



I.O.O.F. Cemetery Deed Restrictions
Ordinance 12.40 City Cemeteries
Adopted March 12, 2019

Sec. 12.40.010. - Definition.

As used in this chapter, the word "cemetery" means and includes any cemetery belonging to or operated by the City. (Prior code § 7-1)

Sec. 12.40.020. - Applicability of chapter.

This chapter applies to the operation, control and conduct of the cemetery. (Prior code § 7-2)

Sec. 12.40.030. - Superintendent.

The City Manager, or any City employee so designated by him, is the Superintendent of the cemetery, who has the necessary authority to execute orders and to put into effect the rules and regulations prescribed by this chapter. (Prior code § 7-3)

Sec. 12.40.040. - Payment for lot prerequisite to use.

No burial will be allowed in any cemetery lot until the purchase price of such lot and any other charges have been paid in full. The purchase price of a lot and any other cemetery fees shall be as established by the City Manager, and subject to review by the City Council during the annual budget process.
(Ord. No. 2006-34, § 2; Prior code § 7-5)

Sec. 12.40.045. - Sale of certain lots.

Certain lots in the cemetery will allow for double stacking of caskets. All portions or parts of the permanent burial container shall be at least one foot below the surface of the surrounding ground level.
(Ord. No. 2006-34, § 3)

Sec. 12.40.050. - Interment permitted only on order of lot owner.

The City will not permit any interment to be made in any cemetery lot except under an order from the lot owner or their heirs or assigns, delivered at the office of the City Manager or designee and indicating the desired location for such interment. (Prior code § 7-6)

Sec. 12.40.060. - Driving in cemetery—Turn around.

Vehicles must be driven slowly through the cemetery and must not turn around in the avenues.
(Prior code § 7-7)

Sec. 12.40.070. - Driving in cemetery—Staying on roads.

The driving or riding of vehicles or animals is not allowed on lots or upon the lawns or walks of the cemetery.
(Prior code § 7-8)

Sec. 12.40.080. - Sitting, standing, etc., on lots, graves, etc.

Sitting, lounging or lying at full length on lots, mounds or ornamental grounds at the cemetery and sitting or standing on graves therein is unlawful. (Prior code § 7-9)

Sec. 12.40.090. - Signs prohibited.

No signs indicating that a lot or vault is for sale and no sign, card or advertisement of any stonecutter, undertaker or other person are permitted in the cemetery. (Prior code § 7-10)

Sec. 12.40.100. - Changing lot grades.

The grades of cemetery lots once established cannot be changed without the consent of the City. (Prior code § 7-11)

Sec. 12.40.110. - Order and permit for work on lots.

The City will not allow any work to take place upon any cemetery lot unless a written order from the lot holder or his representative is presented and a permit is obtained from the Superintendent of the cemetery. (Prior code § 7-12)

Sec. 12.40.120. - Exclusion of persons from grounds—Refusal of permits.

The City authorities have the right to exclude from the grounds of the cemetery any person who violates any provision of this chapter. They also have the right to refuse permits to persons whose work is not satisfactory, or whose employees disobey the rules of the cemetery. (Prior code § 7-13)

Sec. 12.40.130. - Work orders subject to Council rules.

All orders taken for work in the cemetery are subject to the rules of the City. (Prior code § 7-14)

Sec. 12.40.140. - Authority of Council to lay out walks and avenues and make regulations.

The City Council or appointed authority may, from time to time, lay out and alter avenues or walks and make regulations for the government of the grounds and care and control of lots in the cemetery as it may deem requisite and proper to secure and promote the general objects of the cemetery. (Prior code § 7-15)

Sec. 12.40.150. - Boundary markers to remain undisturbed.

All boundary markers set up in the cemetery must remain undisturbed. (Prior code § 7-16)

Sec. 12.40.160. - City not responsible for articles placed on lots or graves.

The City is not responsible for any funeral design, floral piece or other article or thing placed on any lot or grave in the cemetery. (Prior code § 7-17)

Sec. 12.40.170. - Right of City to remove and plant trees, shrubs and grass, and mow grass.

If any trees or shrubs situated on any cemetery lot, by means of their roots or branches, become detrimental to the adjacent lots or avenues, or become unsightly or inconvenient for visitors, it is the duty of the City authorities, and they have the right, to enter the lot to remove the trees or shrubbery or such part thereof as they determine to be detrimental, unsightly or inconvenient. The City has the right to remove any trees or shrubs that may be infected by scales or other diseases and to plant and mow the grass on all lots and graves. (Prior code § 7-18)

Sec. 12.40.180. - Removal of funeral designs and floral pieces.

Funeral designs and floral pieces will be removed from the graves when they become wilted or unsightly. Persons desiring to retain any such design or piece must remove it within 48 hours after the interment. In no case will employees attempt to locate the owner's designs or floral pieces. (Prior code § 7-19)

Sec. 12.40.190. - Right of City to fill and level graves.

The City has full right to fill and level graves. (Prior code § 7-20)

Sec. 12.40.200. - Cemetery Hours of Operation

- A. The Cemetery will be open to the public between 7:00 a.m. and 9:00 p.m. unless otherwise posted.
- B. Work is only allowed between 7:00 a.m. and 9:00 p.m., and not on Sundays, unless otherwise posted or permitted in writing by the Superintendent. (Prior code § 7-21)

Sec. 12.40.210. - Restrictions on bringing marker work, granite, etc., into grounds.

- A. Marker work or any other material shall not be brought into the cemetery when the ground is not in a suitable condition, or when the proper foundation has not been prepared.
- B. Masons and stone cutters will not be permitted to bring into the grounds of the cemetery material in large quantities in advance of its immediate use, nor in any unprepared condition. Blocks of granite or marble must be dressed to the design and dimensions ready for setting and lime must be sacked and mortar prepared and brought to the grounds in moderate supply, and all chips, pruning and rubbish must be gathered up and carried to places of deposit as required by the cemetery authorities. (Prior code § 7-22)

Sec. 12.40.220. - Bringing heavy loads into grounds.

The Superintendent must in all cases be consulted before any heavy load enters the cemetery grounds. (Prior code § 7-23)

Sec. 12.40.230. - Fastening guy ropes to trees or shrubs.

Guy ropes of funeral canopies must not be fastened to any trees or shrubs in the cemetery. (Prior code § 7-24)

Sec. 12.40.240. - Material to be moved on paths or planks.

All materials must be moved on the paths of the cemetery and over planks laid for the purpose, and not over adjoining lots. (Prior code § 7-25)

Sec. 12.40.250. - Right of Council to prohibit markers and monuments.

The City Council reserves the right to prohibit the erection in the cemetery of any marker or other monumental work that may be considered by the members of the Council to be inappropriate, whether in material, design, workmanship or location or which might interfere with the general effect or obstruct any principal view. (Prior code § 7-26)

Sec. 12.40.260. - Responsibility of undertakers for conduct of employees.

Undertakers will be held responsible for the action of all vehicle drivers or others employed by them while within the grounds of the cemetery. (Prior code § 7-28)

Sec. 12.40.270. - Curbing.

Curbing of any material is not allowed in the 2007 Addition. (Prior code § 7-29)

Sec. 12.40.280. - Suspension of work for violation.

The City has the power to suspend work in the cemetery immediately whenever there is a failure to conform to the regulations prescribed in this chapter. (Prior code § 7-30)