

# **CITY OF EVANSTON**

## **EVANSTON CITY CEMETERY**

### **RULES AND REGULATIONS**

Last Amended 5-4-2010

City of Evanston, Wyoming

# **EVANSTON CITY CEMETERY**

## **RULES AND REGULATIONS**

Approved 6-27-88, Amended 12-13-90, 3-24-99 and 5-4-10

### 1. OWNERSHIP AND MANAGEMENT

#### A. OWNED BY THE CITY OF EVANSTON

Evanston City Cemetery is owned and managed by the City of Evanston, Wyoming.

#### B. CONTROL BY THE MAYOR & CITY COUNCIL

The mayor and city council has the right of general control of the Evanston City Cemetery in all matters, whether or not they are specifically covered by these rules and regulations.

#### C. MANAGED BY THE MAYOR AND CITY COUNCIL OR DESIGNEE

The management of the Evanston City Cemetery shall be under the direction of the mayor and city council for direct and complete supervision of the cemetery in all matters. The mayor and city council may assign the functions of the cemetery to another operating department or government agency.

#### D. BUSINESS ACTIVITIES AND OFFICE

The mayor and city council shall have complete supervision of all activities within the confines of the cemetery grounds. All applications for purchase, permits, transfer, assignment or re-purchase of cemetery grave spaces or lots; interment and disinterment orders; requests to plant trees, shrubs, bushes and flowers must be made at Evanston City Hall, 1200 Main Street, Evanston, Wyoming.

### 2. DEFINITIONS

#### A. CEMETERY

The term “cemetery” is hereby defined as a burial park for earth interments.

#### B. CITY HALL DESIGNEE

The term “city designee” is hereby defined as an employee of the City of Evanston that has been assigned the responsibility of coordinating all business associated with the Evanston

City Cemetery.

C. CEMETERY SUPERVISOR

The term “Cemetery Supervisor” is hereby defined as an employee of the agency designated by the city that is responsible to oversee all operations and maintenance of the Evanston City Cemetery.

D. INTERMENT

The term “interment” shall mean the permanent disposition of the remains of a deceased person by earth burial.

E. BURIAL LOT

The term “lot” shall mean a platted lot within the cemetery and may consist of more than one burial space.

F. MEMORIAL

The term “memorial” shall designate a monument, marker, tablet or headstone for family or individual use.

G. MONUMENT

The term “monument” shall designate a monument, marker, tablet or headstone for family or individual use.

H. MONUMENT AREA

The term “monument area” is hereby defined as the monument structure (headstone) and the area directly surrounding the monument not more than six inches (6") from all sides of the monument edge.

I. MONUMENT AND HEADSTONE PERMITS

The term “monument and headstone permit” is hereby defined as a permit required before the cemetery supervisor authorizes any monument or headstone to be placed in the cemetery.

J. PERPETUAL CARE

The term “perpetual care”, used in reference to lots, or burial spaces, shall be held to mean the cutting and watering of the grass at reasonable intervals; and the general care and pruning of the trees or shrubs that may be placed on the same by the city; meaning and intending the general preservation of the lots and burial spaces and the grounds, walks,

roadways, boundaries and structures to the end that said grounds shall remain and be reasonably cared for as cemetery grounds forever.

K. STANDARD MONUMENT DECORATIONS

The term “standard decorations” is hereby defined as live, fresh cut or artificial flowers, sprays, wreaths, containers (not including glass) or permanent vases set in concrete within six inches (6") of the monument or a part of the monument.

L. SEASONAL AND NON - CONVENTIONAL MONUMENT DECORATIONS

The term “seasonal and non-conventional decorations” is hereby defined as any type of appropriate decoration that is not defined as a “standard decoration.” This includes, but is not limited to, potted plants, hanging baskets, holiday decorations, toys, ornaments, windsock, flags or any decoration that is hung or supported on tripods and on poles made of steel, wire, plastic, wood or similar material.

3. INTERMENTS AND DISINTERMENTS

A. SUBJECT TO LAWS

Besides being subject to these rules and regulations, all interments and disinterments shall be subject to the orders and laws of the properly constituted authorities of the city, county and state.

B. SCHEDULING OF INTERMENTS

All interment reservations must be scheduled through city hall. Tuesday through Friday interment reservations must be made at least 12 working hours prior to burial. Saturday and Monday interment reservations must be made before 3:00 p.m. on Thursday for a Saturday burial, and before 12 Noon on Friday for a Monday burial. Severe weather conditions as determined by the Cemetery Supervisor, may require the interment to be rescheduled for another day or time. The Cemetery Supervisor must approved any exceptions to this policy.

C. WEEKEND AND HOLIDAYS

No interment or funeral services will be allowed on Sunday, a legal holiday or the day upon which holidays are legally observed by the city, except for Veterans Day, Columbus Day, the day after Thanksgiving and Presidents Day in which interments or burials may be scheduled.

D. EMERGENCY BURIALS

All arrangements for emergency burials must be made through the city hall designee and

upon proof of emergency.

E. IN CASE OF A DISASTER

In the event of a disaster, which results in numerous burials, the cemetery crew will work whatever hours deemed necessary by the mayor. The mayor or designee has the authority to void any and all regulations necessary in order to handle the numerous burials as orderly and as quickly as possible.

F. TIME AND CHARGES

All interments or interment services, or disinterments must be scheduled with the city hall designee in advance. All payments, fees and charges must be made to the city hall designee prior to interments, interment services or disinterments.

G. REFUSAL OF INTERMENT

The City of Evanston reserves the right to refuse interment in any grave space and to refuse to open any burial space for any purpose except upon authorization by the lot owner or owners. All grave openings will be conducted within the scope of all city, county and state laws.

H. OPENING OF BURIAL SPACES

All grave openings will be performed by the City of Evanston or an agent designated by the city. No person or agency, other than those designated by the City of Evanston has the authority to bury any remains, full body or cremation.

I. ERRORS MAY BE CORRECTED

The City of Evanston reserves the right and shall have the right to control any errors that may be made by it either in making interments or disinterments or in the description transfer or conveyance of any interment property, either by cancelling 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 city; or, in sole discretion of the city, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any deceased person in such property, the city reserves the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu of thereof at the expense of the city.

J. DELAYS IN INTERMENTS

The City of Evanston shall in no way be held liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with, or for any other reason that results in the delay of the interment; and, further, the city reserves the right, under such circumstances to place the body in a temporary grave in receiving vault until full rights have been determined. The city shall be under no duty to recognize any protests of interments unless they be in writing and filed in the office of the City of Evanston at least two hours prior to the scheduled burial. Any and all additional costs incurred by the city as a result of a written protest to delay an interment will be charged to the funeral director, surviving family or individual, group or agency that made interment arrangements.

K. RESPONSIBILITY FOR EMBALMING, IDENTIFICATION OR PERMITS

The City of Evanston shall not be responsible for the preparation of the body, identification of the body being buried or for the interment permit.

L. INTERMENT OF MORE THAN ONE BODY

Not more than one body or the remains of one body may be interred in one burial space except with the authorization of the mayor or designee.

M. INTERMENT OF CREMAINS

Cremations may be placed wherever they do not interfere with another burial. A maximum of two cremations may be placed in a space upon authorization by the city hall designee and cemetery supervisor.

4. DISINTERMENTS AND REMOVALS

A. NOTICE OF DISINTERMENT

The City of Evanston reserves the right to require at least five (5) days notice prior to any disinterment. Disinterments are only permitted during the months of May through September. No disinterment will be made on any Saturday, Sunday or legal holiday, or on the day upon which any holiday is observed. All disinterments shall be done at the convenience of the city and must be arranged with the city hall designee. Any and all costs incurred by the disinterment will be charged to the individual or group requesting the disinterment. All costs associated with a disinterment must be paid and received by the city before the disinterment is authorized.

B. CARE IN REMOVAL

The city shall exercise the utmost care in making a removal, but it shall assume no liability for any damage, to the casket or body, incurred in making a removal.

C. PERMISSION FOR DISINTERMENTS

No disinterment of a body will be made without an order from a court of competent jurisdiction or written permission from some person having authority to permit the same.

5. SERVICE CHARGES, OPENING AND CLOSING COSTS

A. PAYMENT OF SERVICE CHARGES

Full payment of all cemetery service fees and all other charges must be made to the city hall designee prior to interment or disinterment.

B. APPLICATIONS FOR BURIAL LOT AND SPACE PURCHASES

Applications for the purchase of cemetery lots or burial spaces must be made at the office of the city with the city hall designee where plats showing the size, locations and description of all lots and a schedule of prices will be kept on file.

C. MAXIMUM SPACE PURCHASE

No more than a maximum of 16 burial spaces or two (2) full lots may be sold to one individual.

D. PAYMENT FOR BURIAL LOTS AND SPACES

All payments and contractual agreements for payments for all burial lots or spaces purchased must be authorized by and made to the city hall designee. After one (1) year has elapsed since the date of last payment for any burial lot or space, and no payment has been made, the lot or space being purchased will revert back to the city, and all previous payments including perpetual care, will be forfeited to the city.

E. CERTIFICATE OF TITLE FOR BURIAL LOTS AND SPACES

The Certificate of Title for any cemetery lot or burial space will not be delivered to any purchaser until the purchase price of the same has been paid in full to the city hall designee. All deeds or certificates of title shall grant to the lot owner or owners the right to use such lots for the burial of human remains only, subject to these rules and regulations.

F. APPLICATIONS FOR MONUMENT AND HEADSTONE PERMITS

Headstone Permits are required before the cemetery supervisor authorizes any monument or headstone to be placed in the cemetery. Applications for Monument and Headstone Permits are issued at the office of the city or the cemetery office at no charge.

6. PROPERTY RIGHTS OF LOT OWNERS

A. INTERMENT RIGHTS OF LOT OWNERS

All lots and burial spaces conveyed shall be the sole and separate property of the person or persons named as grantee in the instrument of conveyance; provided, however, that the husband or wife of the grantee shall have a vested right of interment of his or her body in any burial plot conveyed to the other. No conveyance or other action, without the joinder therein or by written consent attached thereto, shall divest such husband or wife of such vested right to interment; provided, however, that a final decree of divorce between them shall terminate such vested right of interment, unless it shall be otherwise provided by such decree of divorce. In all conveyances to two or more persons as joint tenants, each joint tenant shall have a vested right of interment of the remains of the deceased joint tenant owner. A vested right of interment as in this rule provided may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto.

B. DESCENT OF RIGHT OF INTERMENT

If no interment has been made in a lot which has been transferred by deed or Certificate of Title to an individual owner or owners by the city, or if all bodies have been lawfully removed there from, the absence of specific disposition thereof in the owners Last Will and Testament, the whole of said lot, except the one grave which must be reserved to the surviving husband or wife of the owner, unless waived by such survivor, shall, upon the death of the owner, descend in regular line of succession to the heirs of said owner.

7. TRANSFER OR ASSIGNMENTS

A. CONSENT OF CITY

No transfer or assignment of any lot, or interest therein, shall be valid without the consent in writing of the city first to be had and endorsed upon such transfer or assignment, and thereafter being recorded on the books of the city.

B. RE-PURCHASE BY THE CITY

If, for any reason, it becomes necessary for any lot owner(s) to dispose of their interest in or title to any burial space(s), the owner may make application at the office of the city with the city hall designee for the re-purchase of such spaces upon proper proof of title. The city shall not be obligated to re-purchase more than eight spaces or one plot from any one person or entity. When two or more burial spaces located side by side are involved, the re-purchase price shall be equal to seventy percent (70%) of the original selling price for such spaces. When a single space is involved, the re-purchase price shall be equal to sixty percent (60%) of the original selling price for such space. The re-purchase price shall be paid by the city to the owner upon execution of a re-purchase agreement.



8. CHANGE OF ADDRESS OF LOT OWNERS

A. NOTICE REQUIRED

It shall be the duty of the lot or burial space owner to notify the city of any change in his mailing address. Notice sent to such owner at the last address on file in the office of the mayor or designee shall be considered sufficient and proper legal notification.

9. PROTECTION AGAINST LOSS

A. WHEN CITY NOT RESPONSIBLE

The city shall take reasonable precautions to protect lot owners, and the property rights of lot owners, within the cemetery from loss or damage; but the city or its agent, distinctly disclaims responsibility for loss or damage from causes beyond its reasonable 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 may be direct or collateral, other than as herein provided.

B. LIABILITY FOR DAMAGES

Any person damaging, or causing to be damaged, any cemetery property, whether owned by the city or an individual, will be held liable to repair said damaged property or to replace the property damaged to its former state, without delay, and in a manner satisfactory to the mayor or designee.

10. PERPETUAL AND SPECIAL CARE

A. PERPETUAL CARE OF LOTS

The term “perpetual care”, used in reference to lots, or burial spaces, shall be held to mean the cutting and watering of the grass upon the same at reasonable intervals, and the general care and pruning of the trees or shrubs that may be placed on the same by the city; meaning and intending the general preservation of the lots and burial spaces and the grounds, walks, roadways, boundaries and structures to the end that said grounds shall remain and be reasonably cared for as cemetery grounds forever.

B. NO BURIAL LOTS SOLD WITHOUT PERPETUAL CARE

All lots or burial space shall be sold only with perpetual care.

C. PERPETUAL CARE EXCEPTIONS

The term “perpetual care” shall in no case be construed as meaning the maintenance, repair or replacement of any grave stones, monumental structures or memorials placed or erected on lots or burial spaces nor the planting of flowers or ornamental plants; nor the maintenance or doing of any special or unusual work in the cemetery; nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any section or lot, nor on any portion or portions thereof in the cemetery, damaged by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, insurrections, riots, or by the order of any military authority, invasion or causes beyond the reasonable control of the city, whether the damage be direct or collateral, other than as herein provided.

11. GENERAL CARE

A. LOTS NOT ORIGINALLY SOLD WITH PERPETUAL CARE

General care will be given lots, which were originally sold without perpetual care, in order that the general beauty of the cemetery may be maintained.

B. CARE OF GENERAL CEMETERY PROPERTY

The general care or maintenance of the cemetery grounds, buildings, sprinkling systems, roadways, drives, walks or paths, drains or other cemetery property of a general nature shall be provided for by the Perpetual Care Trust Fund and annual appropriation derived from general city revenue.

12. CONTROL OF WORK BY CITY

A. WORK TO BE DONE BY CITY

Except as otherwise provided herein, all grading, landscape work and improvements of any kind, and all care of lots, shall be done, and all trees, shrubs and herbage of any kind shall be planted, trimmed, cut, mowed, or removed, and all opening or closing of graves and all interments, disinterments or removals shall be made and provided by the City of Evanston or their designee.

13. MONUMENTS AND MARKERS IN CEMETERY

A. Upon the adoption of these rules, no memorial or grave marker will be allowed on any burial space until costs have been paid in full and a contract has been entered into with the city and the purchases of the lot providing the terms of such payment for such space together with perpetual care.

- B. Temporary grave markers are permitted for no longer than one (1) year.
- C. Headstone Permits are required before the cemetery supervisor authorizes any monument or headstone to be placed in the cemetery. Applications for Monument and Headstone Permits are issued at the office of the city with the city hall designee or the cemetery office.
- D. No headstones, memorials or monuments shall be placed in the cemetery from November 1 through May 1 of each year.
- E. All headstones placed in the cemetery must have a 4-inch concrete mow strip on all sides, flush with the ground.
- F. Placement of headstones in the designated sections of the cemetery shall be regulated as follows:
  1. **Public Section (original section) Masonic and Catholic Section.**  
Headstones may be placed that are of similar size and design of existing headstones.
  2. **Oddfellows and State Hospital.**  
Headstones may be placed that are authorized by the specific organization or that are of similar size and design of existing headstones.
  3. **New Section.**  
Headstones placed on Lots 1 to 100 and 172 to 380 must be flat design and preferably flush with the ground.  
Headstones placed on Lots 101 to 171 and 381 and up must be flat and flush with the ground.
  4. **New Public Section.**  
All headstones must be flat and flush with the ground and must all be facing east.
  5. **Red Mountain Section.**  
All headstones must be flat and flush with the ground and must all be facing east.
- G. All monuments, headstones and markers shall be of granite, marble, bronze and other non-corrosive metal.
- H. If more than one memorial is to be placed on a grave space, the second memorial must be approved stone or bronze, set flush with the ground with a mow strip provided. The second memorial is not to exceed 24" x 12" x 4" in size and must have a mow strip flush with the ground on all sides. In such cases, all vases must be incorporated into the mow strip of the memorial.
- I. The area of the face of the memorial shall not exceed thirty percent (30%) of the area of the

lot. The length of the base of the memorial shall not exceed eighty percent (80%) of the width of the lot. The width of the base of the memorial shall not exceed thirty percent (30%) of the length of the lot. Any die or monolith shall have a thickness of at least eight inches (8").

- J. The bottom surface base of all monuments or markers shall be cut level and true.
- K. While the city will exercise due care to protect raised lettering carving or ornaments on any memorial or other structure on any lot in the cemetery, it disclaims responsibility for any injury thereto.
- L. No coping, curbing, hedging, grave mounds, borders, enclosure of any kind or walks of any kind shall be allowed to be built or placed on any lot in the cemetery. The city reserves the right to remove the same without recourse, if so planted, erected or placed.
- M. The use of tiles, bricks, gravel, crushed rock, oyster shells, cinders or other material on any lot in the cemetery is strictly forbidden. Any of these used may be removed by the city without notice to the lot owner.
- N. The city reserves the right for the mayor or designee to stop all work of any nature, whenever, in his opinion, proper preparations therefore have not been made; or when work is being executed in such a manner as to threaten life or property or when any reasonable request on the part of the mayor or designee has been disregarded; or when work is not being executed in accordance with specifications, or when any person employed on the work violated any of the Cemetery Rules and Regulations.
- O. The completed work is subject to the approval of the mayor or designee and if unsatisfactory, it may be removed by the mayor or designee.

14. PRIVATE MEMORIALS

Permission for the construction of a private memorial must be granted by the mayor and city council.

15. MAUSOLEUMS, TOMBS AND COLUMBARIUM'S

All mausoleums, tombs and columbarium's above ground shall **only** be permitted if authorized by the mayor and city council.

16. ERECTION OR PLACEMENT OF MONUMENTS AND HEADSTONES

- A. Headstone Permits are required before the Cemetery Supervisor authorizes any monument

or headstone to be placed in the cemetery. Applications for Monument and Headstone Permits are issued at the office of the city with the city hall designee or cemetery office.

- B. Workmen employed in erecting or placing monuments or other structures, or bringing materials into the cemetery, shall, as to the city, operate as independent contractors, and must have authorization from the Cemetery Supervisor or designee.
- C. Persons engaged in erecting monuments, or other structures, are prohibited from attaching ropes or other devices to monuments, trees or shrubs, and are prohibited from scattering their material or tools over adjoining lots or from blocking roadways or walks, or from leaving their material or tools on the grounds longer than is absolutely necessary. They must do as little injury to the ground, trees and shrubs as is possible and must remove all debris and restore the ground to its original condition.
- D. Damage done to lots, walks, trees, shrubs, drives or other property, by the dealers or contractors or their agents shall be charged to and paid for by the dealer or the contractor, agent or to his principal.
- E. No material, machinery or other thing for construction of vaults, monuments, or other structures, or the monuments or structures themselves shall be brought into the cemetery until required for immediate use; nor under any circumstances when a funeral is in progress; none between Friday noon and Monday morning; and no work shall be done during said time; nor shall such material be placed on lots without special permission of the mayor or designee.
- F. Work shall proceed promptly until the erection of the memorial is completed.
- G. While a funeral or an interment service is being conducted nearby, all work of any description shall cease.
- H. Approaching the bereaved and soliciting memorial business within the cemetery is absolutely prohibited.
- I. Memorial dealers shall abide by the rules and regulations of the cemetery and the current recommended installation guidelines agreed to by the American Cemetery Association and the Monument Builders of North America adopted as part of the Rules and Regulations of the Evanston City Cemetery.

17. VAULTS

Vaults are required for all burials, except for cremations, and must be of concrete, fiberglass or metal construction.

18. DECORATION OF LOTS

A. UNIFORMITY, LIABILITY, PLACEMENT & REMOVAL

1. The city reserves the right to regulate the method of decorating lots to maintain uniformity and beauty of the cemetery grounds. The city also reserves the right to remove any decoration if they are in-appropriate, become unsightly, are blown off the monument area, interfere with routine mowing, trimming and maintenance of the cemetery grounds, become a public safety hazard or do not meet the intent of the cemetery policies.
2. The city shall not be held liable for lost, misplaced, broken or stolen decorations, containers or vases, or for damages by the elements, thieves, vandals or by causes beyond its' control.
3. Standard, seasonal and non-conventional decorations may be placed on a burial space (grave site) upon interment and all decorations will be removed seven (7) days after interment and discarded.
4. Standard, seasonal and non-conventional decorations may be placed on a monument (headstone) at any time and will be removed as described below:
  - a. All standard, seasonal and non-conventional decorations, including posts, will be removed from all grave sites one week after Memorial Day, each year and discarded.
  - b. All seasonal and non-conventional winter decorations will be removed from all grave sites by April 1<sup>st</sup> of each year and discarded.
  - c. Memorial trees or shrubs will only be allowed after consideration and approval of the Cemetery Supervisor, based on the cemetery beautification master plan.
  - d. Glass, porcelain or any other related material used for headstones, decorations, vases, etc., is not permitted in the cemetery and will be removed.
  - e. Any decoration or material that is found to be hazardous or unsafe will be removed from the cemetery.

B. STANDARD MONUMENT DECORATIONS

1. Live, fresh cut or artificial flowers, sprays and wreaths may be placed on any grave site one week prior to Memorial Day and will be removed one week after Memorial Day each year, or sooner, if they become unsightly, blown off the graves or interfere with routine mowing and maintenance procedures.

2. Live, fresh cut or artificial flowers may be placed in a container or permanent vase at any time. However, they will be discarded when dead, faded, broken or anything of a similar nature.
3. Sprays and wreaths made from fresh cut flowers will be allowed at any time, but they will be removed within seven (7) days or when they become unsightly or detrimental.
4. Artificial sprays and wreaths will be allowed at any time. However, all artificial sprays and wreaths shall be removed when they become unsightly, blown off the graves or interfere with routine mowing and maintenance procedures.

#### C. VASES AND CONTAINERS

1. No glass containers or glass vases of any kind are permitted.
2. Permanent metal type vases must be set in concrete with minimum six inch (6") border and within six inches (6") of the monument or be an actual part of the monument. It is recommended that the owner insert all vases in the ground by November 1 of each year to prevent winter damage.
3. In the areas where there is a main memorial and a secondary flush memorial, there shall be no permanent vases in front of the secondary flush memorial.

#### D. SEASONAL AND NON-CONVENTIONAL DECORATIONS

1. Seasonal and non-conventional decorations that are placed on a monument, hung or supported above the monument area on a post or tri-pod, must meet the following requirements:
  - a. Must be placed within a six inch (6") area from the edge of the monument (headstone).
  - b. May not extend out more than six inches (6") beyond the edge of the monument (headstone).
  - c. Must be a minimum of twelve inches (12") off the ground, if hung or supported above the monument (headstone).
  - d. May not be permanent or set in concrete.
  - e. Only one (1) post is permitted per burial space.

- f. There may be no statues or other decorations cemented, glued or attached permanently to a headstone.
- g. Alcohol containers of any kind are not permitted on a headstone.

19. CONDUCT OF PERSONS WITHIN THE CEMETERY

A. CONDUCT

Persons within the cemetery grounds shall use only the roads, drives or walks as thoroughfares and no person shall walk on the grass, except that be the only way to reach his lot, or except that a workman may use that space necessary to perform the necessary care or services in connection with the lot. Any person while on any portion of the cemetery other than the roads, drives or walks, are hereby declared to be trespassers and shall in no way hold the city liable for any injury sustained.

B. ALCOHOL

No alcohol is permitted within the boundaries of the cemetery and the city Open Container ordinance is in effect.

C. REMOVAL OF FLOWERS, ETC. FORBIDDEN

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubs or plants, or feeding or disturbing birds or other animal life within the cemetery.

D. VISITORS

Visitors are welcome on the cemetery grounds during the regular hours (sunrise to sunset).

E. RUBBISH

Throwing rubbish on any part of the grounds or building, except those designated by the city, is prohibited.

F. VEHICLES

Vehicles shall not be driven through the cemetery at a speed greater than ten (10) miles per hour. At no time shall snow machines, all terrain vehicles or other recreational vehicles at any time be permitted on the cemetery grounds. No overnight parking is permitted within the cemetery grounds. Parking in the cemetery is only allowed for visitation of burial lots, graves or for cemetery business.



G. TRUCKS AND HEAVY HAULING

Heavy hauling trucks or commercial vehicles of any kind are not permitted within the cemetery grounds, except if they are on business or in connection with the cemetery work.

H. PEDDLING OR SOLICITING

Peddling of flowers or plants, markers, headstones, vaults, etc. or soliciting the sale of any commodity, including the posting of any type signs or advertisement, are absolutely prohibited within the confines of the cemetery.

I. FIREARMS

No firearms shall be permitted within the cemetery, except at a military funeral or similar occasion, by a police officer or by a special permit from the mayor or designee.

J. FIREWORKS

No fireworks shall be permitted within the grounds of the cemetery at any time.

K. NOTICE OR ADVERTISEMENTS

No signs or notices or advertisements of any kind shall be permitted within the cemetery grounds unless authorized by the mayor or designee.

L. DOGS, HORSES AND OTHER ANIMALS

Dogs, horses or any other animals shall not be allowed in the cemetery grounds. The owner or keeper of any animal which trespasses upon the cemetery grounds shall be liable for any damage done by said animal. The city shall not be liable for any damage done by animals and does not assume responsibility for keeping animals out of the cemetery grounds.

M. HOURS GROUNDS AND BUILDINGS OPEN

The cemetery grounds will be open from sunrise to sunset.

N. MAYOR OR DESIGNEE TO ENFORCE RULES

The mayor or his designated representatives, is hereby expressly empowered to enforce these rules and regulations, and to exclude from the cemetery properties any person violating the same. The mayor or designee shall have complete charge of the cemetery grounds and buildings, and, at all times, shall have direct or indirect supervision of all persons within the cemetery, including the conduct of funerals, traffic, employees, lot owners and visitors.

O. EMPLOYEES

Employees within the cemetery grounds shall conduct themselves with decorum at all times and with strict accordance with these rules and regulations. This applies to outside workers, stone masons, florists, etc., as well as those persons directly employed or contracted by the city.

20. FEES, GRATUITIES AND COMMISSIONS

Fees, gratuities and commissions may not be accepted by city employees, city hall designee, designated agency employees or contract personnel. No person, while employed or contracted by the city, shall receive any fee, gratuity or commission, except from the city either directly or indirectly, under penalty of immediate dismissal. All fees, payments or charges for any cemetery property or service shall be paid to the city at the office of the mayor or designee.

21. CERTIFICATE OF TITLE AND THESE RULES AND REGULATIONS SOLE AGREEMENT

The Certificate of Title of the lot and these rules and regulations and any amendments thereto shall be the sole agreement by and between the city and the lot owner. The reference to these rules and regulations in the Certificate of Title of a lot or burial space shall have the same force and effect as if these rules and regulations were set forth in full therein.

Any lot owner has the right to appeal to the mayor or designee on any decision made.

22. EXCEPTIONS, MODIFICATIONS, AND ADOPTION

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

The city hereby expressly reserves the right, at any time or times, to adopt new rules or regulations, to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these rules and regulations. Such new or amended rules and regulations shall be binding on the owners of all lots or burial spaces regardless of the date such owner acquired title.

## INSTALLATION GUIDELINES

AGREED TO BY THE AMERICAN CEMETERY ASSOCIATION

AND THE MONUMENT BUILDERS OF NORTH AMERICA

### INTRODUCTION

These guidelines concerning the installation of memorials are intended to protect the respective interests of cemetery lot owners, cemeteries, independent sellers and installers of memorials, and the general public.

#### 1. GENERAL

The following provisions shall govern generally the activities of independent sellers and installers (“seller/installer”) of markers, memorials and monuments (“memorials”) in connection with the preparation and installation of memorials in managed cemeteries. Employees of a seller/installer shall be expected to provide a level of installation service and performance not less than that of the staff of the cemetery in which the installation is taking place.

- A. The seller-installer will be responsible to the cemetery for any actions he has committed which cause damage to the cemetery grounds, including roadways, other than normal use.
- B. All work in connection with the preparation and installation of a memorial or the cutting of an inscription will cease while a funeral is in procession or a committal service is being conducted nearby.
- C. All installation work and the cutting of inscriptions will be done during cemetery normal weekly hours or at such other times as may be arranged by the cemetery.
- D. The seller/installer of memorials will not sell or install any memorial that is not in accordance with the lawful published specifications, guidelines and instructions provided by the cemetery, for quality and design of memorials, and quality and method of installing memorials. If the seller/installer of a memorial should sell and install a memorial that is not in accordance with the lawful published specifications, guidelines and instructions of the cemetery, then the seller/installer must remove the memorial at the seller’s expense and shall pay any reasonable expenses incurred by the cemetery in connection with the removal.
- E. The cemetery will give lot locations and any other information from its records without charge to the seller/installer of memorials, which is essential for the seller/installer to locate the proper grave. The cemetery may require that its personnel certify the location prior to any work by an installer.
- F. Cemeteries and the sellers/installers of memorials shall resolve disputes concerning installations through binding arbitration.

2. AUTHORITY

- A. The lot owner and his agent, next-of-kin, or personal representative shall have the right to purchase a memorial and/or installation service from any seller/installer of memorials provided that the memorial and installation service is in accordance with the lawful published specifications, guidelines and instructions of the cemetery.
- B. The cemetery is entitled to determine that the person ordering the memorial and installation service is authorized to do so, to the extent this may be determined by the records the cemetery is obligated to keep, as consistent with rules and regulations of the cemetery.
- C. The seller/installer of memorials may be authorized by the lot purchaser or his agent, next-of-kin, or personal representative to perform all necessary work related to preparation and installation of the memorial.
- D. The cemetery shall provide lot owners, next-of-kin, their families and their agents or personal representatives, including sellers/installers of memorials, without charge, the locations of graves from cemetery records.
- E. The seller/installer of memorials, acting on behalf of the memorial purchaser, shall give seven (7) days prior written notice, or such lesser notice as the cemetery will accept, to the cemetery of any installations(s) the seller/installer intends to make in the cemetery, for the cemetery's administrative needs. This notice shall contain the full name, address and relationship of the memorial purchaser to the decedent for whom the memorial is being installed. The written notice must also contain the type and size memorial, the material (such as granite, marble or bronze), and the full name(s) and dates of the person(s) interred in the grave.
- F. The cemetery will notify the seller/installer within two working days if there are any errors in the written notice.

3. SPECIFICATIONS

- A. Cemeteries may have different installation specifications and practices due to different climatic conditions, different soil conditions and different types and sizes of memorials.
- B. A cemetery shall provide reasonable written specifications and instructions governing installation of memorials which shall apply to all installations whether performed by the cemetery or by an independent seller/installer of memorials. These written specifications shall include provisions governing hours of installation or any other administrative requirement of the cemetery.
- C. A copy of these written guidelines shall be provided upon request, without charge, to the lot

owner, next-of-kin and personal representative or agent, including a seller/installer.

- D. The seller/installer shall comply with the cemetery's lawful written installation specifications and instructions.

4. INSTALLATION PERFORMANCE

- A. In addition to following the cemetery's lawful written installation specifications and instructions, the seller/installer shall observe the following recommended installation practices:
1. The seller/installer shall locate the grave space as outlined on the cemetery plot plan, which plan shall be provided, without charge by the cemetery.
  2. The seller/installer shall follow the cemetery's instructions regarding positioning of the marker or memorial.
  3. All sod and dirt removed during excavation will be carefully removed. None will be left on the cemetery lot except that needed to fill the space between the memorial and the adjacent lawn.
  4. The memorial will be transported to the cemetery lot in a manner which will not cause damage to the cemetery lawn.
  5. The center line of the memorial will be aligned laterally and longitudinally with the center of the grave in accordance with the cemetery's written instructions.
  6. The seller/installer will carefully fill in any areas around the memorial with topsoil or sand, in accordance with the cemetery's written instructions.
  7. The seller/installer will remove equipment and any type of debris which may have accumulated in the process of installing the memorial.
  8. The seller/installer will also check to see if any adjacent memorials have become soiled or dirty due to his work of installing his memorial and, if so, will clean such memorials.
  9. If the seller/installer should accidentally damage any cemetery property, he shall first notify the cemetery of the damage. He shall then repair such damage as soon as possible upon approval by the cemetery. The seller/installer must show current proof of Workers Compensation as required by state laws and must also show current proof of liability insurance in the amount of \$300,000 to \$500,000 to indemnify the cemetery against claims resulting from installation. Evidence of the above limits of liability insurance precludes the requirement for any type of

performance bond unless required by special project or by governmental statute. Further, that any conditions and/or obligations imposed on the seller/installer by similarly imposed on other providers of goods and services to the cemetery.

10. When the seller/installer has completed the installation of all memorials in that cemetery that he plans to install that day, he must go to the cemetery office and give notice of work completed on that date.
  - B. Following notice by the seller/installer that the installation(s) work is completed, the cemetery may, but is not required to, inspect the installation. Further, if during installation, the cemetery personnel determines that specifications are not being followed, they may cause work to be stopped until the infraction is corrected.
  - C. If the cemetery believes a memorial has not been installed correctly, or that the seller/installer has damaged the cemetery grounds or property, the cemetery must, within seven (7) days, notify the seller/installer in writing of such errors.
  - D. If the cemetery should find any debris, equipment, or any other undesirable thing that the seller/installer has left in the cemetery, then the cemetery shall call the seller/installer immediately upon discovery and the seller/installer will then be required to remove such items.
  - E. If a memorial should sink, tilt or become misaligned within twelve (12) months and the cemetery believes this is due to faulty installation, the cemetery shall notify the seller/installer in writing so that the seller/installer can correct it. The seller/installer would not be responsible if the damage were caused by the cemetery, including but not limited to inadequate written specifications and instructions, running a backhoe over the memorial, carrying a vault or other heavy equipment, or opening or closing a grave adjacent to the memorial.