

ORDINANCE NO. 2472

AN ORDINANCE adopting regulations and procedures for the operation and maintenance of the Camas Cemetery.

WHEREAS, the City has entered into an Agreement with the Camas Cemetery Association whereby the City is going to assume ownership, operation, and maintenance of the Camas Cemetery, and

WHEREAS, the Council desires to adopt regulations and procedures for the operation of the Cemetery,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

Section I

There is hereby added to the Camas Municipal Code a new Chapter 12.40 as set forth in Exhibit "A", attached hereto and by this reference incorporated herein.

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 18th day of December, 2006.

.SIGNED: Paul J. Deir
Mayor

ATTEST: John M. Surgen
Clerk

APPROVED as to form:
[Signature]
City Attorney

EXHIBIT "A"**Chapter 12.40 Cemetery****12.40.010 Definitions.**

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

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

“City” means the city of Camas.

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

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

“Companion or double graves” means two single graves side by side.

“Cremated remains” means a human body after cremation in a crematory.

“Funeral” means a memorial service for a deceased person.

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

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

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

“Interment” means the (a) burial, (b) entombment or (c) inurnment of human remains.

1. “Burial” means the disposition of human remains by earthen burial in a grave.
2. “Entombment” means the placement of human remains in a crypt either above or below ground.
3. “Inurnment” means placing of cremated remains in an urn in a grave, crypt, or niche.

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

“Memorial” means (a) a monument, tombstone, grave marker, tablet or headstone identifying a grave or graves or (b) a name plate or inscription identifying a crypt or niche to preserve remembrance or (c) a name inscribed on the a remembrance wall.

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

“Plot” means a grave site or lot.

12.40.020 Operation and Maintenance.

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

12.40.030 Admission to Cemetery.

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

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

12.40.040 Liability.

The following warning shall be posted near the cemetery entrance:

WARNING: THE MONUMENTS AND HEADSTONES ON THESE PREMISES MAY FALL RESULTING IN SERIOUS PERSONAL INJURY IF MOVED OR CLIMBED UPON. ALL ENTRANTS ON THESE PREMISES DO SO SUBJECT TO THE FOREGOING RULES AND AT THEIR OWN RISK. THE CITY OF CAMAS SHALL NOT BE LIABLE TO ANY PERSON FOR INJURIES SUSTAINED WHILE WITHIN ANY PORTION OF THE CEMETERY.

12.40.050 Vehicles.

All vehicles must be kept under control at all times. No vehicle shall be driven in any part of the cemetery except on the driveways laid out for that purpose. Vehicles shall not be driven in the cemetery at a speed exceeding 10 miles per hour. No vehicle in excess of 10,000 pounds gross vehicle weight shall be permitted on the city cemetery grounds except with permission of the city.

12.40.060 Conduct.

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

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

12.40.070 Peddling or Soliciting.

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

12.40.080 Signs.

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

12.40.090 Authority of Cemetery Staff.

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

12.40.100 Errors may be Corrected.

The city reserves, and shall correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the cemetery staff, by refunding the amount of money paid on account of said purchase. In the event the error involves the interment of the remains of any person in such property, the staff reserves, and shall have, the right to remove and reinter the remains to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The city shall correct any errors made by placing an improper description, including an incorrect name or date on the memorial.

12.40.110 Delays.

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

12.40.120 Nonlimitation.

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

12.40.130 Amendments.

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

12.40.140 Lot Purchase.

A. Any person desiring to purchase a lot in the city cemetery shall make application to the Finance Department. Application shall be upon forms to be prepared by the Finance Department. At the time of purchase, the purchaser shall pay the sum set by resolution as the purchase price of the lot and shall be issued a receipt therefor. Payments shall be forthwith remitted to the Finance Department. Upon full payment of such purchase price, the Finance Department shall issue the purchaser a deed under the corporate seal of the city conveying to him or her the sole right to use the lot for burial purposes, but no such deed shall be issued by the Finance Department until the full sum for the lot has been

received. All deeds delivered by the city for cemetery lots or graves shall be signed by the Director of Finance or their designate and thereon the seal of the city. All such deeds shall be issued subject to rules or regulations then in force or which may thereafter be made by the city for the regulation of the cemeteries.

B. The Finance Department shall keep a complete record of each lot or single grave sold, showing the date of sale, name and address of the purchaser, number of section of lot sold and price paid therefore.

C. In the event the purchaser of a city cemetery lot desires to resell his/her lot, the Director of Finance is authorized on behalf of the city to purchase it at not more than the amount for which it was originally purchased out of moneys appropriated or budgeted for such purpose.

D. Graves shall not be reserved for future purchase.

E. Discrimination in the sale of lots and burial rights based on race, creed, color, or religion is prohibited.

12.40.150 Arrangements for Funerals and Interments.

A. Family of the deceased, friends, or licensed funeral director in the absence of family, taking responsibility for the funeral arrangements, shall come to the Camas City Hall in order to authorize the interment, make necessary arrangement and payment thereof.

B. The city shall not be responsible for any order given by telephone or for any error arising from the want of precise and proper instructions as to the particular grave, crypt or niche location where interment is desired.

C. Any person signing the authorization for interment warrants any fact set forth in the authorization, the identity of the person whose remains are sought to be interred and his/her authority to order the interment. He or she is personally liable for all damage occasioned by or resulting from breach of such warranty.

D. No interment shall be made until the permit shall be issued upon written application made by the owner of said lot. The application must state the full name of the deceased, place and date of birth, age, place and date of death, name of parent or kindred, number of lot, number of block, date of interment, the name of the funeral home, outside size of casket or box to be used, type liner or vault, and the responsible party name, phone number, and address. In case of the interment of the owner of the lot, the application shall be signed by some person known to the Director of Finance to be of the family or household or by his physician or by a licensed funeral director.

E. The city has the right to insist upon 48 hours' notice prior to any interment.

F. All funerals will take place during the regular business hours of the cemetery, Monday through Friday (8 AM-4:30 PM), except by special permission and will be subject to overtime rates.

12.40.160 Cremain Lots.

Cremain lots are four feet by four feet. Markers shall be grey granite only and the inscription shall include the name and dates only. Three inches of concrete shall surround the 12 inch by 24 inch marker. Two cremains may be interred in a cremain lot.

12.40.170 Interment Procedure.

A. Payment for graves, crypts, niches shall be made at Camas City Hall, Finance

Department. Interments will not be permitted in grave, crypts or niches without being paid for in full.

B. Graves, crypts or niches are sold for the purpose of human remains only.

C. No interments, disinterments or removals shall be permitted on Sunday or any holiday observed by the city except in case of contagious disease as required by law or by special approval from the Public Works Director.

D. No burial will be permitted in the cemetery without a properly completed burial permit or transit permit.

E. No person shall bury one body on top of another.

F. Two cremains may be interred on an occupied grave; however, only one marker may be used per lot.

G. A maximum of three cremains may be placed on an unoccupied grave with only one marker per lot.

H. Interments including opening and closing shall be done by cemetery staff or an approved contractor with suitable equipment and ability to perform. All contractor interments shall be under the direction of City staff.

12.40.180 Outer Burial Container.

A. Every earth interment shall be enclosed in a concrete two-piece grave box, concrete vault or other unit of suitable material approved by the City staff.

B. The installation of these outer containers shall be performed by cemetery staff or an approved supplier with suitable equipment and ability to perform. All contractor/supplier installations shall be under the direction of cemetery staff.

C. Ashes shall be enclosed in a suitable urn or other receptacle and shall be enclosed in an approved container at the time of burial.

12.40.190 Lot Enclosures.

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

12.40.200 Record of Internments.

In addition to the record heretofore provided for, the Finance Department shall keep a record of interment showing full name of the deceased, place and date of birth, age, place and date of death, name of parent or kindred, number of lot, number of block, date of interment, the name of the funeral home, outside size of casket or box used, type liner or vault, the responsible party name, phone number, address, and the charges.

12.40.210 Permit and Identity.

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

12.40.220 Opening the Casket.

Once a casket containing remains is within the boundaries of the cemetery, the city

reserves the right to refuse permission to all persons to open the casket or to touch the remains without the consent of the legal representative of the deceased or a court order.

12.40.230 **Delay of Interment.**

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

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

12.40.240 **Removals and Disinterments.**

- A. Remains once interred in Camas Cemetery are considered permanently disposed of and removal from one grave to another within the cemetery, or removal from Camas Cemetery to any other cemetery is strongly discouraged.
- B. Procedure for Disinterments.
 - 1. Signed affidavit(s) of the nearest of kin approving the disinterment or removal.
 - 2. Signed approval of the lot holder or their lawful representative.
 - 3. Disinterment permit from civil authorities for removal from Camas Cemetery.
 - 4. The desired lot must be selected; all charges for disinterment and reinterment, together with all other charges due, must be paid.
- C. Remains removed from other cemeteries and brought to Camas Cemetery for reinterment must be accompanied by the proper papers as prescribed by law.
- D. Disinterments including opening and closing shall be done by an approved contractor with suitable equipment and ability to perform. All contractor disinterments shall be under the direction of cemetery staff. City staff shall not perform disinterments.
- E. When, in the opinion of the city, a new outside box is needed, at the time of reinterment following a disinterment, it must be provided by the person arranging for the removal, through the cemetery.
- F. At least one week's prior notice is required for any disinterment or removal, after the rules and regulations have been complied with.
- G. Removal, by the heirs, of any remains so that the lot may be sold for profit, is not permitted.

12.40.250 **Ownership Rights.**

- A. The purchaser of a lot or lots is granted or conveyed only the right of interment of human remains and the right of installation of a memorial on each lot. The owner of the right of interment does not possess a fee interest or any other interest in the land itself.
- B. Title and rights to cemetery plots shall be governed by chapter 68.32 RCW, now and hereafter amended.
- C. Lots can be purchased at City Hall. In the event that any lot is purchased immediately prior to the time of interment, arrangement must be made for full payment of such lot before the interment will be made. A purchaser has no right, interest, estate, or title

whatsoever to any lot until the purchase price is paid in full.

D. Upon receipt of full payment for a lot, the city will issue a deed evidencing the ownership thereof.

12.40.260 Disposition of Unused or Abandoned Lots.

Should a lot holder of unused interment space no longer need the lot in the cemetery they may sell the lot back to the City at the original purchase price.

12.40.270 Death Certificate.

No interment will be permitted without the proper death certificate or burial permit as required by the health authorities. Cremated remains must be accompanied by a copy of the burial or transit permit or other document acceptable to the cemetery to certify identity of the cremated remains.

12.40.280 Individual Decorations.

A. No planting is permitted on any plot. No flower receptacles or planter boxes may be placed on any plot or in any mausoleum or columbarium unless material, size and design are approved by the cemetery board (Park Commission). The city shall have authority to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind, from the cemetery when the judgment of the cemetery staff they become unsightly, dangerous, detrimental, diseased or when they do not conform to the standards maintained by the city. The city shall not be liable for lost, misplaced or broken flower vases. The city reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. Artificial flowers are not allowed on graves during the mowing season of March 1st to November 30th with the exception of the following: For a period beginning on the Friday before and extending through the weekend following Easter, Mother's Day, Memorial Day, and Father's Day.

B. No person shall remove any part of any tree or shrub in the cemetery, whether on his lot or not.

C. Only the City staff or employees of approved contractors/suppliers may plant any plants, trim vegetation, install monuments, build any structures or dig graves in the cemetery, and no one shall place any articles upon graves except as permitted in this chapter.

D. The placing upon plots of boxes, tubs, shells, toys, metal designs, ornaments, chairs, settees, vases, glass jars, alcoholic beverages, rocks, gravel, tin or iron or earthenware jars or jugs and similar articles, is not permitted and if so placed, the city may remove the same.

E. Artificial, dyed or preserved flowers, photographs, souvenirs, wreaths, or flags or other emblems, are prohibited on columbariums. If so placed therein, they may be removed by the city.

F. Natural plants left on graves will be left, when possible, for a period of one week plus one weekend.

G. Christmas decorations shall be removed within two weeks after Christmas Day.

12.40.290 Monuments, Headstones, Markers.

A. All monuments, headstones, markers shall be delivered to the cemetery and they will be installed by the city staff or shall be installed by an approved contractor/supplier with

suitable equipment and ability to perform. All contractor/supplier installed monuments, headstones; markers shall be installed under the direction of cemetery staff. All installation charges shall be made in accordance with the size of the monument, headstone, or marker installed.

B. All markers, monuments, and headstones must be of a uniform size and be set flush with the contour of the ground except in approved areas of the cemetery. No monument shall be erected on any two grave lots the dimensions of which are greater than 48 inches by 12 inches with vase and not less than three inches thick, the same to be set flush with the sod. No monument shall be erected on any two grave lots the dimensions of which are greater than 48 inches by 16 inches without vase and not less than three inches thick, the same to be set flush with the sod. No monument shall be erected on any single grave lot the dimensions of which are greater than 36 inches by 12 inches with vase and not less than three inches thick, the same to be set flush with the sod. No monument shall be erected on any single grave lot the dimensions of which are greater than 36 inches by 16 inches without vase and not less than three inches thick, the same to be set flush with the sod. No foot stones for graves shall be allowed.

C. Grave owners are responsible to install markers on all graves within one year of interment. Grave owners must keep in good repair all stones or monumental work upon the grave. The city does not bind itself to furnish, install, maintain, repair or replace, or trim around any grave marker or monumental structures erected upon the grave.

D. The city allows the maximum of one marker per grave or companion (double) grave.

E. The city reserves the right to exclude or remove from any grave and headstone, monument, marker or other structure which may conflict with these regulations or which the city may consider injurious to the general appearance of the grounds.

F. No person shall place within the cemetery any monument made of any material other than marble, bronze, marble, slate stone, or other approved material. All monuments shall be properly supported with a concrete casing.

G. No lots shall contain any slab stone nor any head stone in any erect or vertical position except in designated areas. Aforementioned markers, monuments shall be on a concrete foundation; the space between the stones filled in with concrete, with a six inch border of concrete around stones. Old stones may be maintained, repaired and reset in the same manner.

12.40.300 Cemetery Fees and Charges.

The schedule of prices of all lots, blocks, crypts, niches or parcels of land in the platted portion of said cemetery property and, also prices for opening and closing graves, grave liners, perpetual care, setting of markers and all other services, shall be fixed and adopted by resolution of the city council and filed in the Finance Department at City Hall. Said schedule of prices may be changed or altered by like resolution of the city council from time to time as in its judgment may be necessary or proper.

12.40.310 Indigent Burials.

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

12.40.320 Cemetery Board.

The cemetery board shall be comprised of the same city council members and private citizens that serve on the Parks and Recreation Commission as appointed by the mayor of

the city. The board shall advise the mayor and city council on policy matters relating to the long-range planning, capital improvements, fee structure, cemetery expansion, rules and regulation, and budget of all cemeteries belonging to the city. The board shall not have authority to enter into any contract, incur any indebtedness, or take any personal action unless specifically authorized by the mayor and city council. The board may also solicit or receive, on behalf of the city council, any gifts or bequest of money for cemetery purposes; however, gifts of real or personal property will not be accepted without prior approval of the city council. A meeting of the board shall be held at least three times a year, at a regularly scheduled Parks and Recreation Commission meeting. The City Parks and Recreation Manager shall be responsible for providing adequate and appropriate staff support to the board.

12.40.330 **Miscellaneous Provisions.**

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

12.40.340 **Miscellaneous Regulations.**

- A. Picking flowers, breaking or injuring trees or shrubs or in any way injuring any monument or headstone is prohibited and subject to penalty according to state law. If anything is placed on a grave which is deemed improper, it will be removed.
- B. Bills due the city for labor and materials and supplies are a lien on the grave until paid.
- C. Dogs are not allowed in the cemetery, except service dogs.
- D. Firearms permitted in the cemetery only at military funerals.
- E. No utensils or devices used in the upkeep of lots, or refuse material resulting from such upkeep shall be left on lots. Any such items found on lots will be removed and disposed of.
- F. The city council shall have the right to make exceptions from the foregoing rules when deemed advisable. Such exceptions shall not be considered as rescinding or waiving any of these rules. Any waiver that may be made by the city council shall not be or considered to be continuing waiver and shall not bar the city or city council from enforcing the usual rules and regulations at any later time if it may be desired so to do.

12.40.350 **Violation--Penalty.**

Anyone convicted of violating any section of this chapter shall be guilty of a misdemeanor, and upon conviction therefore shall be punished by a fine not to exceed \$1,000.00 or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

ORDINANCE NO. 2472

On December 18, 2006, the City Council of Camas enacted Ordinance No. 2472, which adopted regulations and procedures for the operation and maintenance of the Camas Cemetery. A copy of the full text of the ordinance will be mailed to any person upon request.

DATED this 19th day of December, 2006.


Joan Durgin, City Clerk