 5-44; Ord. of 2-1-2000; Ord. of 4-6-2004; Ord. of 11-2-2004)

Sec. 10-29. - Roadways; replatting.

The right to enlarge, reduce, replat and/or change the boundaries or grading of the cemetery, or of sections not already developed, from time to time, including the right to modify and/or change the locations of or remove or regrade roads, drives and/or walks or any parts thereof, is hereby expressly reserved. The right to lay, maintain and operate or alter or change, pipelines and/or gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual lot owners for cemetery purposes, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto. The city reserves to

itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over graves for the purpose of passage to and from other graves.

(Code 1983, § 5-45; Ord. of 2-1-2000)

Sec. 10-30. - Conduct of persons.

- (a) *Walkways, etc.* Persons within the cemetery grounds shall use only the avenues, walks, alleys and roads; and any person injured while walking on the grass, or while on any portion of the cemetery other than the avenues, walks, alleys or roads, shall in no way hold the city liable for any injuries sustained.
- (b) *Trespassers on graves.* Only the grave owner and relatives shall be permitted on the cemetery grave. Any other person thereon shall be considered as a trespasser, and the city shall owe no duty to said trespasser to keep the property or memorial thereon in a reasonably safe condition.
- (c) *Children.* Children under 15 years of age shall not be permitted within the cemetery, or its buildings, unless accompanied by an adult or proper persons to take care of them.
- (d) *Flowers, etc.* All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants, or feeding or disturbing the birds or animal life within the cemetery.
- (e) *Refreshments.* No person shall be permitted to bring food or refreshments within the cemetery.
- (f) *Lounging on grounds.* Unauthorized persons shall not be permitted to sit or to lounge on any of the grounds, graves or markers in the cemetery.
- (g) *Loud talking.* No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services.
- (h) *Rubbish.* The throwing of rubbish on the drives and paths, or on any part of the grounds, is prohibited, except in receptacles for waste material that may be located in the cemetery.
- (i) *Bicycles; motorcycles.* No bicycles or motorcycles shall be admitted to the cemetery except such as may be in attendance at funerals or on business.
- (j) *Peddling; soliciting.* Peddling of flowers or plants or soliciting the sale of any commodity, other than by the city, is prohibited within the confines of the cemetery.
- (k) *Notices; advertisements.* No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by the management.
- (l) *Dogs.* Dogs shall not be allowed on the cemetery grounds.
- (m) *Decorum.* There should be strict decorum observed at all times within the cemetery grounds, whether embraced in these rules or not, as no improprieties shall be allowed, and the manager shall have power to prevent improper assemblages.
- (n) *Management to enforce rules.* Management is hereby empowered to enforce all rules and regulations, and to exclude from any cemetery any person violating the same. The management shall have charge of the grounds and buildings, including the conduct of funerals, traffic, employees, lot owners and all visitors and at all times shall have supervision and control of all persons in the cemetery.

(Code 1983, § 5-46; Ord. of 2-1-2000)

Sec. 10-31. - Fees; gratuities; commissions.

No persons, while employed by the city, shall receive any fee, gratuity or commission in regard to the cemetery, except from the city, either directly or indirectly, under penalty of immediate dismissal.

(Code 1983, § 5-47; Ord. of 2-1-2000)

Sec. 10-32. - Protection against loss.

The city shall take reasonable precaution to protect grave owners and the burial rights of grave owners within the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage is direct or collateral, other than as provided in this chapter.

(Code 1983, § 5-48; Ord. of 2-1-2000)

Sec. 10-33. - Change of grave owner's address.

It shall be the duty of the grave owner to notify the management of any change in post office address. Notice sent to a grave owner at the last address on file in the office of the cemetery shall be considered sufficient and proper legal notification.

(Code 1983, § 5-49; Ord. of 2-1-2000)

Sec. 10-34. - Abandonment of Unused Grave.

- (a) *Abandonment of Unused Grave.* When a grave space in the cemeteries described in Sec 10-1(a) remains without any interment or reassignment therein for 100 years, and no heir of the purchaser is known, the grave shall be deemed abandoned and revert back to the City when conditions as set out in subsections (b) and (c) of this section have been complied with.
- (b) *Certified Letter.* Prior to abandonment, in an effort to contact relatives of the grave owner, a certified letter shall be sent to the last known address of the owner.
- (c) *Publication of Notice of Abandonment.* The City Council shall give authorization for notice of forfeiture published once a week for four consecutive weeks on the City of Graham maintained web site and, when available, in local newspapers. If no heir of the purchaser or assignee appears within 30 days from the last publication, then the grave space shall revert back to the City.
- (d) *Replacement of Abandoned Grave.* If, when a grave space has been reclaimed by the City, an heir to the original owner comes forward to claim said grave space, the heir shall submit proof of ownership in the form of the original Grave Certificate. The City then shall reinstate burial rights of abandoned grave, substitute a different grave or refund original purchase price.

Sec. 10-35. - Cemeteries perpetual care fund.

- (a) *Definition.* The term "perpetual care" means the cutting of grass upon lots in the cemeteries described in subsection (b) of this section at reasonable intervals, the pruning of shrubs and trees that may be placed by the city, the general preservation of the lots, grounds, walks, roadways, boundaries and structures, to the end that such grounds shall remain and be reasonably cared for as cemetery grounds forever. The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any grave markers placed upon lots or grave spaces, the planting of flowers or ornamental plants; the reconstruction of any bronze, marble, granite or concrete work on any section or lot or any portion or portions thereof in the cemetery, mausoleum or other buildings or structures, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority, whether the damage be direct or collateral, other than that as provided in this section.

- (b) *Established.* A fund, known as the cemeteries perpetual care fund, shall be established for the purpose of perpetually caring for and beautifying the city cemeteries. The city may accept gifts and bequests to the fund upon such terms as the donor may prescribe.
- (c) *Management of fund.* The principal of the fund shall be invested in the same manner as other city funds. Principal is defined as income from the sale of cemetery plots.
- (d) *Expenditure of income.* Perpetual care expenditure shall be limited to the income received from the investments of the fund with no part of the principal being expended.

(Ord. of 4-14-2015)

Secs. 10-36—10-54. - Reserved.

ARTICLE II. - GRAHAM MEMORIAL PARK

Sec. 10-55. - Memorial work.

- (a) *General.* Monuments or stones of any kind, or enclosures, shall not be permitted. Only bronze tablets or markers shall be allowed, and they must be set level with the ground, at the end closest to, and with the written text facing, the drive, sidewalk or walkway on which the lot is located. All memorials must be set flush with the ground and with the lay of the land. The installer is not permitted to alter the existing grade in an effort to obtain a level site. No berming is permitted. The foundation must be placed by a reputable company approved by the city. Only family markers may be set to embrace two or more graves. Unless otherwise specified, the head of a grave shall be at the drive, sidewalk or walkway. No memorial of any kind shall be placed on any grave or portion of grave that is not paid for in full.
- (b) *Bronze marker installation.* All bronze markers are to be placed by a reputable company approved by the city. No marker shall be placed without the prior issuance of a marker permit and receipt of applicable permit fees by the city. Any marker will be removed which does not comply with the standard rules and regulations of the cemetery. Installation arrangements may also be made through the office of the cemetery management. All applicable fees must be paid prior to the installation of a memorial.
- (c) *Bronze memorials.* To preserve uniformity, style, grade and workmanship of bronze memorials, all such memorials shall be of the manufacture of such bronze material as is approved by the city, and such standard design and material prescribed by the city, specifications of which are available for inspection in the office of the management. The fee for installation of memorials by the city, or by any other reputable company approved by the city, shall be kept on file in the office of the city clerk. All bronze tablets, markers or memorials, no matter the size, shall have a minimum of four (4) mounting bosses cast into them so as to accept 3/8" bronze mounting studs.
- (d) *Metal generally.* No metal other than standard bronze as prescribed by the management shall be permitted in any lot.
- (e) *Standard specifications.* The following standard specifications are directed to the notice of manufacturers of bronze grave markers intended for placement in the cemetery (all markers, tablets or memorials are subject to the approval of the management prior to placement and acceptance, or rejection shall be based upon the specifications contained herein):
 - (1) *Dimensions.* Overall outside dimensions shall be as follows:
 - a. Family memorial:
 - 1. Width, not less than 12 nor more than 24 inches.
 - 2. Length, not less than 24 nor more than 60 inches.
 - b. Individual or single markers:
 - 1. Width, not less than 12 nor more than 18 inches.
 - 2. Length, 24 inches.
 - c. Baby memorials:
 - 1. Width, not less than 6 nor more than 10 inches.
 - 2. Length, not less than 12 nor more than 20 inches
 - d. Cremation memorials only:
 - 1. Width, not less than 5 and ½ and no more than 6 inches.
 - 2. Length, not less than 8 and ½ and no more than 12 inches.
 - e. Approved bronze memorial vases may be substituted for any individual, baby or cremation marker if the vase does not exceed the maximum dimensions of the marker it is replacing.

Vases must be of the same material, craftsmanship and finish as other acceptable memorial work.

(2) *Materials.*

- a. Standard of quality. Bulletin No. 172-A of the United States Bureau of Standards on the subject of statuary bronze.
- b. Proportions of materials as follows: 88 percent copper, ten percent tin, two percent zinc (a variation not exceeding three percent is permissible on each above material, providing a minimum of two percent zinc must be used); all virgin metals must be used and mixed to a uniform alloy at proper temperature.
- c. No other alloys of metals or combinations of materials are acceptable.
- d. All memorials installed are required to have a minimum 3/8 inch mounting studs. This includes cremation and baby memorials.

(3) *Craftsmanship.*

a. *General requirements.*

1. Markers shall be free from sand holes, pits and/or other imperfections which mar the appearance of and/or impair the usefulness and stability of the finished markers.
2. All ornaments shall be clean and sharp, and all edges shall be true and accurate to the standard dimensions defined herein.

b. *Lettering.*

1. Lettering shall be carefully spaced and accurately set in line, both vertically and horizontally.
2. Names, dates, inscriptions and emblems shall be arranged so as to result in an artistic and neat-appearing plate.
3. The style of lettering should be preferably round-faced classic, V-shaped classic or flat-faced classic. Other types of lettering are subject to approval.

(4) *Finish.* General requirements are as follows:

- a. All castings shall be free from seals, sand, pinholes and pits.
- b. All ornamentation, face of letters and background shall be hand-chased, hand-tooled and burnished appropriately for a memorial tablet.
- c. Matching of approved color and texture as per sample.
- d. No colored lacquer or lacquer-carrying pigment shall be used.

(5) *Base.* Markers must be placed upon a base that is not more than four inches longer, and not more than four inches wider than the marker, and a minimum of four inches in thickness. In cases where a vase is mounted through the granite base, the width of that base may extend enough to accommodate that vase and its mounting base plus two inches. The vase is to be centered at the top of the marker.

- a. The base must be set in a bed of no less than two inches of granite screenings, concrete mix or other compactable material.
- b. The base may be concrete "poured in place" as long as the overall outside dimensions of the base are the same as the overall outside dimensions of the marker placed upon it (with no visible border).

(6) *Vase.* The vase shall be made of the same quality of craftsmanship and material as the marker. The vase shall be centered left to right towards the top of the marker. Any deviation from this standard is subject to approval by cemetery management.

(Code 1983, § 5-50; Ord. of 2-1-2000; Ord. of 6-4-2004)

Sec. 10-56. - Burial rights of lot and grave owners.

- (a) *Grave Certificate.* Upon receipt of payment in full for any lot, the city shall execute and deliver to the purchaser or purchasers a Grave Certificate, granting to such purchasers and their heirs and assigns, the exclusive right of interment in said lot, subject to the rules and regulations contained in this chapter and in any amendments hereto which may hereafter be adopted by the city council.
- (b) *Right of interment under owner's Declaration of Reservation.*
 - (1) At the time of the purchase of a lot or grave, or at any time thereafter during the lifetime of the purchaser or transferee, and in accordance with these rules and regulations, the owners of any such lot or grave may present their Grave Certificate and may file in the office of the management a Declaration of Reservation, therein specifically designating the persons entitled to be buried in any or all of the graves in the lot.
 - (2) No other person may be buried in any grave designated by the owner in the Declaration of Reservation except by an amended Declaration of Reservation executed by the owner and filed in the office of the management.
 - (3) The owner of any lot may in the Declaration of Reservation limit the persons entitled to be buried in said lot to those persons designated in the Declaration of Reservation.
 - (4) In the event that the owner shall fail to designate burial rights as to each grave in said lot, or shall fail to limit burials in said grave to those designated in the Declaration of Reservation, then, as to the graves not designated, the right of burial shall be as provided in subsection (c) of this section.
 - (5) Upon application by any person for interment of a body in a given grave, the burden of proof as to the identity of the person to be interred rests upon the applicant; and no liability shall be incurred by the management or the city as the result of a false statement in the application, but the management shall make reasonable effort to see that only persons entitled to be buried in a given grave are so interred.
- (c) *Interment in absence declaration.* In the absence of a Declaration of Reservation by the registered owner of a lot, the right of interment shall be in the following order:
 - (1) One grave shall be reserved for the owner and one for the owner's surviving spouse, if any.
 - (2) The remaining graves in said lot shall be held in trust by the city for burial of the following persons in the order of their death, and a request for burial, to wit:
 - a. Children of the owners and their respective spouses.
 - b. Lineal descendants of the owners and their respective spouses.
 - c. Parents of the owners.
- (d) *Vested rights of lot owners.* The burial rights in all lots and graves conveyed shall be presumed to be the sole and separate privilege of the persons named as grantees in the Grave Certificate, in accordance with these rules and regulations; provided, however, that the husband or wife shall have a vested right of interment of his or her body in any burial grave conveyed to the other, which shall continue as long as he or she shall remain the husband or wife or the grave owner, or shall be his or her wife or husband at the time of such grave owner's demise. No conveyance or transfer shall divest the husband or wife of any owner of his or her vested right of interment without the joinder therein executed by the spouse and filed in the office of the management.
- (e) *Alienability of cemetery grave.* All lots, the use of which has been conveyed in a Grave Certificate, are indivisible. Whenever an interment of the remains of a member, or of a relative of a member, of the family of the recorded owner, or of the recorded owner, is made in a lot, the lot thereby becomes inalienable and shall be held as the family lot of the owner, except as otherwise provided by the owner's Declaration of Reservation.

(f) *Residency as related to Graham Memorial Park.*

- (1) Graves are sold based on the permanent residency of the purchasers and the permanent residency of the persons designated in the Declaration of Reservation as having rights of interment.
 - (2) Any grave not designated under the Declaration of Reservation shall be considered purchased for the interment of a nonresident, and the prices shall be in accordance with the current cemetery fee schedule at the time of purchase.
 - (3) Graves purchased by and/or designated to residents, but later designated for use by a nonresident, shall be subject to fees for transfer from resident to nonresident as reflected on the cemetery fee schedule current at the time of the transfer.
 - (4) Graves purchased at nonresident rates shall not qualify for any refund should a decision be made to inter the remains of a resident at a later date.
 - (5) Graves shall be sold to individual persons only and not to businesses.
 - (6) Registered funeral services may purchase graves at-need or pre-need as an agent of the persons intended for interment therein, but the cemetery purchase agreement shall be made out in the name of those persons, and the cost of said graves shall reflect that of those person's residency status.
- (g) *Payment terms.* The first grave purchased by an individual must be for the interment of the purchaser and must be paid for in full at the time of purchase. Subsequent graves purchased may be financed for a period not to exceed 24 months at no interest, and after having made an initial payment of not less than 25 percent of the total price of those graves.
- (h) *Transfer of Right of Interment of cemetery grave.* Upon proper application, the surviving heir(s) of the owner or executor for the owner's estate may convey, transfer or sell said rights to another by completing the proper forms to be filed in the office of the management.

(Code 1983, § 5-51; Ord. of 2-1-2000)

Sec. 10-57. - Section C, cremation section.

- (a) Interments made in the cremation section shall be for cremated remains and, subject to the approval of management, the remains of newborns and infants.
- (b) All graves sold in this section shall be sold in an organized sequence.
- (c) In certain instances, where a grave has been tested and deemed unfit for an adult sized vault interment, the management may, at its discretion designate that grave to be a "cremation grave," subject to the same regulations as those in the cremation section with respect to burials. In such instances, the management will make a clear designation of the same on cemetery maps, in the cemetery database, and on cemetery documents such as Agreements, Grave Certificates and Declarations of Reservation.

(Code 1983, § 5-52; Ord. of 2-1-2000; Ord. of 9-1-2009)

Sec. 10-58. – Residency Required, Sections 9, 11, 12 and future development.

- (a) Sales and interments within sections 9, 11 and 12 and future sections, columbariums or mausoleums developed within the cemetery shall be limited to residents of the city only.
- (b) The management reserves the right to make exceptions to subsection (a) of this section in situations where management deems prudent, unusual or where extenuating circumstances exist involving residential status. (Example: retirement homes, long-term health care, homeless etc.) Under such

circumstances, the management shall allow one grave and one interment on behalf of said former resident, and one grave and one interment for the surviving spouse.

(Code 1983, § 5-53; Ord. of 2-1-2000)

Secs. 10-59—10-77. - Reserved.

ARTICLE III. – LINWOOD CEMETERY

Sec. 10-78. Memorial (Bronze) work.

- (a) *General.* All memorials must be set flush with the ground and with the lay of the land. The installer is not permitted to alter the existing grade in an effort to obtain a level site. No berming up around the memorial. The foundation must be placed by a reputable company approved by the city. Only family markers may be set to embrace two or more graves. The head of a grave in Linwood Cemetery shall be at the west end of the grave. No memorial of any kind shall be placed on any grave or portion of grave that is not paid for in full. No grave marker shall be set as to encroach upon another owner's grave space, unless prior written permission has been granted by that owner.
- (b) *Bronze markers.* All bronze markers are to be placed by a reputable company approved by the city. No marker shall be placed without the prior issuance of a marker permit and receipt of applicable permit fees by the city. Any marker will be removed which does not comply with the standard rules and regulations of the cemetery.
- (c) *Bronze memorials.* To preserve uniformity, style, grade and workmanship of bronze memorials, all such memorials shall be of the manufacture of such bronze material as is approved by the city, and such standard design and material prescribed by the city, specifications of which are available for inspection in the office of the management. The fee for installation of memorials by the city, or by any other reputable company approved by the city, shall be kept on file in the office of the city clerk. All bronze tablets, markers or memorials, no matter the size, shall have a minimum of four (4) mounting bosses cast into them so to accept 3/8" bronze mounting studs.
- (d) *Installation.* The foundation must be placed by a reputable monument company approved by the city. Installation arrangements may also be made through the office of the cemetery management. All applicable fees must be paid prior to the installation of a memorial.
- (e) *Metal generally.* No metal other than standard bronze as prescribed by the management shall be permitted.
- (f) *Standard specifications.* The following standard specifications are directed to the notice of manufacturers of bronze grave markers intended for placement in the cemetery (all markers, tablets or memorials are subject to the approval of the management prior to placement and acceptance, or rejection shall be based upon the specifications contained herein):

(1) *Dimensions.* Overall outside dimensions shall be as follows:

- a. Family memorial:
 - 1. Width, not less than 12 nor more than 24 inches.
 - 2. Length, not less than 24 nor more than 60 inches.
- b. Individual / single markers:
 - 1. Width, not less than 12 nor more than 18 inches.
 - 2. Length, 24 inches.
- c. Baby memorials:
 - 1. Width, not less than 6 nor more than 10 inches.
 - 2. Length, not less than 12 nor more than 20 inches
- d. Cremation memorials only:
 - 1. Width, not less than 5 ½ and no more than 6 inches.
 - 2. Length, not less than 8 ½ and no more than 12 inches.
- e. Approved bronze memorial vases may be substituted for any individual, baby or cremation marker if the vase does not exceed the maximum dimensions of the marker it is replacing. Vases must be of the same material, craftsmanship and finish as other acceptable memorial work.

(2) *Materials.*

- a. Standard of quality. Bulletin No. 172-A of the United States Bureau of Standards on the subject of statuary bronze.

- b. Proportions of materials as follows: 88 percent copper, ten percent tin, two percent zinc (a variation not exceeding three percent is permissible on each above material, providing a minimum of two percent zinc must be used); all virgin metals must be used and mixed to a uniform alloy at proper temperature.
- c. No other alloys of metals or combinations of materials are acceptable.
- d. All memorials installed are required to have a minimum 3/8" mounting studs. This includes cremation and baby memorials.

(3) *Craftsmanship.*

a. *General requirements.*

- 1. Markers and vases shall be free from sand holes, pits and/or other imperfections which mar the appearance of and/or impair the usefulness and stability of the finished markers or vases.
- 2. All ornaments shall be clean and sharp, and all edges shall be true and accurate to the standard dimensions defined herein.

b. *Lettering.*

- 1. Lettering shall be carefully spaced and accurately set in line, both vertically and horizontally.
- 2. Names, dates, inscriptions and emblems shall be arranged so as to result in an artistic and neat-appearing plate.
- 3. The style of lettering should be preferably round-faced classic, V-shaped classic or flat-faced classic. Other types of lettering are subject to approval.

(4) *Finish.* General requirements are as follows:

- a. All castings shall be free from seals, sand, pinholes and pits.
- b. All ornamentation, face of letters and background shall be hand-chased, hand-tooled and burnished appropriately for a memorial tablet.
- c. Matching of approved color and texture as per sample.
- d. No colored lacquer or lacquer-carrying pigment shall be used.

(5) *Base.* Markers must be placed upon a base that is not more than four inches longer, and not more than four inches wider than the marker, and a minimum of four (4) inches in thickness for flush set markers and twelve (12) inches thick for raised markers. In cases where a vase is mounted through the granite base, the width of that base may extend enough to accommodate that vase and its mounting base plus two inches. The vase is to be centered at the top of the marker.

- a. The base must be set in a bed of no less than two inches of granite screenings, concrete mix or other compactable material.
- b. The base may be concrete "poured in place" as long as the overall outside dimensions of the base are the same as the overall outside dimensions of the marker placed upon it (with no visible border).

(6) *Vase.* The vase shall be made of the same quality of craftsmanship and material as the marker. The vase shall be centered left to right towards the top of the marker. Any deviation from this standard is subject to approval by Cemetery management.

(Code 1983, § 5-50; Ord. of 2-1-2000; Ord. of 6-4-2004)

Sec. 10-79. Stone work: Monuments, Head Stones and Foot Stones.

- (a) *General.* Upright monuments and flat foot markers or head stones of marble or granite are allowed. Bronze tablet markers with a granite or marble base will also be allowed. Graves located on the west side of a lot, markers must be set on the east end of the grave. Graves located on the east side of the lot, markers must be set on the west end of the grave. All markers are to be set with the written text facing the grave. The monuments must be placed by a reputable company approved by the city. Only family markers may be set to embrace two or more graves. No memorial of any kind shall be placed on any grave or portion of grave

that is not paid for in full. No grave marker shall be set as to encroach upon another owner's grave space, unless prior written permission has been granted by that owner. The head of a grave in Linwood Cemetery shall be at the west end of the grave.

- (b) *Additional footstones:* Only a government supplied veterans' marker may be installed in addition to any other marker installed on an individual grave. A footstone is required to be made of granite or granite base with bronze tablet and set flush with the ground, with the lay of the ground. It shall be set on the inward edge of the grave. A vase is not allowed with this footstone.
- (c) *Upright Family Monuments:* In a "family lot", consisting of four (4) or more opposing grave spaces, an upright family monument may be installed. It shall be set on the inward side of the lot, centered, dividing the opposing grave spaces. The addition of an individual grave marker is also allowed. The individual markers must be set facing east or west, at the end of the grave with the written text facing the walkway. A footstone is required to be made of granite or granite base with bronze tablet and set flush with the ground, with the lay of the ground. A vase is not allowed with this footstone.
- (d) *Stonework.* The following standard specifications are directed to the notice of manufacturers and suppliers of stonework. Any deviation from this standard is subject to the approval of the management prior to placement, or rejection shall be based upon the specifications contained herein:

(1) *Dimensions.* Overall outside dimensions shall be as follows:

- a. Upright Family memorial:
 - 1. Base:
 - a. Width, Not wider than 17" +/- 1"
 - b. Length, Not longer than 60" +/- 2"
 - c. Height, Not taller than 12" +/- 2"
 - 2. Die:
 - a. Width, Not wider than 8" +/- 2"
 - b. Length, Not longer than 48" +/- 2"
 - c. Height, Not higher than 30" +/- 2"
- b. Upright Individual memorial:
 - 1. Base:
 - a. Width, Not wider than 13" +/- 1"
 - b. Length, Not longer than 37" +/- 2"
 - c. Height, Not higher than 12" +/- 2"
 - 2. Die:
 - a. Width, Not wider than 6" +/- 1"
 - b. Length, Not longer than 25" +/- 2"
 - c. Height, Not higher than 27" +/- 2"
- c. Raised Family memorial:
 - 1. Base:
 - a. Width, Not less than 12 nor more than 18" +/- 1"
 - b. Length, Not less than 12 nor more than 60" +/- 3"
 - c. Height, Not higher than 12" +/- 2"
- d. Raised Individual memorial:
 - 1. Base:
 - a. Width, Not wider than 16" +/- 2"
 - b. Length, Not longer than 24" +/- 2"
 - c. Height, Not higher than 12" +/- 2"
- e. Flush Family memorial:
 - 1. Base:
 - a. Width, Not less than 12 nor more than 18" +/- 1"
 - b. Length, Not less than 12 nor more than 60" +/- 3"
 - c. Thickness, Not less than 4" nor more than 6"
- f. Flush Individual memorial:
 - 1. Base:
 - a. Width, Not wider than 16" +/- 2"
 - b. Length, Not longer than 24" +/- 2"
 - c. Thickness, Not less than 4" nor more than 6"

(2) *Materials.*

- a. Granite
- b. Marble

(3) *Craftsmanship.*

- a. *General requirements.* Quality workmanship performed by professional craftsman
- b. *Lettering.* No language that may be considered offensive.

(Code 1983, § 5-50; Ord. of 2-1-2000; Ord. of 6-4-2004)

Sec. 10-80. Burial rights of lot and grave owners.

- (a) *Grave Certificate.* Upon receipt of payment in full for any lot, the city shall execute and deliver to the purchaser or purchasers a Grave Certificate of Ownership, granting to such purchasers and their heirs and assigns, the exclusive right of interment in said lot, subject to the rules and regulations contained in this chapter and in any amendments hereto which may hereafter be made by the city council.
- (b) *Right of interment under owner's Declaration of Reservation.*
 - (1) At the time of the purchase of a lot or grave, or at any time thereafter during the lifetime of the purchaser or transferee, and in accordance with these rules and regulations, the owners of any such lot or grave may present their Grave Certificate and may file in the office of the management a Declaration of Reservation, therein specifically designating the persons entitled to be buried in any or all of the graves in the lot.
 - (2) No other person may be buried in any grave designated by the owner in the Declaration of Reservation except by an amended Declaration of Reservation executed by the owner and filed in the office of the management.
 - (3) The owner of any lot may in the Declaration of Reservation limit the persons entitled to be buried in said lot to those persons designated in the Declaration of Reservation.
 - (4) In the event that the owner shall fail to designate burial rights as to each grave in said lot, or shall fail to limit burials in said grave to those designated in the Declaration of Reservation, then, as to the graves not designated, the right of burial shall be as provided in subsection (c) of this section.
 - (5) Upon application by any person for interment of a body in a given grave, the burden of proof as to the identity of the person to be interred rests upon the applicant; and no liability shall be incurred by the management or the city as the result of a false statement in the application, but the management shall make reasonable effort to see that only persons entitled to be buried in a given grave are so interred.
- (c) *Interment in absence declaration.* In the absence of a Declaration of Reservation by the registered owner of a lot, the right of interment shall be in the following order:
 - (1) One grave shall be reserved for the owner and one for the owner's surviving spouse, if any.
 - (2) The remaining graves in said lot shall be held in trust by the city for burial of the following persons in the order of their death, and a request for burial, to wit:
 - a. Children of the owners and their respective spouses.
 - b. Lineal descendants of the owners and their respective spouses.
 - c. Parents of the owners.
- (d) *Vested rights of lot owners.* The burial rights in all lots and graves conveyed shall be presumed to be the sole and separate privilege of the persons named as grantees in the Grave Certificate, in accordance with these rules and regulations; provided, however, that the husband or wife shall have a vested right of interment of his or her body in any burial grave conveyed to the other, which shall continue as long as he or she shall remain the husband or wife of the grave owner, or shall be his or her wife or husband at the time of such grave owner's demise. No conveyance or transfer shall divest the husband or wife or any owner of his or her vested right of interment without the joinder therein executed by the spouse and filed in the office of the management.
- (e) *Alienability of cemetery grave.* All lots, the use of which has been conveyed in a Grave Certificate, are indivisible. Whenever an interment of the remains of a member of the family of the recorded owner is made in a lot, the lot thereby becomes inalienable and shall be held as the family lot of the owner, except as otherwise provided by the owner's Declaration of Reservation.
- (f) *Transfer of Grave Certificate of cemetery grave.* Upon proper application, the surviving heirs of the owner or executor for the owner's estate may convey, transfer or sell said rights to another by completing the proper forms to be filed in the office of the management.

(g) *Residency as related to Linwood Cemetery.*

- (1) Graves are sold based on the permanent residency of the purchasers and the permanent residency of the persons designated in the Declaration of Reservation as having rights of interment.
 - (2) Any grave not designated under the Declaration of Reservation shall be considered purchased for the interment of a nonresident, and the prices will be reflected as such in accordance with the current cemetery fee schedule at the time of purchase.
 - (3) Graves purchased by and/or designated to residents, but later designated for use by a nonresident, shall be subject to fees for transfer from resident to nonresident as reflected on the cemetery fee schedule current at the time of the transfer.
 - (4) Graves purchased at nonresident rates shall not qualify for any refund should a decision be made to inter the remains of a resident at a later date.
 - (5) Graves shall be sold to individual persons only and not to businesses.
 - (6) Registered funeral services may purchase graves at-need or pre-need as an agent of the person(s) intended for interment therein, but the cemetery purchase agreement shall be made out in the name of those persons, and the cost of said graves shall reflect that of those person's residency status.
- (h) *Payment terms.* The first grave purchased by an individual must be for the interment of the purchaser and must be paid for in full at the time of purchase. Subsequent graves purchased may be financed for a period not to exceed 24 months at no interest, and after having made an initial payment of not less than 25 percent of the total price of those graves.

(Code 1983, § 5-51; Ord. of 2-1-2000)

Sec. 10-81. Reserved

Sec. 3. That this Ordinance shall be in full force and effect on February 9, 2021, as provided by law

This the 9 day of February, 2021.


Mayor

ATTEST:


City Clerk

