

Chapter 11.04 Municipal Cemeteries

Section:

11.04.010	Purpose and Policy
11.04.020	Sale of Lots
11.04.030	Application for Service
11.04.040	Cemetery Superintendent
11.04.050	Cemetery Rules and Regulations
11.04.060	City Liability and Effect of Laws.

11.04.010 Purpose and Policy. Pursuant to the authority of ORS 226.410 to 226.450, the City of Mosier owns and operates two municipal cemeteries, one (Pioneer Cemetery) located within the City’s corporate limits and the other (Mosier Cemetery) located outside the City limits (collectively, the “cemeteries”). This chapter is adopted to implement this authority and govern the City’s use and operation of these municipal cemeteries. The city council may adopt by resolution, and amend from time to time, specific operational policies for either or both cemeteries that are consistent with the provisions of this Chapter and state law. The plats of these cemeteries that are on record in the office of the City Recorder at the time this chapter is adopted are hereby ratified and declared to be the official records of the Pioneer Cemetery and the Mosier Cemetery.

11.04.020 Sale of Lots:

A. Sale: The Sale of lots in the cemeteries is under administrative control of the City Recorder, subject to the rules and regulations of the cemeteries and the general supervision of the City Council. Any applicant may apply to the Cemetery Superintendent or the City Recorder, select from the available lots and purchase a lot for interment. Upon payment in full of the purchase price, the City shall issue a deed to the lot in a form approved by the City Attorney. The deed shall be signed by the City Recorder, sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record the deed in the Wasco County deed records. The sale of lots on a time basis may be made in accordance with the rules and regulations adopted by the City. No lot sold by the City shall be transferred by the owner to another party without first receiving the specific consent from the City for the transfer and properly recording the transfer with the records maintained by the City Recorder.

B. Change of Address: It shall be the duty of the lot owner to maintain with the City Recorder the lot owner’s current address and to notify the City Recorder of any address changes. Any notice sent to the lot owner at the most recent address provided to the City Recorder shall be deemed sufficient and proper legal notification for every purpose.

C. Price: The City Council shall establish by resolution, and may from time to time amend, the price for lots in the cemeteries and all services rendered by the City. All charges due and owing shall be paid in full in advance of interment.

D. Deeds for Lots: All deeds for cemetery lots in the cemeteries shall be signed by the City Recorder on behalf of the City as grantee and issued upon payment of the proper price thereof.

E. Location of Interment Space. When instructions from a plot or lot owner regarding the location of an interment space cannot be obtained or are incorrect or imprecise or for any reason the interment space cannot be located or opened where specified, the City may, at its sole discretion, open a grave in any suitable location in the plot as the City deems best and proper, so as to not delay a funeral. In not event shall the City be liable for any claim or damages for any such substitutions.

F. City Maintenance Easement: On, over and through each lot sold in the cemeteries, the City shall retain an easement for all maintenance, repair and renovation purposes.

G. Repossession of Lots: The City may repossess any unused lots and any lot for which the owner has not fully paid the purchase price or any assessments for maintenance or other cemetery purposes.

11.04.030 Application for Service. To apply for interment, disinterment or removal of a body, the owner of the lot or person with authority over the Lot shall apply in writing to the City Recorder or Cemetery Superintendent. The applicant shall provide documentation that he or she owns or has legal authority over the lot. Failure to provide adequate proof of lot ownership or the right to control the lot will be sufficient grounds to postpone or deny the requested service.

11.04.040 Cemetery Superintendent. The position of Cemetery Superintendent is hereby created and shall be filled by appointment by the Mayor with the concurrence of the City Council. The City shall budget salary and reasonable expenses for the position of Cemetery Superintendent and operation of the cemeteries. The Cemetery Superintendent shall have day-to-day management and maintenance authority over the cemeteries and shall be responsible for the administration of this Chapter and any applicable rules, regulations or policies adopted by the City Council. In particular, the Cemetery Superintendent shall be responsible for the following duties:

A. Control of Work. The Superintendent shall be responsible for all grading, landscaping work and improvements of any kind and all care of lots, the planting, trimming and maintenance of all trees, shrubs and groundcover plants, all openings and closing of graves, all interments, disinterments and removals. No interments, disinterments or removals shall be done without the prior approval of the Superintendent.

B. Receipt of Applications. The Superintendent shall be responsible for the receipt, review and decision on all applications for lot purchases and for the designation of lots sold.

C. Maps and Other Records. The Superintendent shall be responsible for maintaining all of the following records. The City of Mosier shall not be responsible for the accuracy of any record maintained previous to the City's acquisition and control of the cemeteries, nor any record dependant upon submission of information by lot and plot owners:

1. Maps. The city shall maintain at least three copies of a map showing all burial and ownership information for the cemeteries. One copy shall be kept on file with the City Recorder; one shall be kept in the City vault, and one shall be kept and maintained in current order by the Cemetery Superintendent.
2. Deed records. The City Recorder is authorized to acquire and maintain suitable record books for maintaining of (a) the record and index of all deeds covering cemetery lots that have been or may in the future be created and conveyed and shall be designated as the "Cemetery Deed Records;" (b) an ownership plat of the cemeteries where the date, names of all lot and burial plot owners shall be maintained. The City Recorder shall also maintain, as far as practicable, a record of the most recent address of all lot and plot owners.
3. A map or diagram of each lot sold in the cemeteries, identified by block and lot number, the date sold and the name and current address of the lot owner.
4. An index of lot owners showing full name, lot and block number.
5. An interment register containing a cumulative record of burials, showing the date of interment, the name, place of death, name and address of the funeral director, block, lot and grave number.
6. A burial record including the current index for each person interred, with the name and date of burial, block, lot and grave number
7. A lot ownership record including duplicate copies of all receipts issued at the time of lot sale.
8. A file of burial permits as required by state law showing the date of interment.

D. Control of Disinterments. The remains of a deceased person interred in a lot in the cemeteries may be removed with the consent of the Cemetery Superintendent and written consent of the person holding the right to control the disposition of the remains of the deceased person. If the consent of the person holding this right cannot be obtained, permission by the Wasco County Court shall be sufficient. The person requesting a

disinterment shall provide to the Cemetery Superintendent written notice of application to the Wasco County Court at least 60 days prior to the proposed disinterment date. Disinterment may also be performed pursuant to an Order issued by the Wasco County Circuit Court or the County Coroner.

11.04.050 Cemetery Rules and Regulations.

A. The City Council shall adopt by resolution, and may from time to time amend, rules and regulations for the use, care, control, management, restriction and protection of one or both of the cemeteries. These rules and regulations may restrict and limit the use of all property in the cemeteries, regulate the uniformity, class and kind of all markers, monuments and other structures in the cemeteries, prohibit the erection of monuments, markers or other structures in or upon any part of the cemeteries, regulate monuments, effigies and structures in the cemeteries, regulate the introduction and care of landscaping plants in the cemeteries, prevent the interment in any part of the cemeteries of a body not entitled to interment, prevent the use of burial plots for purposes that violate the City's adopted rules and regulations, regulate the conduct of people, prevent improper gatherings or activities in the cemeteries, and regulate for all other purposes deemed necessary by the city council for the proper conduct of the business of the cemeteries and the protection and safeguarding of the cemetery properties and the principles, plans and ideals on which the cemeteries are established. The rules and regulations adopted by the council may provide different management and operation rules for the two cemeteries.

B. The following acts, structures and activities are strictly prohibited in the cemeteries:

1. Curbing. The construction, installation or repair of any curbing surrounding any lot or group of lots in the cemeteries is prohibited. It is the City's objective to eliminate all such curbing because it interferes with the City's maintenance and care of the lots within the cemeteries.
2. Fences and enclosures. Erection or placement of fences or enclosures around graves or lots is prohibited.
3. Crushed or decorative rock. Placement or installation of crushed or decorative rock in the cemeteries is prohibited.
4. Grading. All grading, except grading conducted by the City as part of the operation and management of the cemeteries, is prohibited.

C. The requirements apply to the construction, maintenance and repair of all lots in the cemeteries:

1. Repairing structures. No repairs to any improvements or structures on lots in the cemeteries, except for repairs to permitted monuments, shall be allowed without written consent of the Cemetery Superintendent.
2. Grave depth. All graves dug in the cemeteries shall be excavated to a depth of not less than 4½ feet at the shallow end.
3. Lot improvement. No improvement or construction shall be made to any lot unless the improvement has been reviewed and approved in writing by the Cemetery Superintendent.
4. Markers and monuments. All markers and monuments shall conform to existing sizes and patterns and shall be placed in a concrete base flush with the ground in a minimum width of not less than four inches on all sides and shall maintain existing grades.
5. Removal of improvements. Existing plants, shrubs, curbing, etc., may be removed only by the City or with the express approval of the Cemetery Superintendent.
6. Concrete liners. The Cemetery Superintendent may require concrete liners or steel vaults.

11.04.060 City Liability and Effect of Laws.

A. Limit on City's liability. The City of Mosier, its agents, officials and employees shall not liable for the maintenance, care, or lack thereof, damage, vandalism, theft of any plants, ornaments, markers, monuments or human remains in or on any lot or plot. The City shall not be liable when, at the discretion of the Cemetery Superintendent, plants or ornaments are removed by Cemetery Superintendent or maintenance workers.

B. Effect of laws. In addition to the provisions of this chapter, all interments, disinterments and removals are subject to all applicable federal, state and Wasco County laws and regulations, in addition to any other applicable laws or regulations of the City of Mosier.