

Chapter 7 CEMETERIES*

***Cross reference(s)**--Streets, sidewalks and other public places, Ch. 25.

State law reference(s)--Cemetery corporations, 13 M.R.S.A. § 1031 et seq.

Art. I. In General, §§ 7-1--7-20

Art. II. Lot Ownership, §§ 7-21--7-45

Art. III. Care of Lots, §§ 7-46--7-65

Art. IV. Interments, §§ 7-66--7-85

Art. V. Plants, Shrubs and Flowers, §§ 7-86--7-105

**Art. VI. Monuments, Tombs, Mausoleums and Other Structures,
§§7-106--7-122**

Art. VII. Rules of Conduct, §§ 7-123--7-139

ARTICLE I. IN GENERAL

Sec. 7-1. Purpose, 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.

(Code 1968, § 502.1; Ord. No. 591-75, § 1, 11-3-75; Ord. 110-15/16, 11-16-2015)

Sec. 7-2. Hours.

The Cemetery Office will be open from 8:00 AM to 4:30 PM during Standard Time and will be open from 7:00 AM to 3:30 PM during Daylight Savings Time Monday-Friday except Holidays.

The cemetery grounds will be open from 7:00 AM to 6:30 PM during Standard Time and will be open from 7:00 AM to 4:30 PM during Daylight Savings Time 7 days a week.

(Code 1968, § 502.2(a)(1); Ord. No. 591-75, § 1, 11-3-75; Ord. 256-14/15, 6-15-2015)

Sec. 7-3. Employees.

(a) Cemetery employees shall not work on Saturdays, Sundays and holidays except that Saturday employment may be permitted by the superintendent of cemeteries for an additional charge as established by the city council or that employment may be required at times as determined by the department head.

(b) Cemetery employees are not permitted to do any work for lot owners or other persons except upon order of the superintendent of cemeteries but are required to be civil and courteous to all persons visiting the cemeteries.

(c) No gratuity shall be accepted by any cemetery employee.

(Code 1968, § 502.2(a)(2), (a)(3), (a)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-4. Fees.

All fees or charges for services are payable at the cemetery offices, except that interment charges may be payable through any reputable funeral director and any foundation charges for monuments or marker emplacement may be payable through any reputable monument dealer.

(Code 1968, § 502.2(a)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-5. Use of Wilde Memorial Chapel.

Wilde Memorial Chapel located at Evergreen Cemetery is open to the public for a reasonable fee, as set from time to time by the Superintendent of Cemeteries. Any fee charged pursuant to this section shall be used to cover maintenance costs, the cost of utilities, and to provide necessary staff to facilitate the use of the Chapel. Applications for use of the chapel must be made at least twelve (12) hours prior to time desired.

(Code 1968, § 502.10; Ord. 256-14/15, 6-15-2015)

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.

(Code 1968, § 502.9; Ord. 110-15/16, 11-16-2015)

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.

(Code 1968, § 502.11; Ord. 110-15/16, 11-16-2015)

Sec. 7-8. Reserved.

Sec. 7-9. Reserved.

Sec. 7-10. Reserved.

Sec. 7-11. Reserved.

Sec. 7-12. Reserved.

Sec. 7-13. Reserved.

Sec. 7-14. Reserved.

Sec. 7-15. Reserved.

Sec. 7-16. Reserved.

Sec. 7-17. Reserved.

Sec. 7-18. Reserved.

Sec. 7-19. Reserved.

Sec. 7-20. Reserved.

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.
(Code 1968, § 502.3(a); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

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 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.

(Code 1968, § 502.3(b); Ord. 110-15/16, 11-16-2015)

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.

(Code 1968, § 502.3(c); Ord. 110-15/16, 11-16-2015)

Sec. 7-24. Purchasers-rights in roads, drives or paths.

No easement or right of interment is granted to any lot owner in any road, drive or path within the cemeteries, but such road, drive or path may be used as a means of access to the cemetery or buildings so long as it shall be devoted to such purpose.

(Code 1968, § 502.3(d))

Sec. 7-25. Rights reserved to cemeteries.

The right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives, or walks, or any part thereof, is hereby reserved. The

right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

(Code 1968, § 502.3(e))

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.

(Code 1968, § 502.3(f); Ord. 110-15/16, 11-16-2015)

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.

(Code 1968, § 502.3(g); Ord. 110-15/16, 11-16-2015)

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.

(Code 1968, § 502.3(h); Ord. 110-15/16, 11-16-2015)

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.

(Code 1968, § 502.3(i); Ord. 110-15/16, 11-16-2015)

Sec. 7-30. Lost or destroyed deeds.

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

(Code 1968, § 502.3(j); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

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.

(Code 1968, § 502.8; Ord. 110-15/16, 11-16-2015)

Sec. 7-32. Reserved.

Sec. 7-33. Reserved.

Sec. 7-34. Reserved.

Sec. 7-35. Reserved.

Sec. 7-36. Reserved.

Sec. 7-37. Reserved.

Sec. 7-38. Reserved.

Sec. 7-39. Reserved.

Sec. 7-40. Reserved.

Sec. 7-41. Reserved.

Sec. 7-42. Reserved.

Sec. 7-43. Reserved.

Sec. 7-44. Reserved.

Sec. 7-45. Reserved.

ARTICLE III. CARE OF LOTS*

***State law reference(s)**--Care and maintenance of cemeteries, 13
M.R.S.A. § 1305.

Sec. 7-46. Reserved

(Code 1968, § 502.4(a); Ord. 256-14/15, 6-15-2015)

Sec. 7-47. Perpetual care required; may be purchased.

All lots sold after August 19, 1970, must include perpetual care consisting of keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed. Perpetual care may be purchased to cover any lots previously sold without care.

(Code 1968, § 502.4(b); Ord. No. 441-70, § 1, 7-20-70; Ord. 256-14/15, 6-15-2015)

Sec. 7-48. Nature of care provided by cemeteries without cost.

The general care of the cemeteries is the responsibility of the city by and through its superintendent of cemeteries and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees, which have been established by the cemeteries. In no case shall it mean the maintenance, repair or replacement of any memorial, tomb or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemeteries.

(Code 1968, § 502.4(c))

Sec. 7-49. Additional care may be purchased.

(a) *By agreement.* Lot owners desiring additional care of their lots may arrange for such care with the superintendent of cemeteries who shall give an estimate of the cost of the work desired. This care may be provided for by the establishment of a trust fund under such agreement as may be determined between the superintendent and the lot owner. The limitations of this type of care may vary according to the capabilities of the individual cemeteries.

(b) *By bequest.* In addition to the foregoing, the superintendent of cemeteries is authorized to accept testamentary bequests for additional lot care including, but not

limited to, trust funds, upon his determination that the purpose of the bequest can be financially and lawfully implemented. In the event that it cannot be so implemented, the superintendent shall notify the estate's representative to that effect.

(Code 1968, § 502.4(d); Ord. No. 16-90, 6-18-90; Ord. 256-14/15, 6-15-2015)

Sec. 7-50. Investment of trust and care funds.

All care funds held by the city, whether trust or perpetual care will be invested by the city as provided by law and will be expended only as provided by the trust or perpetual care agreement.

(Code 1968, § 502.4(e))

Sec. 7-51. Semi-active cemeteries.

Semi-active cemeteries of the city will be maintained as prescribed by the parks authority.

(Code 1968, § 502.4(f))

Sec. 7-52. Who may provide care for lots.

No person except a lot owner, or an employee of the cemeteries, acting under the direction of the superintendent of cemeteries, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the Superintendent of Cemeteries secured in advance. The Superintendent of Cemeteries reserves the right to give authorization to any workmen, other than employees of the cemetery, before they may do work in any cemetery. Burial Right holders may have certain work done in accordance with these Rules and Regulations at their own expense upon application to the Superintendent of Cemeteries; prices to be agreed upon and paid before said work is done.

All outside workers must submit a Certificate of Insurance to the satisfaction of the City for review before commencing any work in the cemetery.

(Code 1968, § 502.4(g); Ord. 256-14/15, 6-15-2015)

Sec. 7-53. Lot boundaries not to be defined.

No new lot or grave shall be defined by a fence, rail, curb, hedge, trees or shrubs for the purpose of describing its corners or boundaries.
(Code 1968, § 502.4(h))

- Sec. 7-54. Reserved.**
- Sec. 7-55. Reserved.**
- Sec. 7-56. Reserved.**
- Sec. 7-57. Reserved.**
- Sec. 7-58. Reserved.**
- Sec. 7-59. Reserved.**
- Sec. 7-60. Reserved.**
- Sec. 7-61. Reserved.**
- Sec. 7-62. Reserved.**
- Sec. 7-63. Reserved.**
- Sec. 7-64. Reserved.**
- Sec. 7-65. Reserved.**

ARTICLE IV. INTERMENTS AND INURNMENTS*

*State law reference(s)--Disposal of bodies, 13 M.R.S.A. § 1032.

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.
(Code 1968, § 502.5(b); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

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.
(Code 1968, § 502.5(i); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

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, 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.

(Code 1968, § 502.5(a); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

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.

(Code 1968, § 502.5(d); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

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 or 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.

(Code 1968, § 502.5(e); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

Sec. 7-71. Location within lot to be designated by owner.

When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner, or his or

her authorized representative. Should he or she fail or neglect to make such designation, the cemeteries reserve the right to make the interment in a location designated by the superintendent of cemeteries. The cemeteries shall not be responsible for errors from telephone information lacking precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.
(Code 1968, § 502.5(f))

Sec. 7-72. Caskets opened only when.

Once a casket containing a body is within the confines of a cemetery, it shall not be opened except by a funeral director or his or her assistants or on an order signed by a court of competent jurisdiction.
(Code 1968, § 502.5(c))

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 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 only and the actual disinterment or disinurnment must be made by the person authorized to do so.
(Code 1968, § 502.5(g); Ord. 256-14/15, 6-15-2015; Ord. 110-15/16, 11-16-2015)

Sec. 7-74. Outside containers required.

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the superintendent of cemeteries. Outside containers may be procured from any source provided they meet the established

specifications. Cement liners may be purchased and installed through the cemeteries, if so desired.

(Code 1968, § 502.5(h))

Sec. 7-75. Reserved.

Sec. 7-76. Reserved.

Sec. 7-77. Reserved.

Sec. 7-78. Reserved.

Sec. 7-79. Reserved.

Sec. 7-80. Reserved.

Sec. 7-81. Reserved.

Sec. 7-82. Reserved.

Sec. 7-83. Reserved.

Sec. 7-84. Reserved.

Sec. 7-85. Reserved.

ARTICLE V. PLANTS, SHRUBS AND FLOWERS*

*Cross reference(s)--Vegetation generally, Ch. 29.

Sec. 7-86. Responsibility of cemeteries.

The cemeteries will undertake to maintain, to the extent practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, except when so contracted to do so by special arrangement.

(Code 1968, § 502.6(a))

Sec. 7-87. Plantings; permission may be granted.

No individual beds of shrubbery or flowers shall be permitted on the grounds of the cemeteries, except by special permission of the superintendent of cemeteries, and request for such permission should be accompanied by a scaled sketch of the proposed planting, showing the location and name of the proposed plantings.

(Code 1968, § 502.6(b))

Sec. 7-88. Care of evergreens where authorized.

In the monumental sections of the cemeteries where certain areas allow the planting of evergreens, thought must be given to selection of a hardy variety and one (1) that will not exceed the limits of the location. All evergreens and shrubs must be kept trimmed to within six (6) inches of the lot borders. The cemeteries will, to the extent practicable, trim all evergreens properly placed on lots. Any trees or shrubs exceeding the six (6) inch mark will be severely cut back or removed.

(Code 1968, § 502.6(c))

Sec. 7-89. Plantings on single lots, etc.

No shrubs or evergreens will be permitted on a single grave lot. No plantings of any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two (2) grave or larger plots must first be approved by the superintendent of cemeteries. Planting of annuals is allowed in certain sections of the cemetery as approved by the Superintendent of Cemeteries. Please contact Office for details.

(Code 1968, § 502.6(d); Ord. 256-14/15, 6-15-2015)

Sec. 7-90. Floral displays on graves.

Only one (1) floral display is permitted on a grave at any one (1) time. Exceptions to this rule will be permitted during one (1) week prior to and one (1) week following Memorial Day and at the time of interment. No glass jars, unsightly metal receptacles or breakable flower containers shall be placed on lots. True floral containers, recessed holders and rustic baskets are recommended.

(Code 1968, § 502.6(e))

Sec. 7-91. Regulations covering Memorial Park or nonmonumental areas.

In the Memorial Park or nonmonumental sections of the cemeteries, the primary aim is to create a beautiful expanse of park-like grounds, bordered by appropriate shrubs, trees and gardens. Within such areas all markers shall be flush with the surface. No individual plants within the burial areas will be permitted. Only one (1) floral display shall be permitted on a

grave at any one (1) time, with the exceptions as set forth under section 7-90. Except for recessed containers, all plant and flower holders shall be placed upon the individual marker. In the absence of a marker, permission may be granted for the placement of memorial flowers or plants above ground on the normal location of a marker space. Cooperation of lot owners in this area will permit better maintenance and opportunities to improve the appearance and quality of the turf within these areas.

(Code 1968, § 502.6(f))

Sec. 7-91.1 Regulations covering Columbarium Circle

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

(Ord. 110-15/16, 11-16-2015)

Sec. 7-92. Right of cemeteries to remove flowers and plants.

The cemeteries shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemeteries as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemeteries.

(Code 1968, § 502.6(g))

Sec. 7-93. Cemeteries not responsible for flowers and plantings.

The cemeteries shall not be responsible for floral pieces, baskets or frames in which or to which floral pieces are placed or attached beyond their acceptance for services held in the cemeteries, and shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements, thieves, vandals or by other causes beyond their control. The cemeteries reserve the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind without prior approval.

(Code 1968, § 502.6(h))

Sec. 7-94. Removal of unsightly vases, urns.

The cemeteries reserve the right to remove from lots vases or urns not properly painted or otherwise cared for or not filled with plants by June thirtieth.

(Code 1968, § 502.6(i))

- Sec. 7-95. Reserved.**
- Sec. 7-96. Reserved.**
- Sec. 7-97. Reserved.**
- Sec. 7-98. Reserved.**
- Sec. 7-99. Reserved.**
- Sec. 7-100. Reserved.**
- Sec. 7-101. Reserved.**
- Sec. 7-102. Reserved.**
- Sec. 7-103. Reserved.**
- Sec. 7-104. Reserved.**
- Sec. 7-105. Reserved.**

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

*State law reference(s)--Mausoleums and vaults, 13 M.R.S.A. § 1341 et seq.

Sec. 7-106. One monument per lot permitted; one marker per grave permitted.

The owner of any lot shall have the right to erect thereon any proper stone or monument upon authorization by the superintendent of cemeteries. Only one (1) monument shall be permitted on a lot which must be located in the center or center rear, unless special permission is granted by the superintendent for placing it otherwise. Only one (1) individual marker per grave is allowed in any of the cemeteries. In certain areas, however, a monument and individual headstones are permitted.

(Code 1968, § 502.7(a))

Sec. 7-107. Site and plans of structures to be approved.

Tombs, vaults or mausoleums can be constructed only in such places and be of such design as shall be approved by the superintendent of cemeteries. Complete plans and specifications must be furnished when request for permission to build is made.

(Code 1968, § 502.7(b))

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.

(Code 1968, § 502.7(c); Ord. 110-15/16, 11-16-2015)

Sec. 7-109. Materials, size and design of structures.

No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze. In general, no monument or marker shall exceed a base size from end to end of sixty (60) percent of the width of the lot. However, in certain areas of the cemeteries, the specific design of particular sections has been planned to accept a certain type or size marker. These sections are familiar to local monument dealers, and more detailed information may be had at the offices of the cemeteries concerning such requirements or specifications.

(Code 1968, § 502.7(d))

Sec. 7-110. Foundations required; by whom constructed.

No stone, monument, tomb, vault or other superstructure shall be erected until a suitable foundation is laid. All foundations for monuments shall be not less than four (4) feet in depth. Deeper foundations will be used when deemed advisable by the superintendent of cemeteries. As a guarantee of good work, for the general welfare of the cemeteries, and for protection to lot owners, the cemeteries reserve the right to construct all foundations for such structures. The superintendent of cemeteries may, however, if deemed advisable, authorize under his supervision the construction of such foundation by other qualified contractors.

(Code 1968, § 502.7(e))

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.

(Code 1968, § 502.7(f); Ord. 110-15/16, 11-16-2015)

- Sec. 7-112. Reserved.**
- Sec. 7-113. Reserved.**
- Sec. 7-114. Reserved.**
- Sec. 7-115. Reserved.**
- Sec. 7-116. Reserved.**
- Sec. 7-117. Reserved.**
- Sec. 7-118. Reserved.**
- Sec. 7-119. Reserved.**
- Sec. 7-120. Reserved.**
- Sec. 7-121. Reserved.**
- Sec. 7-122. Reserved.**

ARTICLE VII. RULES OF CONDUCT*

*Cross reference(s)--Offenses and miscellaneous provisions, Ch. 17.

Sec. 7-123. Trespass.

No person other than a cemetery employee on authorized duties shall enter any cemetery after the hours or times specified in section 7-2 and any person so entering shall be guilty of trespass.

(Code 1968, § 502.2(b)(1); Ord. No. 591-7, § 1, 11-3-75)

Sec. 7-124. Malicious mischief.

No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, marker or other structure placed within any cemetery, or any fence, railing, or other work for the protection or ornamentation of any tomb, monument, gravestone, marker or other structure aforesaid, or any cemetery lot within any cemetery.

(Code 1968, § 502.2(b)(3); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-125. Manner of travel by pedestrians.

Persons visiting the cemeteries shall use only the avenues, walks and alleys provided, and no person shall walk upon or across lots or lawns unless necessary and where such avenues, walks or alleys are not provided. The city expressly disclaims

responsibility for any injury sustained by any person violating this section.

(Code 1968, § 502.2(b)(2); Ord. No. 59175, § 1, 11-3-75)

Sec. 7-126. Manner of travel by vehicles.

Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral cortege, they must stop until the procession passes. They must not pass a funeral cortege, either stopped or in motion. Mufflers must not be opened, nor the horn sounded within the cemeteries, and all such vehicles shall comply with the following rules:

- (a) Maximum speed limit: Fifteen (15) miles per hour.
- (b) No vehicle may be driven or parked across or upon any grave, lot or lawn.
- (c) Parking or leaving any vehicle on any road or drive in such a way as to prevent any car or vehicle from passing is prohibited and a violation of this section will be cause for the removal of such vehicle by the superintendent of cemeteries at the owner's expense.
- (d) Making a complete or partial reverse turn of any vehicle on any road or drive is forbidden.

(Code 1968, § 502.2(b)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-127. Commercial vehicles prohibited.

No commercial vehicle shall be permitted within the limits of any cemetery except those directly involved in the business of the cemetery. The words "commercial vehicle" as used in this particular subsection shall mean a motor vehicle which bears a "Com" license plate as issued by the state or motor vehicle bearing commercial plates issued by any other state.

(Code 1968, § 502.2(b)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-128. Alcoholic beverages prohibited.

No person shall be in possession of or consume any alcoholic beverage within any cemetery.

(Code 1968, § 502.2(b)(6); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Alcoholic beverages generally, Ch. 3.

Sec. 7-129. Commercial enterprises prohibited.

No person shall sell or offer for sale, hire, lease or rent any object, merchandise, property, service or other thing in any cemetery nor shall any person engage in any commercial enterprise in any cemetery except such as is directly involved in the business of the cemetery.

(Code 1968, § 502.2(b) (7); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-130. Solicitations prohibited.

Solicitations, charitable, political or otherwise are prohibited in any cemetery.

(Code 1968, § 502.2(b) (8); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Peddlers and solicitors generally, Ch. 19.

Sec. 7-131. Litter.

No person shall deposit in any cemetery any garbage, sewage, refuse, waste, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or waste material or obnoxious material, except in containers designed for such purposes.

(Code 1968, § 502.2(b) (9); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Garbage, wastes and junk generally, Ch. 12.

Sec. 7-132. Disorderly conduct prohibited.

No person shall behave in a loud, indecent or disorderly manner in any cemetery or except as provided by section 7-138, create any unnecessary disturbance therein.

(Code 1968, § 502.2(b) (10); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Offenses against public peace, § 17-16 et seq.

Sec. 7-133. Sports, games prohibited.

No person shall conduct or participate in any sport, game or contest in any cemetery, except ice skating.

(Code 1968, § 502.2(b) (11); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Parks, recreation and public buildings, Ch. 18.

Sec. 7-134. Minors prohibited in cemeteries; exception.

Children under fifteen (15) years of age are not permitted within the cemeteries, except when accompanied by their parents, guardian or other adult person or by a written note of permission signed by a parent or guardian, giving their telephone number or address.

(Code 1968, § 502.2(b)(12); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-135. Unleashed animals prohibited.

No person shall cause or permit any animal or dog owned by him or her, in his or her custody, or under his or her control, to go at large within any cemetery unless on the walkways and roadways only and held in leash by a responsible person, the leash not to exceed eight (8) feet in length, except as otherwise provided in section 5-15.1 of this Code for control of dogs in city-owned cemeteries.

(Ord. No. 176-96, § 8, 3-4-96)

Editor's note--Pursuant to the adoption of § 5-15.1 of this Code, § 7-135, which prohibited unleashed animals in cemeteries, has been deleted, treated as repealed by said § 5-15.1. Formerly, § 7-135 derived from § 502.2(b)(13) of the city's 1968 Code as amended by Ord. No. 591-75, § 1, adopted Nov. 3, 1975. Subsequently, Ord. No. 176-96, § 8, adopted Mar. 4, 1996, enacted similar new provisions as herein set out.

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.

(Code 1968, § 502.2(b)(14); Ord. No. 591-75, § 1, 11-3-75; Ord. 256-14/15. 6-15-2015; Ord. 110-15/16, 11-16-2015)

Sec. 7-137. Signs prohibited.

No sign, notice or advertisement of any kind except directional, identification signs placed by cemetery personnel shall be permitted in any cemetery and the superintendent of cemeteries shall remove same.

(Code 1968, § 502.2(b)(15); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Signs and billboards generally, § 14-366 et seq.

Sec. 7-138. Firearms, fireworks, weapons, etc., prohibited.

The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging of, or carrying, offensive weapons of any type, or the hurling of rocks or pellets, or the discharging of fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial undertaking has been previously scheduled with the superintendent of cemeteries.

(Code 1968, § 502.2(b)(16); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Fire prevention and protection, Ch. 10; weapons generally, § 17-41 et seq.

Sec. 7-139. Fishing prohibited.

In cemeteries containing natural or artificial ponds, the act of fishing or carrying tackle is prohibited.

(Code 1968, § 502.2(b)(17); Ord. No. 591-75, § 1, 11-3-75)