

RESOLUTION NO. 2008-12

A RESOLUTION ESTABLISHING OPERATING POLICIES FOR CEMETERIES OWNED AND OPERATED BY THE CITY OF BALDWIN CITY; DESIGNATING CERTAIN RESPONSIBILITIES; AND ESTABLISHING A CEMETERY ADVISORY BOARD

WHEREAS, the City of Baldwin City is assuming ownership and operation responsibilities of the active Oakwood Cemetery and the inactive Pioneer Cemetery effective on or about January 1, 2009; and

WHEREAS, the governing body has adopted Ordinance No. 1227 accepting ownership of the property; establishing rules and regulations for the operation of the cemeteries; and defining duties of personnel as related to the operation of the cemetery; and

WHEREAS, the rules, regulations, and defined duties of personnel should be augmented by written operating policies, and such operating policies should be adopted and updated from time to time by the governing body; and

WHEREAS, the creation of a Cemetery Advisory Board is deemed advisable as a means of providing continued operating support and historical knowledge and perspective from individuals long involved with the cemeteries as the city assumes their operation.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Baldwin City, Kansas, that:

Section 1. The City Clerk shall have the following responsibilities:

- (a) Sell the lots and burial spaces therein.
- (b) Issue to each purchaser of a burial space a certificate of deed and a certificate of perpetual care signed by the mayor, and countersigned by the clerk under the seal of the city, specifying that the purchaser to which the same is issued is the owner of the burial space or spaces described therein, by number, as laid down on the map or plat of the cemetery, for the purpose of interment only.
- (c) Burial spaces shall be sold for such prices as the Governing Body shall fix from time to time, but no interment shall be made or permit issued until payment for the burial space is received.
- (d) The city clerk shall collect all moneys for the sale of burial plots, for the opening and closing of graves, and for any other services provided by the city which must be paid.
- (e) The city clerk, sexton, or other city representative shall show burial spaces for sale to purchasers.

Section 2. The sexton shall have the following responsibilities:

- (a) Provide for the care and maintenance of the cemetery and cemetery facilities.
- (b) Supervise the building of all vaults, tombs, monuments and markers.

- (c) Verify that all landmarks and cornerstones are set in their proper places, and mark specific grave spaces when necessary.
- (d) Account for and maintain all implements and property belonging to the cemeteries.
- (e) Report to the city administrator any needed repairs or maintenance, and when so ordered shall make the repairs.
- (f) Open/close or cause to be opened/closed all graves in the cemeteries.
- (g) Render a report to the city clerk at the end of each month of all interments made during the month, together with the date of burial and the section, row, and space number of each interment.
- (h) Otherwise attend to interments and removals.
- (i) Perform such other duties as the city administrator may direct.

Section 3. Permits. No interment or removal shall be made until a permit for such work shall have been issued by the city clerk. Such a permit authorizes the sexton to perform the work.

- (a) The city clerk shall issue a burial permit, which shall authorize the sexton to supervise a burial, only after all documentation is in place and all fees have been paid.
- (b) The city clerk shall issue a work permit for specific maintenance or construction (such as for monument foundations) only after all documentation is in place and all fees have been paid.
- (c) The city clerk shall issue a removal permit, which shall authorize the sexton to supervise an exhumation, only after all documentation, which may include orders from a court of competent jurisdiction, is in place and all fees have been paid.
- (d) The sexton shall return all permits to the city clerk after interment is made or work is accomplished.

Section 4. Monuments and Markers. Policies for monuments and markers are established in order to maintain uniformity and consistency throughout the cemetery. These standards provide for a generally accepted appearance and ease of maintenance.

- (a) All monuments and markers shall be made of granite, bronze, or marble.
- (b) Upright monuments are permitted only in designated sections.
- (c) All headstones for single graves shall not exceed thirty-six (36") inches in width nor forty-eight inches (48") in height, measured from ground level.
- (d) All stones for double graves shall not exceed six feet in width nor five feet in height, measured from ground level.
- (e) The grade of no burial space shall be raised more than six inches above the natural grade of the ground or above the established grade.
- (f) The sexton shall notify funeral directors that temporary markers must be placed at the graves of all burials at which they officiate, unless permanent markers are in place at the time of burials.
- (g) Flower receptacles for flush markers must be in-ground or inverted receptacles that can be stored away below grade when not in use. In-ground receptacles are not permitted with upright monuments. Flower receptacles with upright monuments must be incorporated into the monument base.

- (h) The placement of foot stones for single graves shall be coordinated with the sexton.
- (i) All stones will be placed on the burial space site and no stones will be placed closer than six inches from the side space line.
- (j) A solid concrete footing shall be poured for all monuments and stones. For stones larger than twelve inches by eighteen inches (12"x18") in size, the footing shall be at least eighteen inches below ground level and shall be three inches wider than the base of the stone. A footing at least ten inches (10") deep will be poured for stones of lesser size.
- (k) The person setting the stones or responsible for having the stones set shall obtain a monument/marker permit from the city clerk before any work is done at the grave site, and such project shall be supervised by the sexton.
- (l) Upon written request by an owner(s) of more than two (2) contiguous burial plots, the governing body may permit the placement of a headstone, common to said contiguous graves, to exceed six feet in width, and/or thirty-eight inches (38") in depth, but such stone shall not exceed five feet in height, measured from the ground level.
- (m) With the exception of markers, monuments, and headstones, permanent decorations such as benches, wrought iron, statuary or other items must be authorized by the sexton, who will consider maintenance the maintenance accommodations required. The owners assume all risk for the maintenance and appearance of such decorations. Fences are not permitted. Permanently attaching items such as cards, pictures or other decorative items to monuments, markers, headstones, or crypt fronts is not allowed.

Section 5. Plant and Flower Display Regulations. Plants and flowers may be displayed in city-owned cemeteries following these guidelines.

- (a) The City of Baldwin City and cemetery personnel assume no responsibility for flower arrangements. Owners assume all risk.
- (b) The use of glass jars, bottles, tin cans, etc. as receptacles for flowers is not permitted.
- (c) Containers may be anchored, but caution should be used in using wire material due to mowing and trimming hazards. No containers are to be buried in the ground, unless they are the type that must be inverted and stored below grade.
- (d) Plastic or artificial flowers are permitted, but are required to be displayed in containers. Such flowers may be removed as mowing and maintenance responsibilities require.
- (e) Cut flowers and containers will be removed by cemetery personnel two weeks (14 days) after Memorial Day due to mowing and maintenance responsibilities.
- (f) Cemetery personnel will remove all flowers once they become withered or unsightly.
- (g) Planting of trees, shrubs, and flowers is the responsibility of cemetery personnel. Private plantings on graves are not permitted. Plantings not in compliance with these regulations may be removed without notice.
- (h) The cemeteries will accept donations of trees, shrubs and flowers to be planted in a suitable area.

Section 6. Temporary Decorations.

- (a) Temporary decorations such as flower arrangements, wreaths, potted plants, vases, flags, figurines, and hanging iron planters are permitted.

- (b) Decorations should be placed near the headstone as close to the foundation as possible.
- (c) Cemetery personnel will remove decorations from graves when such decorations become unsightly. Unless prior arrangements are made, staff will not be responsible for the return of any temporary decorations.

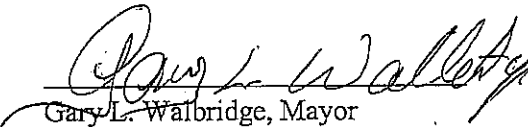
Section 7. Cemetery Maintenance.

- (a) City staff, at the direction of the sexton, shall be responsible for routine maintenance including mowing, tree care, weeding, painting, trimming of the grounds, and repairs to graves and crypts that are necessary to prevent damage to adjoining graves or potential injury to the public.
- (b) Repairs to monuments and markers are the responsibility of the family.
- (c) Only cemetery staff is allowed to apply any chemical agent including fertilizers and herbicides.

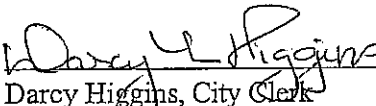
Section 8. Cemetery Advisory Committee. There is hereby established a Cemetery Advisory Committee comprised of at least three, but no more than seven, persons appointed by the Mayor and confirmed by the governing body. The members of the committee serve at the pleasure of the Mayor with the purpose of providing input to the governing body and city staff regarding the creation of and implementation of cemetery policies. The committee shall visit specific issues when asked by the governing body or city staff, and shall work through the governing body's Community Development Committee to deliver policy recommendations.

ADOPTED AND APPROVED by the Governing Body of the City of Baldwin City, Kansas on this 15th day of December, 2008.

APPROVED:


Gary L. Walbridge, Mayor

ATTEST:


Darcy Higgins, City Clerk

