

(Published in the Osawatomie Graphic, August 16, 2006) 1t

ORDINANCE NO. 3600

AN ORDINANCE PERTAINING TO MUNICIPAL CEMETERIES AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS:

SECTION 1: CITY CLERK'S DUTIES. The city clerk shall have the custody and keeping of the original and official cemetery records of lots, conveyances, owners and interments in the municipal cemeteries and shall keep an official plat of the cemeteries in the city clerk's office. The city clerk shall collect and account for cemetery funds from the sale of lots or received from other sources and shall issue all cemetery deeds and permits as authorized by law or ordinance.

SECTION 2: BURIAL PERMIT REQUIRED. It shall be unlawful for any person or any agent for any person to bury or attempt to bury their dead in a municipal cemetery without first notifying the city clerk's office. Burials may not be made in a wooden box, but must be made in a two-piece concrete receptacle or a vault approved in advance by the city clerk or authorized representative.

SECTION 3: CHARGES. The following fees and charges shall be made for cemetery services in the municipal cemetery as set forth in the Annual Fee Resolution.

SECTION 4: SALE OF LOTS. All lots shall be sold for such sums in each case as may be fixed thereon from time to time by the governing body. No lot or lots shall be used as a burial place until the purchase money shall have been paid and the purchaser shall have received a deed therefor. Upon the presentation to the city clerk of the purchase money, there shall be issued to the purchaser, a certificate of such purchase, under the seal of the city which certificate shall be signed by the mayor and countersigned by the city clerk, and such certificate so signed as aforesaid shall convey the estate which, by law in such case made and provided, is intended to be conveyed for the sole purpose of interment.

SECTION 5: TRANSFER OF LOTS. For the purpose of preventing profiteering in dealing in cemetery burial lots, it is hereby declared to be necessary that certain restrictions be placed upon the resale of lots. No person shall have a right to sell or otherwise dispose of any burial lot or lots which are acquired in the municipal cemeteries or any additions thereto subsequent to the effective date of this article to any person, firm or corporation, without first having the consent of the City of Osawatomie. The city shall have the right to purchase-said lot or lots at the price for which said lot or lots were originally sold.

SECTION 6: FUNERAL DIRECTORS RESPONSIBLE FOR BURIAL FEES. All funeral directors who have charge of interments in a municipal cemeteries shall receive and accept the responsibility for the payment of such interment charges as may be made by the governing body unless such funeral directors state, in writing, to the city clerk at least twenty-four (24) hours before time of interment, that they will not be responsible for such interment charges. All interment charges shall be paid in advance before any grave is opened.

SECTION 7: MONUMENTS. Provisions relating to the regulations pertaining to monuments shall be as follows:

- a. No monument shall be over three (3) feet in height except military stones. The north half of Section 3 of the Osawatomie Cemetery shall not be over (4) feet in height. No foot or corner stones will be permitted above the ground. Military monuments will be standard government height except when used as footstones.
- b. All monuments must be on a foundation of wet poured concrete, not less than 4" in depth. No prefabricated foundations will be permitted. The foundation shall extend beyond the actual base of the monument to form a four (4) inch collar at ground level on all sides.
- c. Monuments and all above ground memorializations are to be placed in the west two (2) feet of each grave.
- d. No temporary markers shall be allowed to remain in the municipal cemetery over six (6) months.
- e. Mausoleums must be built according to the State Board of Health specifications, and only in places where the city shall direct.
- f. No person shall place any monument, footstone, or headstone upon any lot in the municipal cemetery without first securing a one time bond fee and a permit for each stone from the City Clerk. No monument shall be permitted until the person setting the stone shall present to the cemetery foreman a valid permit for such work signed by the city clerk's office. Monuments shall not be set by the city but shall be set under the supervision of the cemetery foreman and according to his specifications.
- g. Forms must be removed within ten (10) working days.

SECTION 8: MAINTENANCE - REGULAR CARE. General maintenance of all lots in the municipal cemetery at no cost to the owners, shall be known as "regular care" and shall include the maintenance of a reasonable stand of grass, filling settled graves and mowing grass.

SECTION 9: MAINTENANCE - PERPETUAL CARE. No perpetual care arrangements will be made to give special attention to any particular grave. The city has the responsibility to tend to each grave with equal care.

SECTION 10: CEMETERY FUND. The city clerk shall receive and deposit in the general operating fund of the city, all money derived from the cemeteries of the city by the sale of lots or otherwise with the same to be disbursed only after appropriation duly made and warrants therefore duly issued.

SECTION 11: REGULATIONS. Provisions relating to the regulations pertaining to the cemeteries shall be as follows:

- a. It shall be unlawful for any person or persons to mar or injure or destroy any trees, grass, shrubbery, walks, streets, monuments or other property in or about the cemetery grounds or break open any gates or fences around or in the same.
- b. The regularly designated entrance gates shall be the sole and only means of entering and leaving the municipal cemetery. It shall be unlawful for any person or persons to trespass on the property of the municipal cemeteries.
- c. The regularly enforced city traffic regulations shall be enforced in the municipal cemeteries except that the speed limit shall not exceed ten miles per hour (10 mph).
- d. Cut flowers and plastic flowers may only be attached to the headstone or placed on the collars around the stone. Any flowers on the ground will be discarded during mowing season with flowers being picked up at the time of mowing. Further, the city shall remove, without notice, all artificial and cut flowers when their appearance becomes unsightly or not in harmony with the overall appearance of the cemetery.
- e. Flowers may be placed on the ground after five o'clock (5:00) p.m. on the Friday before Memorial Day and will be picked up seven (7) full days after Memorial Day.
- f. November 1st to March 1st any appropriate winter decoration may be used such as wreaths or blankets. After March 1st, decorations other than those permitted will be removed.
- g. Glass or tin containers and pieces of wire or anything similar to secure a basket or pot are not permitted. Any other types of structures, ornaments, plantings, decorative rock, embellishments and other decorations that are not in harmony with the overall development of the cemetery, or of a type that they may intensify maintenance problems are subject to removal if, in the judgement of the cemetery foreman, they are not in harmony with the development of the cemetery or they intensify maintenance problems.

- h. No fence, hedge, curb or planting of any kind around any lot or piece of ground will be permitted.
- i. It shall be unlawful for any person or persons to enter or be upon the ground of the municipal cemeteries with firearms of any description in their possession: Provided, that the provisions of this subsection shall not apply to officers of the law nor to members of the armed forces of the United States in the discharge of their duties.
- j. Children under the age of fourteen (14) years are hereby prohibited from the municipal cemeteries, except when accompanied by an adult responsible for their conduct.
- k. It shall be unlawful for any person or any agent for any person to move or attempt to move any body interred in a municipal cemetery without first applying to the city clerk for permission to do so.
- l. No person shall be permitted on municipal cemetery grounds between the hours of ten o'clock (10:00) p.m. and five o'clock (5:00) a.m.

SECTION 12: REOPENING GRAVE; DISINTERMENT; PERMIT; FEES. Provision relating to reopening graves, disinterment, permit and fees shall be as follows:

- a. Any person desiring to reopen any grave in a municipal cemetery to disinter or remove a body therefrom shall first obtain a permit from the State Board of Health, and second, a permit from the city clerk upon proper application and payment of the deposit required by this article. The application and permit shall set forth the number of the section, lot, and space on which the grave is situated, the name of the person buried, the time of such burial and the place where such body is to be re-buried. The charge for disinterment will be set by the governing body at the time of disinterment.
- b. The fee for reopening a grave and removing a body therefrom shall be equal to the Actual cost to the city for the work done plus an amount equal to ten percent (10%) of such actual cost.
- c. When the applicant proposes a reinterment in another lot in a municipal cemetery, a service charge shall be paid in the amount required for an original interment, in addition to the disinterment permit fees as provided for herein.
- d. An order of the District Court or the judge thereof, for the exhumation of the body of a deceased person shall be of sufficient application for a permit hereunder, and in such case no deposit shall be required, but the cost of such exhumation shall be a claim against the county commissioners as provided by law.

SECTION 13: FINANCIAL RESPONSIBILITY OF CITY FOR PROPERTY DAMAGE. The city shall not be financially responsible for any damage to lots and structures or objects thereon or for flowers or articles removed from any lot or grave.

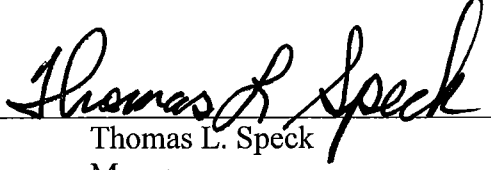
SECTION 14: PENALTY. Any person that violates any of the provisions of this article shall, upon conviction thereof, be fined any sum not exceeding one hundred dollars (\$100) plus full cost of restitution, or be imprisoned not exceeding thirty (30) days, or be both so fined and imprisoned.

SECTION 15: Ordinance No. 3395 and all other ordinances and part of ordinances in conflict herewith are hereby repealed.

SECTION 16: This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 10th day of August, 2006.

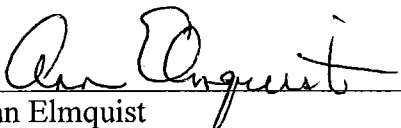
APPROVED AND SIGNED by the Mayor.



Thomas L. Speck
Mayor

(SEAL)

ATTEST:



Ann Elmquist
City Clerk