

ORDINANCE # 1063-03

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VALLEY CENTER, KANSAS
ESTABLISHING RULES OF OPERATION FOR MUNICIPAL CEMETERIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER,
KANSAS: to wit:

Section 1. The Code of the City of Valley Center, Kansas is amended to add Article 12.70
which shall read:

ARTICLE 12.70. CEMETERIES

12.70.101. SUPERVISION. There is hereby created a Cemetery Board consisting of the Mayor, City Clerk, Park Superintendent and a City Councilmember appointed by the Mayor with the approval of the City Council. The cemetery shall be controlled by the Board and administered by the City office. The city may hire such personnel as it deems necessary to carry out the purpose and intent of this article. The city council shall have one person to be designated as the cemetery sexton.

12.70.102. HOURS.

(a) All municipal cemeteries shall be open for the conduct of business between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except for holidays. It shall be unlawful for any person to enter any municipal cemetery or to drive any motor vehicle or park the same in the cemeteries from one (1) hour after sunset until sunrise. Any person upon the premises from one (1) hour after sunset until sunrise shall be guilty of a criminal trespass on the cemetery premises and the penalty thereof shall be the same penalty as that imposed for other violations of this ordinance; provided, however, authorized city personnel may enter the cemetery during otherwise prohibited hours.

(b) No burial shall take place on Saturday after 12:00 noon, Sundays or holidays except at a time of catastrophe, disaster or epidemic.

12.70.103. VAULTS. All caskets shall be interred in an outside container to be a minimum type, two-piece concrete box. Steel or concrete vaults also can be used. Wooden vaults shall be prohibited. Arrangements for burial or other installations shall be made in advance to the cemetery sexton at the city clerk's office.

12.70.104. CREMATIONS.

(a) Cremation remains shall be placed in an approved urn.

(b) No more than two (2) cremations shall be allowed to be interred on any single lot space.

(c) Only one (1) headstone marker is allowed on a lot space no matter how many cremation remains are interred thereon. Multiple names may appear on the headstone marker.

(d) All urns shall be installed in concrete and aligned with the head stone.

12.70.105. MONUMENTS, STONES AND URNS.

(a) All monuments and stones shall be set on concrete footings. The footings shall be flush with the ground and shall extend a minimum of six (6) inches outside the base dimensions of any monument or stone. Foundations for single stones to be four (4) inches deep and double stones six (6) inches deep. The depth of the concrete footings and bases shall be inspected by the cemetery sexton. All concrete footings shall be finished and edged.

(b) The general location of all stones or monuments on any grave site shall be located and placed as directed by the cemetery sexton. All headstones shall be positioned and aligned in the same manner. No stone or monument can be set until arrangements are made with the

cemetery sexton and installations are to be made under the supervision of the cemetery sexton. No Saturday, Sunday or holidays stone settings or any other installations will be permitted.

- (c) Monuments and/or stones may not exceed forty-eight inches (48") in height.
- (d) All stones and monuments may be realigned or relocated by the cemetery sexton and the sexton is also authorized to repair and reset bases and stones as the need requires. There will be a charge for labor and materials according to what has to be done.
- (e) Organizational emblems shall be placed on either north or south side of monuments within the extended dimensions of the monument.
- (f) All urns shall be installed in concrete and aligned with the head stones.
- (g) No permanent structure shall be placed on grave spaces other than identified and authorized above.
- (h) No grave closings shall be allowed without permission of the cemetery sexton.
- (i) Any "veteran" stone is the responsibility of the family of the deceased.

12.70.106. DECORATIONS. Decorations shall be permitted from October 1 to May 10 as allowed in subparagraphs (a) and (b) hereto:

- (a) Flowers which are placed in urns which are a part of a headstone and are embedded in a concrete base may be permitted at all times.
- (b) Seasonal flowers, cut flowers, artificial plants or flowers and wreaths shall be permitted over the grave spaces for a period of two (2) days preceding and ten (10) days following Memorial Day.

12.70.107. SHRUBBERY. No one shall be authorized to plant upon any grave site except as authorized by the Cemetery Board.

12.70.108. SPEED LIMIT. The speed limit for motor vehicles in any municipal cemetery shall be 10 m.p.h. and it shall be unlawful for any person to exceed the limit

12.70.109. FIREARMS. It shall be unlawful for any person to have in their possession any firearm or fireworks while in the cemetery. This section shall not apply to military personnel, members of veterans organizations performing ceremony or law enforcement officers. The discharge of any firearm or fireworks in the cemetery is prohibited except for military personnel or members of veterans organizations while participating in military or memorial services.

12.70.110. USE OF LOTS. The lots in the cemeteries shall not be used for any other purpose other than as a place for the burial of human dead and all interments and lots shall be restricted to the immediate family members of the owner and their heirs, unless special permission has been obtained in writing from the lot owner, in which case such written permission shall be attached to the certificate of interment.

12.70.111. ENCLOSURES PROHIBITED. Fences, hedges, curbing and enclosures of any kind around lots are strictly prohibited.

12.70.112. IMPROPER INSCRIPTION REMOVAL. If any monument, effigy or any structure whatever or any inscription be placed in or upon any lot which shall be determined by the sexton to be improper or offensive or injurious to the appearance to the surrounding lots or grounds, the sexton shall report the same to the Cemetery Board and if after due investigation the same is found to be improper, offensive or injurious, the Cemetery Board shall order the owner to remove such improper, offensive or injurious subjects or

inscriptions and if the lot owners neglect or refuse within thirty (30) days after receiving notice of order of removal to remove the same then the Cemetery Board shall cause the same to be removed.

- 12.70.113. PURCHASE OF LOTS. The purchase price of lots and burial spaces in the cemeteries shall be determined and fixed by the governing body and no interment shall be permitted or deed delivered until the purchase price has been paid in full.
- 12.70.114. TRANSFER OF LOTS RESTRICTED. No lot owner shall be allowed to sell or convey his or her lot or any part thereof by gift or otherwise unless such conveyance is first filed of record in the office of the city clerk before the transfer shall become effective.
- 12.70.115. REMOVAL OF BODIES. No body, after being interred in such cemetery, shall be removed from the cemetery or from one burial place therein to another in the cemetery without permission having been first obtained from the Cemetery Board. The charges for the opening and closing of the graves in the case of removal shall be set by the Cemetery Board.
- 12.70.116. NOTICE OF INTERMENT AND PERMIT THEREFORE. Whenever an interment is contemplated, timely notice thereof shall be given to the sexton of the cemetery and the following information shall be given to-wit: name of deceased, name of owner of the burial space on which interment is to be made and legal description of the same.
- 12.70.117. TRESPASSING PROHIBITED. It shall be unlawful for any person to walk over, upon or across or drive any vehicle over, upon or across any lot or burial space in the cemeteries except as is required by city personnel to maintain the cemeteries, also for installation of monuments and stones with the sexton's approval.
- 12.70.118. DAMAGE TO PROPERTY. It shall be unlawful for any person to pluck any wild or cultivated flowers or to injure any tree, shrub or plant in the cemeteries or to write upon, damage, mar, or deface the monuments or other property in the cemeteries.
- 12.70.119. CONSTRUCTION OPERATION SUPERVISION. In the erection of monuments, tombs or other structures in the cemeteries, a place will be designated by the sexton for the deposit of building materials and implements which shall not remain longer on the grounds that is actually necessary. Should such implements or materials be left on the grounds, the sexton shall cause the same to be removed to some suitable place at the owners cost. All workmen employed in construction upon the lots and grounds of the cemeteries shall be subject to the control and direction of the sexton. Any workmen failing to conform to this regulation and the other requirements of this article shall not thereafter be permitted to work on the grounds.
- 12.70.120. FEES. The cost of lots, burial permits, stone setting permits, grave openings, exhuamations and any other fee associated with the operation of the Municipal Cemetery shall be reviewed periodically by the Cemetery Board with recommendations made to and a schedule of fees approved by the City Council.
- 12.70.121. General Penalty Section. Anyone found to be in violation of this ordinance shall be fined in a sum not to exceed one thousand dollars (\$1000.00) and confinement for a period of time not to exceed one hundred eighty (180) days, or both such fine and incarceration.

Section 2. This ordinance shall be in effect from and after its publication one time in the official City newspaper.

PASSED by the governing body of the City on December 16, 2003 and signed and APPROVED by the Mayor.

First Reading: December 2, 2003
Second Reading: December 16, 2003

Robert W. Robinson
Mayor

Attest: _____
Kristine A. Polian, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on December 16, 2003; that the record of the final vote on its passage is found on page ____ of journal ____; and, that it was published in The Ark Valley News on December 18, 2003.

DATED: _____

City Clerk