

ORDINANCE NO. 1395

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12.28
REGARDING THE CITY CEMETERY**

WHEREAS, Chapter 12.28 of the Canby Municipal Code regarding the City Cemetery is outdated, and

WHEREAS, the City Council finds it necessary to update the wording of this chapter so it corresponds with current practices.

THE CITY OF CANBY ORDAINS AS FOLLOWS:


Chapter 12.28 of the Canby Municipal Code is amended to read as noted in Exhibit "A". All other sections, not amended in Exhibit "A", shall remain in full force and effect as they presently appear.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, February 19, 2014 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on March 5, 2014 commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.


Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on March 5, 2014 by the following vote:

YEAS 6 NAYS 0


Brian Hodson
Mayor

ATTEST:

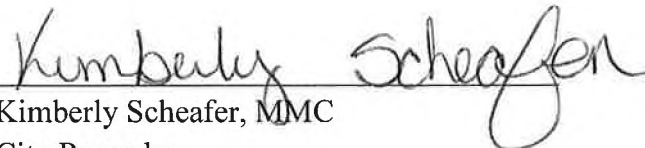

Kimberly Scheafer, MMC
City Recorder

EXHIBIT "A"

CHAPTER 12.28: CITY CEMETERY

Section

12.28.010	Rules adopted.
12.28.020	Duties of Cemetery Sexton and City Recorder.
12.28.030	Operation and maintenance.
12.28.040	Permits for interment, removal and transfer of bodies.
12.28.050	Prices and charges.
12.28.060	Conveying title to lots.
12.28.070	Privileges and restrictions on owners of lots and graves.
12.28.080	Cremain lots.
12.28.090	Cemetery Perpetual Care Reserve Fund.
12.28.100	Penalty.

§ 12.28.010 Rules adopted.

Except as otherwise provided in this chapter, the rules and regulations of the Zion Cemetery Association of Canby, Oregon, adopted January 10, 1938 and revised in July 1949 **and 2006**, shall be the rules and regulations for the use, control, operation and management of the city's cemetery which is now known as Zion Memorial Park **Cemetery**. The rules and regulations may be revised and amended from time to time by resolution of the City Council to the extent not inconsistent with this chapter.

§ 12.28.020 Duties of **Cemetery Sexton and** City Recorder.

The **Cemetery Sexton** ~~City Recorder~~ shall receive, issue proper receipts for, ~~and place in appropriate cemetery funds,~~ all monies due the city from the sale of lots, services furnished and all other sources. **Said funds will be placed in appropriate cemetery funds by the Finance Department.** The City Recorder shall issue in the name of the city all ~~titles~~ **permits** required and shall keep complete records of all matters pertaining to the cemetery **as required by the State of Oregon Mortuary and Cemetery Board,** ~~including a record of ownership of lots and graves, a record of all burial permits issued, showing the full name of the deceased, the place of birth (if known), age (if known), date and place of death, date of interment, cause of death, the number and date of permit, name of undertaker, lot or grave in which buried, and outside dimensions of coffin or box.~~

§ 12.28.030 Operation and maintenance.

The operation and maintenance of the cemetery shall be the responsibility of the **Cemetery Sexton** ~~Public Works Department~~, subject to the general supervision of the City Administrator. The **Cemetery Sexton** ~~Public Works Department~~ shall keep on the cemetery premises a record of all interments **as required by the State of Oregon Mortuary and Cemetery Board,** ~~showing the full name of the deceased, place of birth (if known), age (if known), date and place of death, date of interment, cause of death, number and date of permit, name of undertaker, lot or grave in which buried and outside dimensions of coffin or box.~~ The records to be kept at the cemetery shall be duplicates of the **original** records to be kept by the City Recorder at the City Hall. **The Cemetery Sexton shall provide the City Recorder with all records required for permanent retention.**

§ 12.28.040 Internment, removal and transfer of bodies.

- A. No person shall be allowed to have their dead interred in the cemetery without first obtaining verification of ownership from the Cemetery Sexton or producing a Certificate of Title to the grave in which they desire to inter the remains.**
- B. Upon receiving proper documentation for interment, as required by the State of Oregon Mortuary and Cemetery Board, the Cemetery Sexton shall issue an invoice which shall also act as a permit.**
- C. In case of interment of a deceased owner of a lot, the invoice shall state the informant's name.**
- D. A permit from a funeral home must also be secured prior to the removal of any body from the cemetery or the transfer of any body from one part of the cemetery to another.**
- E. No cremains may be scattered on top of burial sites.**

~~A permit from the City Recorder must be secured prior to the interment of any deceased person and a permit must also be secured prior to the removal of any body from the cemetery or the transfer of any body from one part of the cemetery to another. Written application for permits shall be made by the owner of the lot to be used and the applicant shall state the full name of the deceased, place of birth, age at death, date and place of death, date of interment in cases of transfer or removal, name of undertaker and lot or grave used. In case of interment of a deceased owner of a lot, the application shall be signed by some member of his or her family or household or by his or her physician. No permit shall be issued unless all money due the city has been paid. The permit, after issuance by the City Recorder, must be filed with the Public Works Department giving ample time before the funeral and notice of the hour of the funeral must be given at the same time. In case of disinterments, a permit from the Oregon State Board of Health must be secured and the written consent of the owner or owners of the lot or surviving spouse, children if of age, or parents of the deceased must be secured, but if the consent of the person cannot be obtained, the consent of the City Council shall be sufficient.~~

§ 12.28.050 Prices and charges.

The City Council shall, by resolution, establish the schedules of prices to be charged for lots, graves, grave openings and other services and privileges; provided, however, that the charges now being made shall be continued until changed by resolution of the Council.

§ 12.28.060 Conveying title to lots.

Every conveyance of a lot in the cemetery shall be by Certificate of Title, executed by the City Recorder, but the conveyance shall only have the effect of giving the perpetual use of a lot for burial purposes, subject to the laws of the state and the ordinances of the city. No grave or lot which has been conveyed by the city can be sold, transferred, assigned or exchanged for other graves except with the consent of the **Cemetery Sexton** ~~City Administrator~~ and upon those terms and conditions as the **Cemetery Sexton** ~~Administrator~~ may provide. **The City Recorder shall issue a new Certificate of Title after the conveyance has been approved.** ~~Notice in writing of the consent and the conditions thereof shall be mailed or otherwise delivered to the person or persons concerned by the City Recorder.~~

§ 12.28.070 Privileges and restrictions on owners of lots and graves.

The owner of a grave in any improved portion of the cemetery will be allowed to remove the body from the grave and reinter it in any other grave in the cemetery which he or she may own and will be allowed the price paid for the relinquished grave, provided it is not more than the price of the grave selected for reinterment. ~~and upon submitting a quit claim deed to the city for the relinquished grave.~~ **The original Certificate of Title must be returned to the City for the relinquished grave.** The owner of a lot may, with the approval of the **Cemetery Sexton** ~~City Administrator~~, allow the burial of a friend or any other person in the lot, but to allow the burial for any compensation is strictly forbidden. The price of all graves includes the perpetual care of the same and is payable in advance before interment is permitted. Subdivisions of graves or lots by owners is not allowed; however, the burial of remains within the graves of immediate family members shall be permitted, provided that not more than one marker or headstone is installed per grave. Planting of trees or shrubs shall be prohibited in locations other than areas designated for such landscaping.

§ 12.28.080 Cremain lots.

Additional to the provisions for cremain burial delineated in § 12.28.070, other areas may be specifically portioned off for the purpose of cremain burials. Not more than one cremain burial shall occur on each cremain lot.

§ 12.28.090 Cemetery Perpetual Care Reserve Fund.

A. The Cemetery **Perpetual Care** ~~Reserve~~ Fund shall be maintained and allowed to continue to grow in both principal and interest.

B. The City Council shall cause the Fund to be properly invested and the income therefrom shall be devoted exclusively to the permanent maintenance or perpetual care of the city's Zion Memorial **Park** Cemetery and as hereinafter provided.

C. The obligation to be assumed by the city under the provisions of this section is to expend the income from the Cemetery **Perpetual Care** ~~Reserve~~ Fund in the care, maintenance and beautification of the cemetery and all lots or graves therein as far as the income from the Fund shall justify or permit, and in the following manner and no other: in the irrigation of the lots; in keeping the graves green and properly mowed; in reseeding the grass when

necessary; in trimming and pruning the trees and the flowers and shrubbery permitted to be grown on the lots under the terms of this chapter; in filling in and keeping up the general level of the graves as may cave in or sink; and in keeping in good working order and repair, and renewing when worn out, the water pipes and hydrants now or hereafter installed in the cemetery. The city shall not use any of the revenue derived from the Fund to dig any graves, erect or repair any tombstones or monuments, repair any fences or other enclosures, or place or replace any flowers or shrubs which are killed or die through no fault of the city or its agents.

D. Amounts to be taken from the cemetery rates or charges and placed in the Cemetery **Perpetual Care Reserve** Fund shall be set by resolution of the City Council.

§ 12.28.100 Penalty.

Violation of any provision of this chapter or the rules of Zion Memorial Park **Cemetery** is punishable by a fine not to exceed \$100.