1068.01 BURIALS OUTSIDE MUNICIPAL CEMETERY PROHIBITED.

Burial of the dead within the Municipality is prohibited, with the exception of burials within the cemetery owned and maintained by the Municipality.

(Ord. 861. Passed 10-16-40.)

1068.02 EXHUMATION OF UNLAWFULLY BURIED BODIES.

Any body buried within the Municipality in violation of this chapter shall be taken up by order of the Mayor and buried in compliance with the law. The cost of taking up, removing and reburying any such body shall be borne by the person who is responsible for the unlawful burial.

(Ord. 97-41. Passed 2-4-97.)

1068.03 SALE OF GRAVE LOTS; FEES; MAXIMUM NUMBER OF BURIALS PER LOT.

- (a) In all sales of grave lots, the consideration therefor shall be payment in cash, and no person shall be permitted to purchase more than four grave lots without prior consent of Council.
 - (b) Fees for grave lots are set forth in Chapter 214 of the Administration Code.
 - (c) The owner of a grave lot may stack not more than two burials within the same grave lot.
- (d) The owner of a grave lot may have cremated remains interred, but may not exceed six cremated remains in one lot.

(Ord. 97-41. Passed 2-4-97.)

1068.04 SALE OR TRANSFER OF GRAVES.

No sale or transfer of any grave shall be made by any owner without the consent and approval of the Mayor or his or her designee. Any owner requesting a duplicate deed to a grave lot or desiring to have the Mayor or his or her designee consent and approve the sale or transfer of any grave shall, together with his or her request therefor, file a sum as set forth in Chapter 214 of the Administration Code as a fee to pay the cost and expense to the Municipality of making the transfer of the record of the ownership of such grave. If the Mayor or his or her designee refuses to approve such sale or transfer, the fee shall be returned.

(Ord. 94-61. Passed 3-15-94.)

1068.05 PURCHASER'S DEED.

Upon the payment of the purchase price of any lot in the Municipal Cemetery, the Mayor is authorized and directed to execute and deliver to the purchaser proper deeds or instruments of conveyance for the same. (Ord. 861. Passed 10-16-40.)

1068.06 BURIAL PERMIT REQUIRED; FEE; PURPOSE.

Any person wishing to have a deceased person buried within the Municipal Cemetery shall obtain a permit for the opening of the grave lot, which permit shall be furnished by the Director of Finance. Such person shall pay in cash, at the rates set forth in Chapter 214 of the Administration Code, for the service to be rendered by the Municipality through its employees or agents in the opening of the grave lot and the filling and trimming thereof following the burial.

1068.07 FOOTER INSTALLATION CHARGE.

Without exception, the charge for the footer installation of each grave shall be as set forth in Chapter 214 of the Administration Code.

(Ord. 97-41. Passed 2-4-97.)

1068.08 DISPOSITION OF PERMIT FEES.

Upon collection of any and all cemetery related fees, the Director of Finance shall deposit said fees into the appropriate funds. The distribution of said fees shall be determined annually by the Director of Finance. (Ord. 861. Passed 10-16-40; Ord. 08-160. Passed 7-15-08.)

1068.09 BURIAL OF INDIGENT PERSONS.

The plots and ground designated on the plat or map of the Municipal Cemetery as Lots 434 to 443, inclusive, are hereby designated and dedicated for use exclusively for the burial of the indigent dead and shall be retained for such purpose.

(Ord. 861. Passed 10-16-40.)

1068.10 HEADSTONES, MONUMENTS, FOOTSTONES AND MARKERS.

(a) Installation. The owner of a lot in the Municipal Cemetery may erect headstones, footstones, monuments and markers thereon and beautify such lot subject to rules, regulations and directions of Council. The same shall be of bronze, granite or marble and shall be set by the Foreman of Municipal Parks, Properties and Cemeteries at the expense of the lot owner. Such monument, headstone, footstone or marker shall have inscribed thereon the lot and grave number one-half to three-fourths of an inch high. Documented proof of conformance to these regulations shall be submitted to the Foreman for his or her signed approval prior to delivery. The charge for installation shall be such, in each case and from time to time, as will be sufficient to cover the actual cost of any labor and material involved, and such amount in each case shall be deposited with the Director of Finance prior to installation.

No monuments, headstones, footstones or markers shall be erected, placed or maintained upon any part of the Cemetery on Lots 500 or greater or within any land hereafter acquired for addition to the Cemetery, except such monuments, headstones, footstones or markers as will rest upon a base within the ground, with the top thereof flush with the ground surface, so as to enable mowing without damage thereto. The maximum size shall be fifty-four inches in length by eighteen inches in width, but in no case shall it be longer than the lot or lots on which it is placed.

- (b) Location.
- (1) Monuments. All monuments erected in the Municipal Cemetery shall be erected in the center of the lot.
- (2) Headstones, markers and footstones. All headstones, markers and footstones erected or placed in the Municipal Cemetery by the Municipality shall be erected or placed on the lot on which burial is made and the location thereof shall be at the direction of the Cemetery Working Foreman.
- (c) Time of Erection. No headstone, footstone, marker or monument shall be erected in the Municipal Cemetery at a time when the Cemetery driveways are in such condition, due to weather or other causes, that a vehicle driving over the same will cause damage or ruts.

 (Ord. 97-41. Passed 2-4-97.)

1068.11 GRAVE LININGS.

All burials, other than cremains, within grave lots in the Municipal Cemetery shall be outer lined with a concrete or metal vault, or its equivalent, which will furnish solid protection. (Ord. 97-41. Passed 2-4-97.)

1068.12 CEMETERY RULES.

- (a) No vehicle shall be driven faster than four miles per hour within the gates of the Municipal Cemetery.
- (b) No obscene language or loud or profane conversation shall be indulged in within the Cemetery.
- (c) No person shall wantonly or willfully remove, cut or break, or in any manner injure or destroy, any tree, shrub or plant, or pick, crush or gather, or in any way injure or destroy, any flower, either wild or cultivated, or any herbage, fruit or produce of any such tree, shrub or plant, within the Cemetery.
 - (d) No person in a state of intoxication shall enter the Cemetery.
- (e) No person shall remain in the Cemetery after having, for good cause, been ordered by the Foreman of Municipal Parks, Properties and Cemeteries to leave the premises.
- (f) No person shall write upon, cut, bruise, break, discolor, walk over or otherwise deface or injure any stone, monument, marker, fence or other structure within or a part of the Cemetery.
 - (g) No person shall discharge any firearm within the Cemetery except at a military funeral.
- (h) No person shall catch, wound, kill or attempt to injure any bird, or remove or disturb any bird's nest or eggs in the Cemetery.
- (i) No person shall suffer or permit a dog, cat, horse, cow, sheep, goat or other domestic animal or bird to run at large within the Cemetery.
 - (j) No person shall act in a disrespectful manner within the Cemetery property.
- (k) The Municipal Cemetery will be open from 7:00 a.m. until sunset. The hours shall be strictly enforced, unless permission has been granted by the Mayor or his or her designated representative.
- (l) No debris shall be deposited in the Cemetery except in designated rubbish containers or other areas specifically designated as rubbish accumulation areas.
- (m) The drinking of alcoholic beverages in the Cemetery is strictly prohibited at all times, except upon the occurrence of official ceremonies or functions for which permission has been granted by the Mayor or his or her designated representative.
 - (n) Flower beds should not exceed ten inches in space from the marker.

(o) Trees or shrubs may only be planted with permission from the Cemetery Foreman and shall become the property of the Municipal Cemetery.

(Ord. 97-41. Passed 2-4-97.)

- (p) Only artificial flowers are permitted from October 1 to March 1, except immediately following interment. (Ord. 97-109. Passed 6-3-97.)
- (q) All holiday decorations, religious symbols, and wreaths shall be removed within 30 days after such national or religious holiday.
 - (r) Hanging baskets are prohibited.
 - (s) Fencing, glass jars or glass vases are prohibited.

(Ord. 98-76, Passed 4-21-98)

(t) Solar or battery operated lighting devices are permitted from October 1 to March 1. (Ord. 12-81. Passed 9-18-12)

1068.13 BURIALS RESTRICTED TO RELATIVES OF LOT OWNER. (REPEALED)

(EDITOR'S NOTE: Section 1068.13 was repealed by Ordinance 97-41, passed February 4, 1997.)

1068.14 BESTER FAMILY.

- (a) The Foreman of Municipal Parks, Properties and Cemeteries is hereby required to annually place decorations on either side of the Bester family monument and on the R.C. Bester lot.
- (b) The expense of such decorations shall be paid out of the funds annually appropriated for the Municipal Cemetery.

(Ord. 97-41. Passed 2-4-97.)

1068.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor for a first offense; for a second offense, such person is guilty of a misdemeanor of the third degree; for a third or subsequent offense, such person shall be guilty of a misdemeanor of the second degree. Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be sentenced in accordance with Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 05-13. Passed 3-15-05.)