

Order 110-15/16

Second Reading Waived: 7-0 (Brenerman, Suslovic absent) on 11/16/2015

Passage as an Emergency: 7-0 (Brenerman, Suslovic absent) on 11/16/2015 Effective 11/16/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 7 (CEMETERIES)
ARTICLES I., II., IV. TO VII.
RE: COLUMBARIUM AMENDMENTS

1. *That Articles I, II, IV, V and VII are hereby amended to read as follows:*

ARTICLE I. IN GENERAL

Sec. 7-1. Purpose ~~and,~~ intent, and definitions.

For the mutual protection of lot and niche owners, which terms are defined below, and the cemeteries as a whole, the rules and regulations in this chapter are hereby established for all municipal cemeteries. All lot and niche owners and persons visiting the cemeteries shall abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

As used in this Chapter, the following terms have the following meanings:

- (a) Columbarium means a structure in a cemetery with niches for placing urns containing cremated remains.
- (b) Lot means a parcel of land in a cemetery used solely for the purpose of burying the dead.
- (c) Niche means a small space in a columbarium designed to hold one or more urns.

...

Sec. 7-6. Correction of errors.

The cemeteries reserve the right to correct any errors that may be made by them in making interments, inurnments, disinterments or removals, or in the description, transfer or conveyance of any lot. Errors of lot owners in failing to specify proper interment or inurnment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be cause once work is in progress by the cemeteries for a fair additional charge in the event a change is requested.

Sec. 7-7. Enforcement.

The superintendent of cemeteries is hereby empowered to enforce the rules and regulations of this chapter and to exclude from the cemeteries any person deliberately violating such rules and regulations. The superintendent shall have charge of the grounds and buildings within city cemeteries and shall have supervision and control of employees and all persons visiting the cemeteries, whether lot or niche owners or otherwise.

...

ARTICLE II. LOT AND NICHE OWNERSHIP

Sec. 7-21. Prospective purchasers to visit cemeteries.

Persons desiring to purchase lots or niches should visit the cemeteries where the Superintendent of Cemeteries or authorized designee will aid them in making a selection. Special rules relating to such lots or niches will be explained and a copy of this chapter will be made available to prospective purchasers.

Sec. 7-22. Details of purchase.

The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. The superintendent of cemeteries or his or her designee is authorized to sign agreements with purchasers for the sale of lots and niches. Within ten (10) days thereafter a deed and perpetual care bond or certificate of right of inurnment will be sent to the purchaser by the director of finance, who is authorized to execute such documents. A description of lots or niches contained in such ~~deeds~~ documents shall be in accordance with cemetery plots which are kept on file in the cemetery offices. It shall be the duty of the lot or

niche owner to notify the respective cemetery office of any change in address after purchase.

Sec. 7-23. Lots not subdivided or sold jointly.

Lots of various sizes are available in the cemeteries and, therefore, no lots will be subdivided. No single lot or niche will be sold to joint purchasers.

...

Sec. 7-26. Cemeteries not responsible for loss or damage.

All reasonable precautions will be taken to protect lot and niche owners and the property rights of lot and niche owners within the cemeteries from loss or damage, but the cemeteries will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than is hereby provided.

Sec. 7-27. Terms of agreement with lot owners.

The deed, perpetual care bond and this chapter constitute the sole agreement between the cemeteries, the city and lot and niche owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemeteries or the city shall in no way bind the cemeteries or the city.

Sec. 7-28. Repurchase or exchange of lots by superintendent.

The superintendent of cemeteries shall have the authority to purchase outright, or by exchange for other lots or niches on behalf of the city, any unoccupied lot or niche at such price as may be agreed upon by the owner and the superintendent.

Sec. 7-29. Transfer of lots.

Transfer of lots or niches will not be recognized without the consent of the superintendent of cemeteries, and transfer deeds or certificates may be obtained at the offices of the cemeteries.

Sec. 7-30. Lost or destroyed deeds.

A lost or destroyed deed or certificate will be replaced by a copy of the ~~deed~~-original upon request upon payment of one dollar (\$1.00).

Sec. 7-31. Descent of title.

The laws of the state govern the descent of title to cemetery lots and niches as well as other matters relating to their ownership. It is important that, on the decease of an owner of a lot or niche, the heirs or devisees of such person should file in the office of the respective cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.

...

ARTICLE IV. INTERMENTS AND INURNMENTS*

Sec. 7-66. Funerals in charge of cemeteries.

All funerals entering the cemeteries shall abide by the rules and regulations of the respective cemetery, and upon arrival at a cemetery must present to the superintendent of cemeteries the necessary burial permit from the city clerk or a certificate of cremation from crematorium.

Sec. 7-67. Previous notices required for interments, etc.

The right is reserved by the cemeteries to insist upon at least thirty-six (36) hours' notice of any interment or inurnment and at least one (1) week's notice of any disinterment or removal. The cemeteries reserve the right to postpone interment/disinterment time due to acts of nature, God, civil and national emergencies.

Sec. 7-68. Times for interments.

The cemeteries will be open for interments and inurnments from 8:00 a.m. to 2:00 p.m., Monday through Friday. Requests for openings on Mondays must reach the cemetery offices before noon on Friday. Any services extending beyond or scheduled after these hours, or on Saturdays—interments, will require an additional charge above the regular interment or inurnment fee.

No interments or inurnments will be made on Sundays or legal holidays, except on proclamation of an emergency.

Sec. 7-69. Interments and inurnments to be authorized by lot owners.

All orders for interments or inurnments in lots or niches must be signed by the owner of the lot or niche or his or her authorized representative. When this is impossible because of absence from the city, permission will be accepted by fax or scanned pdf.

Sec. 7-70. Number of interments or inurnments in single grave or niche—.

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried/~~cremated~~ in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the superintendent of cemeteries. One body and one cremains or two cremains will be allowed in a single full-size grave. Two cremains may be allowed in one columbarium niche upon prior approval of the superintendent of cemeteries.

...

Sec. 7-73. Graves and niches opened only when.

Once an interment or inurnment has been made, graves and niches will be opened only by officials and employees of the cemeteries in the sole and exclusive judgment of the superintendent of cemeteries that such opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment or disinurnment/~~disinurnment~~ by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the superintendent of cemeteries. In all cases the responsibility of the cemetery shall be limited to opening of the grave or niche/~~niche~~ only and the actual disinterment or disinurnment/~~disinurnment~~ must be made by the person authorized to do so....

ARTICLE V. PLANTS, SHRUBS AND FLOWERS*

...

Sec. 7-91.1 Regulations covering Columbarium Circle

No ornamentation, decoration, or flowers shall be permitted on the columbarium or within the Columbarium Circle.

ARTICLE VI. MONUMENTS, TOMBS, MAUSOLEUMS AND OTHER STRUCTURES*

...

Sec. 7-108. Single apartments required.

No bodies shall be placed in tombs, vaults or mausoleums except in hermetically sealed, single apartments in a manner satisfactory to the superintendent of cemeteries, except that two cremains may be allowed in one columbarium niche upon prior approval of the superintendent of cemeteries.

...

Sec. 7-111. Perpetual care required.

All tombs, mausoleums, columbariums or vaults constructed after August 19, 1970, shall have such provision made for perpetual care as is adequate in each case.

ARTICLE VII. RULES OF CONDUCT*

...

Sec. 7-136. Unauthorized items removed from lots and niches.

The use of shells, stones, lawn ornaments, statues, glass containers, solar lights, shepherds crooks, tin cans and other similar items is strictly prohibited on the lots and columbarium niches. No lawn ornament of any kind as defined by the Superintendent of Cemeteries or his or her authorized designee shall be allowed. The Superintendent reserves the right to remove without notice any planting or object that is in violation of these regulations, or that in the opinion of the Superintendent of Cemeteries is a hazard to cemetery employees or injurious to the general appearance of the cemetery.