

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 16-16

**AN ORDINANCE OF THE CITY OF BUCKLEY,
WASHINGTON, AMENDING TITLE 4 OF THE BUCKLEY
MUNICIPAL CODE “CEMETERY”; AND ESTABLISHING
AN EFFECTIVE DATE.**

WHEREAS, due to declining revenues and increased maintenance and operating costs in the Buckley Cemetery the City Council directed staff to explore more cost effective alternatives for maintaining the operation of this facility approximately 1 ½ years ago; and

WHEREAS, as a result of this exercise staff identified that Weeks Funeral Home has been under contract and maintain Enumclaw’s Cemetery since 2010; and

WHEREAS, Weeks Funeral Homes expressed interest to the City that they would be willing to enter into a similar agreement with Buckley to maintain the Cemetery in this community, as well; and

WHEREAS, on April 26, 2016 the City and Weeks Funeral Homes entered into a formal 5 year maintenance agreement for operation and maintenance of the City Cemetery; and

WHEREAS, as a result of the transfer and change of duties and responsibilities many of the code provisions in BMNC Title 4 governing the operation of the Cemetery are in conflict with the terms of the agreement; and

WHEREAS, City staff reviewed the current operating policies and procedures in Title 4 and terms of the agreement and identified the conflicts and potential changes that would reconcile the two; and

WHEREAS, staff have identified these changes in a proposed amendment to BMC Title 4; and

WHEREAS, the City Council concurs with staff’s recommendation and desires to adopt the amendments to BMC Title 4 as presented; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 4.04 of the Buckley Municipal Code entitled “Superintendent” is hereby amended to read as follows:

4.04.010 Duties.

The duties of the cemetery superintendent shall include responsibility for the management, care and upkeep, and scheduling of all activities in and around the city’s cemetery. The city utility superintendent or designee shall act as the cemetery superintendent.

Section 2. Chapter 4.08 of the Buckley Municipal Code entitled “Definitions” is hereby amended to read as follows:

4.08.010 Human remains – Remains.

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

4.08.020 Cremated remains.

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

4.08.030 Cemetery.

“Cemetery” means any one, or a combination of more than one, of the following:

- (1) A burial park, for earth interments;
- (2) A mausoleum, for crypt interments;
- (3) A columbarium, for permanent cinerary interments.

4.08.040 Burial park.

“Burial park” means a tract of land for the burial of human remains in the ground.

4.08.050 Mausoleum.

“Mausoleum” means a structure or building for the entombment of human remains in crypts.

4.08.060 Crematory.

“Crematory” means a building or structure containing one or more retorts for the reduction of bodies of deceased persons to cremated remains.

4.08.070 Columbarium.

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

4.08.080 Interment.

“Interment” means the disposition of remains by inurnment, entombment or burial.

4.08.090 Cremation.

“Cremation” means the reduction of the body of a deceased person to cremated remains in a crematory in such a manner that the largest dimension of any remaining particle does not exceed five millimeters; provided, that if a person entitled to possession of such remains under the provisions of RCW 68.50.270 is going to place the cremated remains in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, the five millimeter dimension requirement shall not apply.

4.08.100 Inurnment.

“Inurnment” means placing cremated remains in an urn or vault and placing it in a niche.

4.08.110 Entombment.

“Entombment” means the placement of human remains in a crypt or vault.

4.08.120 Burial.

“Burial” means the placement of human remains in a grave.

4.08.130 Grave.

“Grave” means a space of ground in a cemetery used or intended to be used for burial.

4.08.140 Crypt.

“Crypt” means a space in a mausoleum of sufficient size, used or intended to be used to entomb human remains.

4.08.150 Vault, lawn crypt, liner.

“Vault,” “lawn crypt” or “liner” means any container which is buried in the ground and into which human remains are placed in the burial process.

4.08.160 Niche.

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

4.08.180 Temporary receiving vault.

“Temporary receiving vault” means a vault used or intended to be used for the temporary placement of human remains.

4.08.190 Cemetery business – Cemetery purposes.

“Cemetery business” and “cemetery purposes” are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to establishing, maintaining, operating, improving or conducting a cemetery, interring human remains, and care, preservation, and embellishment of cemetery property.

4.08.200 Lot, plot or interment plot.

“Lot,” “plot,” or “interment plot” means space in a cemetery used or intended to be used for the interment of human remains.

4.08.210 Plot owner, owner or lot proprietor.

“Plot owner,” “owner” or “lot proprietor” means any person in whose name an interment plot stands of record as owner in the city office.

4.08.220 Cemetery Superintendent.

“Cemetery Superintendent” means the public works utility superintendent or his/her designated representative/designee as appointed by the mayor.

Section 3. Chapter 4.12 of the Buckley Municipal Code entitled “Setting Aside and Caring for Land” is hereby amended to read as follows:

4.12.010 Authority to set aside.

The city council is authorized to set aside any portion of the Buckley cemetery for the purpose of sale of any lot or lots. Fifteen percent of all money received from the sale of any cemetery lot shall be paid into the cemetery endowment care fund. The remainder of the proceeds from the sale of cemetery lots shall be placed in the regular cemetery operating fund.

4.12.020 Authority to acquire.

The city is authorized to accept, take and hold any property, real or personal, bequeathed or given in trust, and invest such property as provided in this title, and apply the income therefrom for the improvement or embellishment of said cemetery or for the repair, erection or preservation of any building or structure, fence or walk upon the said cemetery or for the repair, preservation, erection or renewal of any tomb, monument, gravestone, fence, railing or other erection at or around such cemetery, or for planting and cultivating trees, shrubs, flowers or plants in or around such lot or lots or for improving or embellishing such cemetery, in any manner or form consistent with the design and purpose of this chapter, and in accordance with the terms of such grant, devise or bequest.

Section 4. Chapter 4.16 of the Buckley Municipal Code entitled “Endowment Care” is hereby amended to read as follows:

4.16.010 Income.

The city is authorized to accept, take, hold and expend any grant, devise or bequest for improving any of its cemeteries or lot or lots therein, and to place all money it receives under this section in the regular cemetery fund, and to expend the same in the manner or form consistent with the design and purpose of this chapter and in accordance with the terms of such grant, devise or bequest.

4.16.020 Endowment care fund established.

The money generated from the sale of lots as referenced in BMC 4.12.010 and any grant, devise or bequest made and mentioned in BMC 4.12.020 shall be placed in a fund established in the treasury of the city known as the cemetery endowment care fund. The principal of the trust shall be kept intact and not diminished, except such principal may be used in the construction of capital construction improvements such as roadway replacement/repair, Columbarium and/or a Mausoleum construction, etc. at the cemetery. Income generated by the fund shall be placed in the regular cemetery fund and used solely for the general care, maintenance and embellishment of the cemetery. The city council shall be the trustees for the fund.

4.16.030 Recordkeeping.

An annual report, verified on oath by the city's finance officer showing the actual financial condition of the fund, shall be kept on file at City Hall. The annual reports are to be kept on file for seven years.

Section 5. Chapter 4.20 of the Buckley Municipal Code entitled "Interments and Disinterments" is hereby amended to read as follows:

4.20.010 Full payment required.

All lots are to be purchased at the office of the city treasurer. No lots, tracts, or grave space shall be occupied for burial purposes until the same has been paid for in full. The cemetery superintendent will permit no burials without a receipt signed by the city treasurer showing payment for such lot or tract.

4.20.015 Manner of payment.

Cemetery lots not paid in full at the time of reservation shall be paid in accordance with this provision. Purchasers shall pay a down payment of no less than 25 percent of the current sale price as provided by city resolution. The balance of the purchase price shall be paid in full within eight months of the date of reservation. No interest shall be charged during this eight-month period. In the event the purchase price is not fully paid within the above-referenced eight-month time period, the owner shall forfeit any and all reservations to the lot and all moneys paid as a part of the down payment. Any lot so reserved shall then be open for purchase by any other member of the public.

4.20.020 Schedule of prices.

The schedule of cost for all lots, blocks, tracts, or parcels of land in the platted portion of said cemetery property shall be fixed and adopted by resolution of the city council and filed in the office of the city clerk. No lots, tracts, or grave space shall be sold or disposed of for less than the price named in such schedule which may be in force at the time of such sale or disposal.

4.20.030 Notice to superintendent.

When interments or disinterments must be made, notice shall be given in advance to the cemetery superintendent so as to have no less than 24 hours (and at least one working day prior notice) in order to properly prepare the grave.

4.20.050 Designation of position of grave.

When an interment is to be made, the exact position of the grave must be designated and this order must be given in person, in writing, to the cemetery superintendent.

4.20.060 More than one burial per grave.

There shall be only one burial per grave on any grave purchased after January 1, 1964, except as follows:

- (1) Cremains of up to four people may be interred in a single grave, regardless of whether there has been a previous burial; provided, however, that when a conventional burial is proposed

subsequent to interment of cremains, the conventional burial will be permitted only if the cremains of no more than one person have been previously interred on the proposed burial site.

(2) The bodies of two children may be interred in a single adult grave; provided, the outer case of neither is more than four feet in length.

4.20.070 Disinterment authorization.

No disinterment will be allowed without the written consent of the superior court of Pierce County.

4.20.080 Proof of ownership.

On the death of any owner of lots in the cemetery, the heirs or assigns or devisees of such decedent must, if required, furnish to and file with the city satisfactory proof of their ownership, and all such papers shall remain with the city. No transfer of any lot or interest therein will be valid without the city first being notified of such transfer and the same shall have been endorsed on the books of the city. No cemetery lot, tract, or grave space purchased from the city shall be resold to any person, firm, or corporation other than the city. The city will, upon written application, return the purchase price of any lot, tract, or grave space at the price originally charged by the city.

4.20.090 Funeral within grounds.

Funerals within the grounds shall be under the control of the cemetery superintendent.

4.20.100 Opening and closing graves.

All graves shall be opened and closed by city employees. A charge payable in advance shall be made for each opening and closing, at a cost established by the city council by resolution or by designee if the city council has delegated this responsibility through a formal agreement.

4.20.110 Liner or vault required.

No interments will be permitted in the cemetery without a reinforced concrete liner or state approved type of burial vault.

4.20.120 Sodding and seeding.

All graves will be sodded or seeded by the city or designee without charge to the lot owners when the grave has thoroughly settled and has been made level with the surface of the surrounding lawn.

Section 6. Chapter 4.24 of the Buckley Municipal Code entitled “Monuments, Headstones and Plantings” is hereby amended to read as follows:

4.24.010 Aboveground marking restricted.

All work in the care and improvement of lots shall be done by cemetery superintendent. No lots or graves shall be defined by small trees, shrubs, roses, plants, fences, roping, railing, or any other marking that will extend above the ground. All marking of lot boundaries will be by cornerstones set by the cemetery superintendent upon the lines bounding the lots. Cornerstones must not project above the ground and must not be altered or removed.

4.24.020 Permission from city for objects on lots.

No iron works, wire works, seats, boxes, benches, artificial flowers, arbors, trellises, tripods, or objects of similar description will be allowed on lots. Benches may be placed on special areas designated by the cemetery superintendent, subject to city council approval. The cost for the bench lot on which the bench is to be placed shall be fixed and adopted by resolution of the city council or by designee if the city council has delegated this responsibility through a formal instrument.

4.24.030 Planting restricted – Removal.

In order to secure the best general appearance, all plantings not prohibited in BMC 4.24.010 and 4.24.020 shall be done only in accordance with the established plan under the direction of the cemetery superintendent and the planning director. The city reserves the right to exclude or remove from any lot any headstone, monument, or other structure, tree, plant, or any other object that may conflict with the regulations or which the city may consider injurious to the general

appearance of the cemetery grounds. No trees, plants or flowers growing within any lot shall be removed or trimmed without the consent of the cemetery superintendent.

4.24.040 Alteration of avenues, walks and roads.

The city reserves the right to lay out, alter or vacate avenues, walks, and roads, to establish the grade of avenues, walks, and roads and to change these rules and regulations as may be deemed necessary and proper by the cemetery superintendent and the city council to secure and promote the general interests of the cemetery; and no advance notice of such intended action shall be required.

4.24.050 Monument, marker and headstone classifications.

(1) All monuments, headstones, or markers will be set flat and flush with the ground except in areas designated by the cemetery superintendent for the placement of upright monument, markers, or headstones.

(2) All monuments, headstones and markers less than three inches thick will be set in a concrete base, said base to extend four inches on all sides not containing a flower vase hole and not over six inches on sides or ends which do not contain a flower vase hole. On cremation lots the maximum size of monuments, headstones and markers shall be 22 inches by 22 inches on a single lot and 22 inches by 44 inches for a double. On regular full size lots, the maximum size of monuments, headstones and markers shall be 44 inches wide and 24 inches long on a single lot and 70 inches wide and 24 inches long for a double. For lots in the baby land the maximum size of monuments, headstones and markers shall be 32 inches wide and 24 inches long.

(3) No monuments, markers or headstones may be installed within the cemetery without giving 24 hours' advance notice to the cemetery superintendent. No monuments, markers or headstones shall be set except during the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday. Prior to installation of a monument, marker or headstone, the installer shall obtain approval from the cemetery superintendent or designee, the application for which shall require information on the lot location, the lot owner, the stone size and the time and date of installation. The fee for said setting permit will be established by city council resolution or by designee if the city council has delegated this responsibility through a formal agreement, and must be paid in advance of the setting. This fee shall reimburse the cemetery for review of the layout and finished installation

inspection by cemetery personnel. After installation, all dirt and sod shall be hauled away from the cemetery grounds and the work area shall be cleaned to the satisfaction of the cemetery superintendent.

4.24.060 Existing aboveground marking.

All existing aboveground monuments, headstones, and markers that become a safety hazard or maintenance problem may be removed and reinstalled flush to the ground when approved by the cemetery superintendent and the city council. The cemetery superintendent shall attempt to contact relatives or others to be notified of the change. If this cannot be done an ad will be run in the local newspaper for two consecutive weeks stating that the change will be undertaken.

Section 7. Chapter 4.28 of the Buckley Municipal Code entitled “Conduct within the Cemetery” is hereby amended to read as follows:

4.28.010 Dogs prohibited.

Persons with dogs shall not be permitted to enter the cemetery grounds, except that this shall not apply to the use of service dogs, and police K-9 units.

4.28.020 Vehicles on grounds.

No vehicle other than for cemetery purposes 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 to exceed 15 miles per hour. No vehicles shall be driven or parked in any part of the cemetery between the hours of sunset to sunrise of each day, except for official city vehicles.

4.28.030 Soliciting and sign.

Soliciting for sale of monuments or other related work will not be permitted on the cemetery grounds. Signs and advertisements of every description are strictly prohibited in any part of the cemetery, except for official city cemetery signs.

4.28.040 Gratuities to employees.

Lot owners, purchasers, visitors or other persons are prohibited from giving gratuities to any employee for city service rendered.

4.28.050 Injuring vegetation, monuments or headstones.

Picking flowers, breaking or injuring trees, or shrubs, or in any way damaging any monument, headstone or city property is prohibited.

4.28.060 Bills deemed lien.

Any bills due to the city or to the cemetery for labor and materials supplied are a lien on the lot until paid.

4.28.070 Rubbish deposit.

All paper, rubbish, dead flowers and floral pieces must be deposited by the person responsible therefor in receptacles provided for that purpose.

4.28.075 Glass Prohibited.

Glass vases, decorations, etc. are prohibited in the cemetery.

4.28.080 Flower receptacles – Artificial flowers and other artificial items.

Receptacles for cut flowers should be sunk level with the ground to ensure the safety of such articles and to facilitate the cutting of grass from the grave. Artificial flowers and other artificial items will not be allowed to remain on any grave past a normal mowing cycle.

Flowers from funeral services may be left on the grave site for five days following a funeral service. After five days, the displays will be removed and discarded.

Fresh cut flowers may be displayed at any time provided they are placed in approved vases.

Approved vases are those which are set in the concrete foundation surrounding the stone marker, and are designed to provide a flush surface when not in use for flowers. Wilted flowers will be removed and the vase returned to the flush position.

On all federal holidays, flowers and plants may be placed on all markers for a nine-day period. The nine-day period begins Saturday before the holiday and ends the Sunday following the holiday. On the following Monday, all flowers and plants will be removed and discarded. If the flowers and plants are to be saved they must be removed before the nine-day period is over. The cemetery staff will not salvage or store any of the displays they remove.

During winter, flower pots may be left on a marker and discharged at each mowing. The city is not responsible for damage or theft of flowers, plants or containers on the cemetery grounds.

4.28.090 Conduct of visitors and the public.

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

- (1) Children under the age of 16 are not permitted on the premises unless in the company of an adult and they shall be supervised at all times.
- (2) The headstones and monuments on the premises shall not be handled, climbed upon or otherwise mistreated.
- (3) No one shall move, repair, or otherwise alter any monument or headstone without the permission of the cemetery superintendent.
- (4) No one shall deface or otherwise damage any headstone or monument.

The following warning shall be posted on the cemetery grounds:

The headstones and monuments on these premises may fall resulting in serious personal injury if moved or climbed upon. All entrants to the Buckley cemetery do so at their own risk.

Section 8. Chapter 4.32 of the Buckley Municipal Code entitled “Miscellaneous” is hereby amended to read as follows:

4.32.010 Maintenance of markers or monuments.

The city and/or designee does not bind itself to maintain, repair or replace any grave markers or monumental structures erected upon any lot. If such repairs or replacements are desired by the lot owner, such repairs or replacements can be made by the cemetery-staff at established rates or at a cost agreed upon by the lot owner and the superintendent of the cemetery.

4.32.015 Errors May be Corrected.

The city and/or designee reserves, and shall have the right to correct any errors that may be made by it either in making interments, disinterment, 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 city and/or designee, or, at the sole discretion of the city and/or designee, by refunding the amount of money paid on account of said purchase. In the event the error shall involve the interment of the remains of any person in such property, the city and/or designee, reserves, and shall have, the right to remove and re-inter the remains to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

The city and/or designee, reserves, and shall have the right to correct any errors made by placing an improper inscription, including any incorrect name or date on the memorial or on the container for cremated remains, crypt front or niche.

The city and/or designee, reserves, and shall have the right to correct any error that may be made by its employees or by any other person or persons in the location or placing of a memorial in the cemetery.

4.32.020 Exceptions.

The city council has the right to make exceptions from the rules in this title when deemed advisable for the best interest of the property; 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 be considered to be a continuing waiver and shall not bar the city council from enforcing the usual rules and regulations at any later time it may desire to do so.

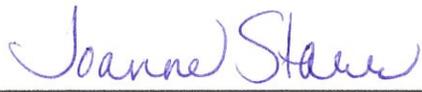
Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 10. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 10th day of May, 2016.


MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:


CITY CLERK, JOANNE STARR

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:


BY _____

FILED WITH THE CITY CLERK: May 11, 2016

PASSED BY THE CITY COUNCIL: May 10, 2016

PUBLISHED: May 18, 2016

EFFECTIVE DATE: May 23, 2016

ORDINANCE NO. 16-16