

ORDINANCE NO. 1386

AN ORDINANCE REPEALING ORDINANCE NO 967 ESTABLISHING RULES AND REGULATIONS FOR BURIALS IN THE ZILLAH CITY CEMETERY, ALSO ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE OF GRAVE SITES/ AND ESTABLISHING PENALTIES FOR VIOLATIONS OF SAID RULES AND REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH/WASHINGTON/ AS FOLLOWS:

Section 1. Statement of Purpose: The City Council for the City of Zillah, Washington/ has determined that the existing ordinance providing rules and regulations for the Zillah City Cemetery is in need of modification and change. Accordingly/ the City Council established a Cemetery Advisory Committee to study Ordinance No. 739 and recommend changes to said Ordinance. Said Cemetery Advisory Committee has met in open public meeting and has heard testimony from a number of concerned citizens and users of said cemetery and has made final recommendations for modifications to Ordinance No. 739. Accordingly/ the City Council for the City of Zillah/ Washington, having considered the recommendations of the Advisory Committee does adopt an Ordinance as follows:

Section 2. Definitions:

- A. "Block" and "Section" shall mean and refer to tracts larger than lots with areas as defined on the official plat of the cemetery.
- B. "Burial" shall mean the activities associated with opening a lot for the internment of a deceased person and its subsequent closing.
- C. "Interested Party" shall mean a friend or member of the family of a person buried or for whom a burial is imminent in the Zillah City Cemetery.
- D. "Lot Owner" shall mean a person to whom a burial lot is sold and to whom is issued the Certificate of Sale.
- E. "Adult Lot" shall mean an area of land occupied by an adult grave site or tract approximately nine feet by three feet in size.
- F. "Cremation Lot" shall mean a cremation grave site or tract approximately three feet by three feet in size.
- G. "Infant Lot" shall mean an infant grave site or tract approximately three feet by three feet in size.

Section 3. Fee Schedule: The fee schedule for the sale of lots and burials in the Zillah City Cemetery shall be by separate ordinance. Presently, Ordinance No. 900 establishes the fees and charges relating to the Zillah City Cemetery. The City Council for the City of Zillah, Washington, may modify the fee schedule for the Zillah City Cemetery by amending or repealing Ordinance No. 900 with a subsequent ordinance.

Section 4. Sale of Lots-Records: For the sale of lots in the Zillah City Cemetery, the City shall keep and maintain record of all lots sold, to whom sold, whether endowment care or nonendowment care is provided, and shall issue Certificates of Sale upon payment of the purchase price for said lot. The City shall properly describe the lot by number, in block and section, and shall indicate on the Certificate, the proper description of the lot sold.

Section 5. Payment for Lots: All lots must be paid for in full at the time of purchase of the lot, or internment in the lot, unless a licensed funeral home has guaranteed payment. Payments due and owing that are not made within thirty (30) days of the date of purchase shall bear interest on the unpaid balance at the rate of one and one-half (1½) percent per month.

Section 6. Resale of Lots: The owner of any lot may resell the lot back to the City of Zillah, but only at the purchase price that was paid at the time of the original sale of the lot. Lots may be resold to other individuals with the express written approval of the City Finance Director. It is the specific intent of this section of the Ordinance that persons owning lots in the Zillah City Cemetery shall not be permitted to speculate or profit on the resale of lots previously purchased in the Zillah City Cemetery.

Section 7. Marker/Headstone Installation Rules: Markers/headstones are required for all lots in which burials occur. At the time of internment, a temporary marker will be installed and the cost of a permanent Zillah marker will be assessed and paid by the owner of the lot. The amount of money assessed for a permanent Zillah marker will be credited toward the installation of a commercial headstone if the same is made available for installation within sixty (60) days from the date of internment. After sixty (60) days from the date of internment, if a commercial headstone is not made available to the cemetery sexton, a Zillah permanent grave marker shall be installed and the permanent marker fee paid shall become non-refundable; provided, however, if an interested party provides proof of having purchased a commercial headstone within sixty (60) days of the date of internment, and the unavailability of the headstone is due to circumstances beyond that party's control, an additional thirty (30) days will be permitted for making said commercial headstone available before the Zillah permanent marker is installed. Zillah permanent markers shall only indicate the deceased's name, year of birth, and year of death. All markers/headstones will be set on the appropriate lot by City personnel and will only be installed according to the weather and the availability of Zillah City Public Works Department personnel.

Section 8. Cemetery Headstones Permitted:

A. Upright cemetery headstones are permitted only in the old section (western portion) of the Zillah City Cemetery. In the new section (eastern portion) all markers/headstones must be set at ground level. All markers/headstones must be set in line according to cemetery survey.

B. All headstones other than the Zillah markers shall be made of granite, marble, limestone, or some other stone of comparable hardness approved by the cemetery sexton.

C. All ground level headstones shall be required to have a border as installed by the City so as to keep the headstone intact.

Section 9. Benches: Benches with cement slabs in a proportionate size will only be permitted to be placed in the cemetery in specified areas as determined by the Zillah City Council. A bronze commemorative medallion may be included on the bench as approved in the discretion of the City Council. Requests for placement of such a bench in the Zillah City Cemetery shall be in written form and shall include details on the size and composition of the proposed bench, along with a diagram showing the dimensions of the bench or a picture of the proposed bench. Any person obtaining approval for the placement of such a bench shall be solely responsible for its cost. Placement of the bench in the Zillah City Cemetery will be performed by personnel from the City Public Works Department. Benches that deteriorate or become unsafe in the

judgment of the cemetery sexton will be removed. If the cement foundation deteriorates, the City will replace or repair the foundation, if the deterioration is from ordinary wear and tear.

Section 10. Burials: All burials/internments must be scheduled at least 24 hours in advance of the proposed time for the burial/internment. Arrangements for burials/internments shall be made during normal business hours at Zillah City Hall between the hours of 8:00 a.m. to 5:00 p.m. The time of burial/internment must be scheduled such that funeral processions are inside the cemetery gates by 2:00 p.m. Pacific Standard Time, or 3:00 p.m. Pacific Daylight Time, depending on the month of the year. Burials may be scheduled on Monday through Saturday, except that Monday morning burials will only be permitted if arrangements are scheduled before noon the previous Friday. Saturday burials will only be permitted and scheduled on payment of a fee of \$250.00, or such other amount as is determined by the City Council, which is in addition to all other fees and charges.

All burial lots must be opened and closed exclusively by personnel from the Public Works Department. No more than two burials/internments will be permitted per lot. Provided, however, in the cremation and baby sections of the cemetery, only one burial/internment per lot shall be permitted.

For safety reasons, no one will be allowed to access the casket or grave, once the graveside service is concluded and the casket is lowered into the casket liner. At the conclusion of the graveside service, the public works employee(s) will wait for individuals to leave the area. Once that occurs, the public works employee(s) will go to the gravesite, lower the casket into the casket liner and complete the burial. At no time after conclusion of the graveside service will anyone (other than the public works employee(s), be allowed to be within 50 feet of the grave until after burial is complete.

Section 11. Ornament/Floral Regulations: The following regulations shall apply regarding ornaments, objects, toys, flags, and floral arrangements for placement on lots/grave sites.

A. No boxes, shells, pinwheels, metal toys, wood toys, plastic toys, chairs, settees, glass objects of any kind, wood ornaments, or similar objects, may be placed on a lot/grave site.

B. No more than two flower arrangements may be placed on each lot/grave site. Said flower arrangements must be placed in a permanent vase, a temporary vase placed next to the marker/headstone, or may be laid on the marker/headstone itself.

C. In addition to flower arrangements, there may be placed on or adjacent to the marker/headstone, no more than two flags (not to exceed three feet in height), two balloons, and one stuffed animal or doll adjacent to the headstone/marker.

D. Artificial flowers are only permitted between November 1 and March 1.

E. No food, beverages, or beverage containers may be placed on a lot/grave site.

F. No ornaments or floral arrangements may be placed upon an unused grave site or lot. Said rules and regulations shall apply throughout the year except for Memorial Day weekend (Thursday through Monday), Mother's Day, and Father's Day. On these days, and for one week after a burial, there will be no limit to the amount of flowers, balloons, and/or flags placed on a lot/grave site, and stuffed animals will also be permitted.

Section 12. Removal of Ornaments/Floral Arrangements: The City shall have the authority to remove any and all flowers, balloons, flags, or any other object placed on a lot/grave site on Wednesday of each week throughout the calendar year. All flowers, balloons, flags, or other objects removed from a grave site shall be disposed of in any manner the City Public Works Department determines to be appropriate. The City shall not be responsible to return any item of property removed from a lot/grave site on any given Wednesday. The City shall also have authority to temporarily remove ornaments and floral arrangements for a funeral service in the immediate vicinity of a grave site that has ornaments and/or floral arrangements. After completion of the service, the City shall replace the flowers and/or ornaments to the best of its ability considering the fragility of some flowers. In addition to Wednesday removal, any item of personal property not approved and/or placed on a lot/grave site in violation of this Ordinance may be removed at any time and disposed of without notice to any party.

Section 13. Cemetery Hours: The Zillah City Cemetery will be open between the hours of 8:00 a.m. and 5:00 p.m. from September 1, through March 31, and the hours of 8:00 a.m. to 9:00 p.m. from April 1, through August 31, of each year. Between April 1 through August 31, the cemetery shall be open for persons walking beginning at 6:00 a.m. However, the gates will not be opened before 8:00 a.m. No person other than members of the Zillah Public Works department or Zillah Police Department shall be permitted to be on the cemetery property other than during the hours set forth herein.

Section 14. Planting of Trees, Plants ,etc.: No person shall be permitted to plant a tree, flower, shrub, or other living plant within the Zillah City Cemetery unless said planting is approved after written request to the Zillah City Council.

Section 15. Conduct Prohibited: The following activities shall be prohibited in any area within 50 ft. of a gravesite.

- A. No person shall permit a dog, other than service dogs, to come upon cemetery property.
- B. Firearms are not permitted on cemetery grounds except for funeral ceremonies involving the firing of weapons in salute and those in possession of law enforcement personnel.
- C. Speeding in excess of 10 m.p.h. within the cemetery grounds is prohibited.
- D. Loud or boisterous conduct is prohibited.
- E. A person over the age of 18 years may not allow children to play or move about the cemetery unattended, after having brought said children into the cemetery. (This prohibition is not applicable to the unused cemetery property where sports activities are permitted.)
- F. No activities involving preparation or provision of food or beverages, including but not limited to barbecues, meals, buffets or similar activities.

Section 16. Correction of Mis-burials: The City reserves and shall have the right to correct any mistakes or errors that may be made by City employees in making internments, dis-internments, or removals, or in the description, transfer or conveyance of any lot/grave site, either by cancelling such conveyance, and substituting a lot/burial site in lieu thereof, equal value and similar location, or in the sole discretion of the City of Zillah by refunding the amount of money paid for the purchase of said lot or grave site. In the event the error involves the internment of the remains of a person upon the wrong lot/grave site, the City reserves and has the right to remove and re-enter the remains of the person interned to such other lot/grave site

as selected, which has an equal value and similar location as determined in the discretion of the Zillah Public Works Department.

Section 17. Endowment Care: All endowment charges/ fees will be assessed at the time of purchase of the lot. Said endowment charges will be held and maintained in trust pursuant to Ordinance and Washington State law. No less than ten (10) percent of the sale price for each lot sold will be held in trust for endowment purposes as provided by Washington State law. In consideration and for endowment, the City assumes the responsibility for the following:

- A. To irrigate the lots/grave sites, and to keep the area green and neatly mown.
- B. To trim and prune the flowers and shrubbery permitted to grow on the cemetery grounds.
- C. To fill and keep the general level of such lots/grave sites.

The City shall not be obligated from the revenue from endowment care to provide burials, place headstones or monuments, or replace flowers and shrubbery which die because of age or disease. The City Finance Director shall maintain books and records regarding the endowment monies and the trust fund in which said endowment funds are maintained.

Section 18. Violations/Penalties: Any violation of this Ordinance shall constitute a civil infraction. Any person violating the provisions of this Ordinance may be issued an infraction citation. The Zillah Municipal Court shall have jurisdiction to enforce and to have hearings regarding said infraction citation. The burden of proof regarding these infractions shall be a preponderance of the evidence. Any person determined by the Municipal Court to have committed an infraction/violation of this Ordinance may be assessed a civil penalty as follows:

First Offense\$100.00

Second Offense\$200.00

Third Offense\$500.00

Any person found to have committed more than three infractions within a two year period of time shall be considered a nuisance, and at the option of the City of Zillah, a civil action may be brought against any such person for the purpose of seeking a restraining order/injunction, preventing the violator from entering upon the cemetery property.

Section 19. Repeal of Ordinance No. 967: Ordinance No. 967 is hereby repealed.

Section 20. Severability: If any provision of this Ordinance or its application to any person or circumstances is held to be invalid, the remainder of this Ordinance or the application of the provisions to other persons or circumstances, shall not be affected.

Section 21. Effect: This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, this 8th day of September, 2015.



GARY CLARK, MAYOR

ATTEST:



SHARON BOUNDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:



JAMIE CARMODY, CITY ATTORNEY