

McPHERSON CEMETERY RULES & REGULATIONS

2013 EDITION



OFFICIAL LEGAL
PUBLICATION OF THE
CITY OF
McPHERSON, KANSAS

1601 CEMETERY DR
McPHERSON, KS 67460



ORDINANCE NO. 3025

AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS AMENDING EXISTING PARTS AND CREATING NEW PARTS OF CHAPTER 22, ARTICLE II OF THE CODE OF THE CITY OF MCPHERSON, KANSAS (2003) PERTAINING TO CEMETERIES AND REPEALING THE PORTIONS THEREOF INCONSISTENT WITH THESE CHANGES.

WHEREAS, the Cemetery Advisory Board has reviewed the provisions of the Code of the City of McPherson, Kansas (2003)(the "Code") pertaining to cemeteries and has prepared recommended changes;

WHEREAS, the Cemetery Advisory Board has received public input regarding the relevant portions of the Code and conducted a town hall style meeting to discuss the recommendations; and

WHEREAS, the City Commission of the City of McPherson, Kansas (the "City") has reviewed the recommendations and public input pertaining to cemeteries; and

WHEREAS, the City Commission has found and determined that it is necessary to amend various sections of the Code in order to conform the provisions thereof to existing practice and modify the application thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

Section 1. Repealer. From and after the effective date of this Ordinance, existing Sections 22-31 through 22-42 inclusive of the Code are hereby repealed in their entirety. All of the parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

Section 2. Amendment and Creation of Code Section 22-31 through 22-42, inclusive. From and after the effective date of this Ordinance, Sections 22-38 through 22-42 inclusive of the Code is hereby amended and Sections 22-43 and 22-45 are added and shall read as follows:

CITY OF MCPHERSON, KANSAS

RULES AND REGULATIONS FOR MCPHERSON CITY CEMETERY 2010 EDITION

Authority for Rules and Regulations

The City of McPherson, Kansas is the owner and operator of the McPherson City Cemetery. As the owner, the Governing Body of the City of McPherson has the authority and responsibility for the promulgation of suitable and proper rules and regulations for the operation and government of the City Cemetery, including the establishment of various prices, fees and costs associated with the sale and reacquisition of cemetery lots and with the various services provided by the City in relation to the cemetery facilities. All such rules and regulations will be published from time to time in booklet form, and upon the adoption and approval of those published rules and regulations through the enactment of a Ordinance such rules and regulations have the force of law.

Application of Rules and Regulations

All owners of lots or grave spaces, and all persons who may be upon the premises of the cemetery for any reason, shall be subject to said rules and regulations and amendments or alterations thereto as shall be adopted from time to time by the Governing Body of the City of McPherson, Kansas; and the reference to these rules and regulations in the deed or certificate of ownership to lots shall have the same force and effect as if set forth in full therein.

Adoption and Approval of Rules and Regulations

The 2011 Edition of the Rules and Regulations for the McPherson City Cemetery were approved and adopted by the Governing Body of the City of McPherson through the enactment of Ordinance No. 3025.

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McPherson City Cemetery

Cemetery Fees

Grave Space (Babyland)	\$	50
Grave Space – New Cemetery	\$	500
Grave Space – Old Cemetery	\$	700
Columbarium Space	\$	300
Mausoleum Crypts		\$1,500 per crypt
Open and close grave (Infant in Babyland)	\$	50
Open and close grave	\$	400
Interment Fee (Cremation)	\$	200
Interment Fee (Cremation) Larger than 16"x16"x16"	\$	300
Open and close mausoleum crypt	\$	500
Open and close mausoleum columbarium	\$	150
Surcharge for open and close grave, cremation on Saturday	\$	400
Surcharge for open and close grave, crypt, cremation on Monday through Friday after 3:00 P.M.	\$	300
Disinterment Cremation	\$	500
Disinterment Infant	\$	600
Disinterment Adult	\$	800
Duplicate cemetery deed	\$	30
Preparation and recording of a quit claim deed	\$	30
Setting a marker or individual mausoleum	\$	30
Replacement Keys – Mausoleum	\$	5
Transfer of Spaces (Per Space)	\$	30
Bronze colored Vase (Mausoleum)	\$	25
Mausoleum Use for Services	\$	150

SECTION 22-31. APPLICABILITY

The management and control of the city cemetery and every person using or owning lots in such cemetery shall be subject to the provisions of this article.

SECTION 22-32. ENDOWMENT FUND

1. There is hereby created an endowment fund for the city cemetery.
2. All money securities accruing to the endowment fund shall be placed under the control of the city clerk. All money received by the city clerk under the provisions of section 22-34 shall be placed to the credit of the cemetery endowment fund.

SECTION 22-33. ACCEPTANCE OF PRIVATE FUNDS

1. The city is authorized to accept funds from individuals for the upkeep of burial lots in the city cemetery and does hereby elect to come under the provisions of K.S.A. 12-1437--12-1439.
2. All such funds shall be invested by the city in the manner in which the donor of the trust fund shall direct, or, if no direction is given by the donor, in such manner as other cemetery endowment funds are invested.
3. The income from the trust funds shall be used in the manner directed by the donor, or, in the absence of such direction, then for the general upkeep of the city cemetery.

SECTION 22-34. APPROPRIATION OF FUNDS

1. A portion of the funds received from the sale of cemetery lots and mausoleum crypts is hereby appropriated to the endowment fund as follows:
 - A. *Cemetery lots.* Twenty-five percent of the price received for the sale of each cemetery lot, or portion thereof;
 - B. *Mausoleum crypts.* Fifteen percent of the price received for the sale of each crypt.

All lots, or portions thereof, sold before the effective date of the endowment fund and which have not been endowed under any previous ordinance may be endowed by the payment of 25 percent of the cost of such lot, or portion thereof, if such lot, or portion thereof, was then being sold by the city at such time.

SECTION 22-35. FEES AND CHARGES

Provisions relating to fees, charges and inspections shall be as follows:

1. The prices of cemetery lots and mausoleum crypts, and other charges connected therewith, shall be determined by the governing body;
2. In cases where sums are deposited with the city clerk for the care of special lots, it shall be the duty of the city clerk to notify the sexton of such deposits, and the sexton shall keep an accurate account of all work done on the special lots and report the work in writing to the city clerk who shall place the report on file. No money received for work on any particular lot shall be used for any purpose other than for the particular lot for which such money was paid;
3. A schedule of fees and charges for the sale of mausoleum crypts, lots or grave spaces in the city cemetery, the opening and closing of graves and the performance of other services in the cemetery by city personnel, and the preparation of certain instruments in connection with the sale and management of grave spaces shall be fixed from time to time by resolution of the governing body and a copy thereof kept permanently on file in the office of the city clerk for distribution to all interested persons at such times and in such manner as the governing body shall provide.

SECTION 22-36. SALE OF LOTS AND CRYPTS, AND ISSUANCE OF DEEDS

Provisions relating to the sale of cemetery lots and crypts, and the issuance of deeds shall be as follows:

1. Before an interment of any body shall be permitted in the city cemetery or mausoleum, it shall be the responsibility of the undertaker or funeral director to furnish a death certificate or burial permit issued by another city or state. It shall also be the undertaker's or funeral director's responsibility to ensure that the charge for the grave, vault or crypt opening, as well as the price of the grave space in case of a single space for adults and infants, is paid to the office of the city clerk;
2. All certificates or deeds for cemetery lots or crypts shall be signed by the mayor and city clerk under the seal of the city and the city clerk shall keep a record of each and every lot, or part thereof, sold. No deed or certificate shall be delivered until the purchase price is paid in full;
3. A cemetery grave space may be exchanged for another available space provided the owner requesting the exchange pays the difference between the amount of the original purchase price of the space being exchanged and the

current price of the new space to be acquired. This is in addition to any other costs or fees established by the city commission to exchange spaces.

4. The sexton of the city cemetery shall report crypt sales and entombment charges on the regular report of the sale of cemetery spaces and charges, and report entombments along with the burials on his biweekly report to the city clerk.

SECTION 22-37. USE OF LOTS; INTERMENT REGULATIONS

Provisions relating to the use of cemetery lots and regulations regarding interments shall be as follows:

1. All lots shall be held as burial places for the dead and no other purpose, and when sold, shall include perpetual care. For the purpose of this subsection, the term "perpetual care" means seeding lots to grass and caring for the grass;

2. No interment of any body, other than a human body, shall be permitted in the city cemetery;

3. No interment shall be made for two or more bodies in one grave, except in the case of parent and infant or two children in one casket, and that two infant interments may be permitted in one grave space. Burial of two containers of ashes in one grave space or one regular burial and a container of ashes in one grave space, shall also be permitted; Only one marker or monument is permitted per single space;

4. Graves for adults shall be not less than five feet in depth and not less than four feet in depth for children; however, variations may be permitted in the case of an individual mausoleum;

5. All interments shall be made by the sexton and no burial shall be made until the laws of the state governing burials have been fully complied with;

6. Wherever interments are to be made, due notice shall be given to the sexton and, if the interment is to be made in a private lot, the location of the grave in the private lot shall be specified. No interment of any body, other than that of a relative or immediate heir of any lot owner, shall be made on any lot without the consent of the lot owner, filed in writing in the office of the city clerk;

7. The owner of any lot shall not allow interments to be made in or upon his lot for remuneration, nor shall any transfer or assignment of any interest be valid without securing the registration and endorsement in writing on the back thereof by the city clerk, who shall keep a record of such transfer and shall, by stamp or otherwise, indicate such record of transfer on city records and on the deed;

8. Installation of individual or family size mausoleums of any type construction or materials shall not be permitted. If an individual mausoleum was purchased prior to January 1, 2010 it will be permitted, proof of purchase may be required;
9. In every earth interment, the casket shall be enclosed in a vault or box constructed of concrete or steel. The use of wooden boxes is prohibited;
10. No interment, disinterment, cremation or services shall be permitted on days established by the city commission for observing holidays by city employees. There will be no services scheduled on the Saturday immediately following a city scheduled holiday if said holiday falls on a Friday. The only exception is when a city holiday falls on a Thursday and Friday;
11. No interment, disinterment, cremation or services shall be scheduled to begin later than 4:00 p.m. Monday – Friday, or later than 11:00 a.m. on Saturday;
12. No interment, disinterment, cremation or services shall be permitted on Sunday;
13. A late service fee and a Saturday service fee will be pursuant to a schedule of fees established by resolution of the city commission. Notification of any Saturday service shall be made not later than the preceding Thursday at 12:00 p.m.;
14. All disinterments shall follow the same scheduling guidelines as interment services, but shall not occur on Saturdays;
15. All services (interments/disinterments) shall be scheduled by 12:00 p.m. the previous day except for Saturdays;

SECTION 22-38. MONUMENTS AND PLANTINGS

A. MEMORIAL MONUMENTS AND MARKERS – OLD CEMETERY

Regulations regarding Memorial Monuments and Markers on lots in the old part of the city cemetery, described as Block A and Sections A through H inclusive of the cemetery, shall be as follows:

1. The owner of any lot shall have the right to erect on such lot any proper marker or monument, the place of which shall be under the supervision of the sexton, and all such markers and monuments shall be subject to the approval of the sexton;
2. Before any memorial work is commenced in McPherson City Cemetery by any employee or employees of a private business or contractor, a monument

setting form must be filled out. A 48 hour notice must be given prior to setting any marker or monument;

3. Memorial work shall be conducted only during those hours when cemetery personnel are on duty. No memorial work will be permitted while a funeral service is in progress;

4. No monuments or markers may be set one week before Memorial Day;

5. All worksites shall be properly cleaned upon completion of setting monument. No loose concrete will be left on the ground, scrap lumber, and dirt piles will be removed, tracks filled in etc;

6. Only one marker shall be permitted on one grave space;

7. All monuments and markers, placed after January 1, 2011, shall be marble, granite, or bronze;

8. The base of all monuments shall be cut so as to rest squarely on the ground and a four-inch flange shall be installed on the base or foundation of all gravestones, monuments and markers. All foundations or bases, placed after January 1, 2011, must be lengthened to include vases, if permanent vases or concrete pots are to be used;

A. All monuments set in a single space in Blocks 1 – 46 shall have a concrete foundation not to exceed 44 by 24 inches. All Monuments set in a double space must have a foundation not to exceed 88 by 24 inches;

B. All monuments set in a single space in Sections A – I shall have a concrete foundation not to exceed 54 by 24 inches. All Monuments set in a double space must have a foundation not to exceed 108 by 24 inches;

9. All foundations or bases are to be poured or precast and set in sand by the monument dealer, and work shall be executed without unnecessary delay, under the supervision of the sexton, who shall charge an inspection fee as set by resolution of the governing body. The inspection fee shall also apply to individual mausoleums with inscriptions (see section 22-35);

10. All foundations must be supported by a 36 x 6 inch pillar of wet concrete per 22 inches of foundation;

11. All foundation work (including installation) will be done the same day the monument is delivered;

12. All markers must be attached to concrete with pins and sealed to the foundation;

13. All monuments must be centered on the center of a cemetery space (man and wife) unless found to be impractical, whereupon, the location must be approved by the sexton;
14. No monument exceeding 32 inches in height shall be permitted;
15. All marker stones for infant graves in baby land, placed after January 1, 2011, shall be of a uniform size of eight inches by 16 inches;
16. All monuments or markers in the cemetery shall be subject to inspection and approved by the sexton, and any work which does not meet his approval shall be rejected and caused to be rebuilt;
17. Extension to an existing concrete base for the purpose of providing holders for flower vases must be pre-approved by the sexton;
18. The boundaries of any lot in the old cemetery only may not be marked by concrete, stone or other corner posts. All pre-existing corner or lot posts that deteriorate will be removed as necessary;
19. Temporary markers that are provided by funeral homes will be allowed for one year from the date of interment, at which time the sexton will remove and discard the markers;
20. If it is necessary to move and reset a stone to accommodate an individual burial on a grave, the individual requesting that said burial shall be responsible therefore; and pay the cost thereof in advance for such service or agree in writing to be financially responsible for such service in advance;
21. All independent contractors, their agents, and employees performing work in the cemetery are required to dress in presentable working attire which consists of shirt, pants or shorts, and shoes all free of significant wear;
22. In order to insure the setting of monuments and markers in a workmanlike manner and in keeping with good appearance of the cemetery as a whole, the governing body may adopt additional policies consistent with law deemed necessary and proper for the location and setting of monuments and markers;

B. MEMORIAL MONUMENTS AND MARKERS – NEW CEMETERY

Regulations regarding Memorial Monuments and Markers on lots in the new part of the city cemetery, described as Blocks B through J inclusive and all future areas of the cemetery, shall be as follows:

1. The owner of any lot shall have the right to erect on such lot any proper marker or monument, the place of which shall be under the supervision of the

sexton, and all such markers and monuments shall be subject to the approval of the sexton;

2. Before any memorial work is commenced in McPherson City Cemetery by any employee or employees of a private business or contractor, a monument setting form must be filled out. A 48 hour notice must be given prior to setting any marker or monument;

3. Memorial work shall be conducted only during those hours when cemetery personnel are on duty. No memorial work will be permitted while a funeral service is in progress;

4. No monuments or markers may be set one week before Memorial Day;

5. All worksites shall be properly cleaned upon completion of setting monument. No loose concrete will be left on the ground, scrap lumber, and dirt piles will be removed, tracks filled in etc;

6. Only one marker shall be permitted on one grave space;

7. All monuments and markers, placed after January 1, 2011, shall be marble, granite, or bronze;

8. All monuments set in a single space in Blocks B – I shall have a base not to exceed 48 by 16 inches. Any marker set on the concrete memorial islands may not exceed any concrete ledge, or past the grave space on either the north or south side. An exception applies only in the case that there is a double marker and it will be centered between two spaces not to exceed any concrete edge;

9. All monuments or markers in the new cemetery shall be placed on the concrete memorial island as provided by the city;

10. All foundation work (including installation) will be done the same day the monument is delivered;

11. All markers must be attached to concrete with pins and sealed to the foundation;

12. All monuments must be centered on the center of a cemetery space (e.g. man and wife) unless found to be impractical, whereupon, the location must be approved by the sexton;

13. No monument exceeding 32 inches in height shall be permitted;

14. All monuments or markers in the cemetery shall be subject to inspection and approved by the sexton, and any work which does not meet his approval shall be rejected and caused to be rebuilt;

15. Temporary markers that are provided by funeral homes will be allowed for one year from the date of interment, at which time the sexton will remove and discard the markers;

16. If it is necessary to move and reset a stone to accommodate an individual burial on a grave, the individual requesting that said burial shall be responsible therefore; and pay the cost thereof in advance for such service or agree in writing to be financially responsible for such service in advance;

17. All independent contractors, their agents, and employees performing work in the cemetery are required to dress in presentable working attire which consists of shirt, pants or shorts, and shoes all free of significant wear;

18. In order to insure the setting of monuments and markers in a workmanlike manner and in keeping with good appearance of the cemetery as a whole, the governing body may adopt additional policies consistent with law deemed necessary and proper for the location and setting of monuments and markers;

C. PLANTINGS & DECORATIONS – OLD CEMETERY

1. The city does not assume liability for any items placed on graves. The city shall not be held liable for any disposed item or return of any temporary or permanent decorations or trees that were installed without written approval. Plantings may be removed without notice by cemetery staff when they become unsightly, undesirable, or interfere with cemetery maintenance. Any items removed will not be replaced and removed without notice;

2. Flowers and other items placed on a grave on Memorial Day, holidays and special family dates will be removed and discarded by the sexton one week later, and on March 1 for flowers and other items placed on a grave on Christmas Day and New Year's Day;

3. The owner or proprietor of any lot shall have the right to cultivate only such shrubbery, flowers or other vegetation as is approved by the sexton;

4. Enclosures and curbing around burial lots and grave guards are prohibited, including wire and other types of guards or enclosures placed around shrubbery and flowers. Fences and hedges around lots or graves are also prohibited;

5. Placement of cut flowers or artificial flowers, excavations for planting of seasonal flowers, perennial flowers, or shrubs, with the prior approval of cemetery staff, shall be confined to the area within six (6) inches of the north and south ends of the foundation of the marker;

6. Flowers and other items placed on a grave during a funeral will be removed and discarded by the sexton one week after the funeral;

7. The concrete foundation around the marker on the west and east side of the marker is a mowing flange and should not be used for decoration purposes. All items left on the mowing flange will be removed and disposed of. An allowance will be made for items drilled into concrete flange if approved prior to drilling by the sexton;

8. All items that interfere or make mowing or string trimming dangerous will be removed and discarded at the discretion of the sexton. Such items not allowed include but are not limited to:

- a. The placing of boxes, shells (ammunition), toys, metal design, and ornaments;
- b. Glass, wood, or iron cases and similar;
- c. Marble chips, wood chips, rock of any kind on any grave or lot;
- d. Objects made of wood, tin, glass, porcelain and clay;
- e. Any borders of any kind, including wood, stone, rock, brick, and fences;
- f. Alcoholic or non-alcoholic beverage containers meant as decorations;
- g. No shepherd hooks will be allowed without prior approval. No approval shall be given for more than one shepherd hook per occupied space. Cemetery personnel may relocate or remove shepherd hooks when deemed necessary;

9. Banners or Balloons made of any material will only be allowed for one week for holidays and special family dates;

10. Placement of (2) two solar lights per marker is permissible. They may be placed on the north or south ends of markers as close to the concrete foundation as possible. The city accepts no liability for maintenance or damage to said lights;

11. Artificial flowers, wreaths and cut flowers shall be placed and secured in a manner that they will not become dislodged or scattered by the wind. No holes may be dug in or around a grave to support flower vases or any other placement structures;

12. Damaged or faded artificial flowers or wreaths, and neglected or dead flowers and plants may be removed by the cemetery staff as necessary to maintain the attractive and neat appearance of the cemetery;

13. Trees will only be allowed to be planted in a location authorized by the sexton or cemetery staff, and the species of such trees shall be in accordance with the needs of the cemetery;

14. No concrete pots or vases are allowed unless they sit entirely on the concrete foundation on the north or south side of the marker with a 4 inch mowing flange. Any existing pots or vases in place as of January 1, 2011 will be permitted

until such exiting pots or vases become unusable. A pot or vase will be deemed unusable at the discretion of the cemetery staff after consultation with the cemetery advisory board. Unusable pots and vases will be discarded without notice;

15. No benches are allowed on private spaces except when used in lieu of a traditional stone or marker. Preexisting benches will be allowed to remain until they reach a state of disrepair or the spaces or spaces on which the bench sets become occupied at which time the bench will be removed by cemetery personnel. Individuals may purchase a memorial bench, meeting specifications determined by the city sexton, to be placed in predetermined public locations in the cemetery with prices determined from time to time by resolution of the governing body;

16. If, in the opinion of the sexton, a veteran's marker should be secured to the concrete by drilling, the sexton may require such drilling and cemetery staff will drill the concrete and place the item with liability for any damage done.

D. PLANTINGS & DECORATIONS – NEW CEMETERY

1. The city does not assume liability for any items placed on graves. The city shall not be held liable for any disposed item or return of any temporary or permanent decorations or trees that were installed without written approval. Plantings may be removed without notice by cemetery staff when they become unsightly, undesirable, or interfere with cemetery maintenance. Any items removed will not be replaced and removed without notice;

2. Flowers and other items placed on a grave on Memorial Day, holidays and special family dates will be removed and discarded by the sexton one week later, and on March 1 for flowers and other items placed on a grave on Christmas Day and New Year's Day;

3. Since the city retains ownership of the center mulched area of the memorial islands only (2) two personal items will be allowed per occupied space. Veteran's marker will not count as one of the items. Items must remain as close to the concrete apron as possible. All items must be fastened or secured to prevent movement from the designated space. Placement of all items needs approval of the sexton. Examples include but are not limited to:

- a. Shepherd hooks
- b. Artificial flowers
- c. Solar lights; 1 Light = 1 Item
- d. Other items with approval of sexton

4. All other personal items must be confined and secured to the concrete apron of the space or spaces owned;

5. Flowers and other items placed on a grave during a funeral will be removed and discarded by the sexton one week after the funeral;
6. All items that interfere or make mowing or string trimming dangerous will be removed and discarded at the discretion of the sexton. All items must be fastened or secured to prevent movement from the designated space. Such items not allowed include but are not limited to:
 - a. The placing of boxes or shells (ammunition);
 - b. Glass, wood, or iron cases and similar;
 - c. Marble chips, wood chips, rock of any kind on any grave or lot;
 - d. Objects made of glass;
 - e. Any borders of any kind, including wood, stone, rock, brick, and fences;
 - f. Alcoholic or non-alcoholic beverage containers meant as decorations;
7. Banners or Balloons made of any material will only be allowed for one week for holidays and special family dates;
8. Damaged or faded artificial flowers or wreaths, and neglected or dead flowers and plants may be removed by the cemetery staff as necessary to maintain the attractive and neat appearance of the cemetery;
9. Trees will only be allowed to be planted in a location authorized by the sexton or cemetery staff, and the species of such trees shall be in accordance with the needs of the cemetery;
10. No concrete pots or vases are allowed unless they sit entirely on the concrete foundation on the north or south side of the marker. Any existing pots or vases in place as of January 1, 2011 will be permitted until such exiting pots or vases become unusable. A pot or vase will be deemed unusable at the discretion of the cemetery staff after consultation with the cemetery advisory board. Unusable pots and vases will be discarded without notice;
11. No benches are allowed on private spaces except when used in lieu of a traditional stone or marker. Preexisting benches will be allowed to remain until they reach a state of disrepair or the spaces or spaces on which the bench sets become occupied at which time the bench will be removed by cemetery personnel. Individuals may purchase a memorial bench, meeting specifications determined by the city sexton, to be placed in predetermined public locations in the cemetery with prices determined from time to time by resolution of the governing body;
12. If, in the opinion of the sexton, a veteran's marker should be secured to the concrete by drilling, the sexton may require such drilling and cemetery staff will drill the concrete and place the item with liability for any damage done.

SECTION 22-39. MAUSOLEUM

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS REGARDING MAUSOLEUM RULES AND REGULATIONS.

WHEREAS, the governing body of the City of McPherson, Kansas ("City") owns, operates and maintains a mausoleum, and

WHEREAS, pursuant to City Code Section 22-39, the governing body shall, from time to time adopt reasonable regulations for the operation and maintenance of the mausoleum, and

WHEREAS, the duly appointed Cemetery Sexton, along with the Cemetery Advisory Board recommends the adoption of the following rules and regulations, and

WHEREAS, the governing body of the City believes that it would be in its best interest of the public to adopt these regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS.

The following rules shall apply to the City mausoleum:

1. No climbing or stepping on any marble in the mausoleum.
2. No ladders are to be used or brought into the mausoleum; the only ladders used will be by cemetery staff.
3. Only approved vases/vase holders will be allowed in the mausoleum. Installation of vases/vase holders will be performed by cemetery staff or an approved vendor. All approved vases shall be flush mounted and shall be attached with the approved epoxy resin. No holes shall be drilled in any marble crossbars or crypt covers.
4. All items placed in any permanent vases above level three in the mausoleum will be done by cemetery staff only.
5. Nothing will be allowed on the marble ledges, granite ledges, or on the floor. The only exception is items may be placed on the floor within one week of a funeral or one week before and one week after Memorial Day.
6. No glass containers will be allowed anywhere in the mausoleum.

7. Name plaques must be made of a non-corrosive material approved by cemetery staff; name plaques for the columbarium must be of an approved size.
8. All name plaques will be affixed by an approved vendor according to procedures given by cemetery staff.
9. No live flowers will be allowed in the mausoleum except for placement by the crypt within one (1) week of a funeral or one (1) week before and one (1) week after Memorial Day.
10. The City shall have no liability for any vase, vase holder or other personal property left in the mausoleum.

ADOPTED by the governing body October 29, 2012

SECTION 22-40. HOURS; CLEANLINESS; VANDALISM

Provisions relating to rules of cemetery hours, cleanliness and vandalism shall be as follows:

1. No interments shall be made in the cemetery or mausoleum on Sundays or holidays, nor shall any cemetery burial service commence after 4:00 p.m.;
2. The hours of admission to the cemetery shall be from 7:00 a.m. until sundown, and any person entering the grounds at any other time, except for a legitimate purpose, shall be deemed guilty of a misdemeanor;
3. All persons are hereby prohibited from touching any article in the cemetery that is not their own, or picking any flowers, shrubbery, plants or other vegetation, or injuring anything on the cemetery grounds;
4. No one other than cemetery staff shall be allowed to spray any chemical agent including fertilizer, weed killers, herbicides, and ground sterilants;
5. All vehicles must be kept off the grass. No unauthorized vehicle shall be permitted to drive at any place within the cemetery except on roads. Driving on walkways, grass, alleys, or in vacant spaces is prohibited; notwithstanding the above, vehicles may be parked on the grass within 6 feet of either side of the road;
6. It shall be unlawful for any person to throw, or cause to be thrown, any paper, grass, rubbish or other material in or upon the cemetery grounds, except in any places specifically provided for such purpose;
7. No vehicle shall be driven more than 15 miles per hour in the cemetery;

8. The governing body shall have the right to:
 - a. Close any walkway, street or driveway existing in the cemetery, provided, sufficient access is left to all lots;
 - b. Establish grades; and
 - c. Make any additional rules and regulations for the government and operation of the cemetery that are not inconsistent with this article.

SECTION 22-41. DOGS

No person having the care, custody or control of a dog, other than a blind person accompanied by his Seeing-eye dog, shall take or permit such dog to go onto the grounds of the city cemetery. This section shall not apply to:

1. A dog confined to an automobile while in the cemetery.
2. Guide dogs used by totally or partially blind persons or other disabled persons and guide dog trainers when training such dogs, and hearing ear dogs used by hearing impaired persons and hearing ear trainers when training such dogs.
3. Service dogs and service dog trainers while training such dogs.

SECTION 22-42. CREMATION GARDEN

The Cremation Garden area of the McPherson City Cemetery shall be used to place cremains in the common depository in the Cremation Garden. A memorial plaque may be purchased and caused to be placed on monument in the Cremation Garden, pursuant to a schedule of fees established by resolution of the City Commission from time to time.

Veterans' memorial plaques cannot exceed 5.5 x 8.5 inches, and civilian plaques may not exceed 2 x 5 inches;

SECTION 22-43. VIOLATIONS; PENALTIES

- (a) *Liability.* Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.
- (b) *Stop work order.* A stop work order will be given by the sexton or his designee to any person or firm that is found to have violated an order of the governing body or who has failed to comply with any provision of this article. All work will be ceased until the sexton confirms that the activity is in compliance and the violation has been satisfactorily addressed.

(c) *Civil penalties.* Any person that is found to have violated an order of the governing body or who has failed to comply with any provision of this article shall be fined no more than \$500 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this subsection, the city may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses against the person found to have violated this article or the orders, rules, regulations and permits issued under this article.

(d) *Criminal penalties.* Any person that is found to have willfully failed to comply with any provision of this article shall be fined no more than \$500 for each offense or by imprisonment for not more than six months, or both such fine and imprisonment. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this subsection, the city may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses against the person found to have violated this article.

SECTION 22-44. APPEAL

Any person who is subject to a violation or penalty under the terms of this article, who feels aggrieved and feels that the charge made is unfair, inequitable, unjust, or unreasonable, may appeal the determination of the sexton or his designee to the governing body. The notice of appeal must be received by the city administrator's office within ten days from the date of the notice of violation. Hearing on the appeal before the city commission shall take place within 14 days from the date of the city's receipt of the notice of appeal. The decision of the governing body shall be final.

SECTION 22-45. CEMETERY ADVISORY BOARD

To the extent reasonably practical, changes to Cemetery regulations, rules or policy shall first be submitted to the Cemetery Advisory Board for comment.

SECTION 22-46. DISINTERMENT REQUESTS & PROCEDURES **(Added with Ordinance No. 3268 on April 16, 2018)**

Requests for disinterment of an individual interred/inurned at the McPherson Cemetery must be submitted in writing on authorized forms provided by and submitted to the City. Disinterment from the McPherson Cemetery will be approved only if:

(1) all living heirs at law of the decedent and the person who initiated the interment, if living (whether or not an heir at law), give their written consent; or

(2) pursuant to a court order of competent jurisdiction directing the disinterment.

"Heirs at law" are defined as surviving spouse, even if remarried, all children of the decedent and the issue of any predeceased children of the decedent. In the event any individual required to consent herein is a minor or not legally competent, the legal guardian, agent under an appropriate durable power of attorney or court appointed representative shall be required to consent in writing. In the absence of a surviving spouse or children, the decedent's living parents will be considered "heirs at law".

All requests for disinterment will be without expense to the City of McPherson and all fees for a disinterment charged by the City are due before a disinterment will be scheduled. A request must include the following requirements:

An official properly completed City of McPherson Request for Disinterment Form and Affidavit of Disinterment Form must be submitted before any request will be considered. The form will be provided to those having an interest in disinterment upon request. The Cemetery Sexton will provide guidance and clarification in its completion. The request should be sent to:

McPherson Cemetery Sexton
Attn: Disinterment
400 E. Kansas
McPherson, KS 67460

The completed request must contain the following additional documents:

1. A description of the disinterment details including relocation plans for the remains.
2. A notarized statement from all heirs at law and the person who initiated the interment, if living, stating they impose no objection to the proposed disinterment. If the statement is signed by an authorized representative of a minor or legally incompetent party, acceptable documents must be provided demonstrating the agency (e.g. copy of power of attorney, letters of guardian/conservatorship, etc).
3. An affidavit of heirship attesting that those persons who provided statements are indeed the only living heirs at law of the interred decedent.

In lieu of the documents requirements listed above, an order of a court of

competent jurisdiction will be accepted. The City of McPherson or officials of the cemetery should not be made a party to the court action.

No disinterment shall be performed in the cemetery except by the Cemetery Sexton, or under the Sexton's supervision. Cemetery Staff shall only be responsible for removing the soil from the grave. A Kansas licensed funeral director must be present throughout the disinterment; work will not begin without one present and shall cease if the funeral director leaves. The selected funeral director shall be responsible for removing and transporting the casket/vault/urn and all remains from the burial site. In the case of traditional casket burial, a vault company shall also be present with an additional vault should the original vault be damaged for reburial in the cemetery. No damaged or structurally unsound vaults will be reinterred in the Cemetery. In the case of an urn, a vault company is not required, however an additional intact vessel shall be present should the original vessel be damaged for reburial in the cemetery. As a condition of approval, all parties must agree that the City of McPherson shall not be liable for any damages incurred during the removal or placement of the disinterred vault.

No disinterment shall be performed two weeks before Memorial Day, nor shall any be performed on Saturdays, Sundays, or any City observed Holidays. The City of McPherson must be notified at least one week before the disinterment and all disinterment fees due to the City must be paid prior to scheduling the opening. The Cemetery reserves the right to postpone and reschedule any disinterment due to weather or any other unforeseeable events.