

**CEMETERIES
CHAPTER 7**

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Cross references- Alcoholic beverages, Ch. 4, consumption of cereal malt beverages in public prohibited, § 4-313; animals prohibited from running at large, § 3-309.

State law reference- Cemeteries, K.S.A. 12-1401 et seq.

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ARTICLE I. MUNICIPAL CEMETERIES

Sec. 7-101 Supervision by City Manager; designation of Sexton.

The City Manager or his designates shall be vested with the authority to generally supervise the operation of all Municipal Cemeteries in the City. The City Manager may hire such personnel as shall be authorized by the City Commission as it deems necessary to carry out the purpose and intent of this Chapter.

Each Municipal Cemetery shall have one person to be designated by the City Manager as Sexton, whose duties shall be to oversee the day-to-day operation and maintenance of cemetery grounds.

(Code 1982)

Cross reference- City Manager, § 2-201 et seq.

Sec. 7-102 Hours; penalty.

- A. All Municipal Cemeteries shall be open for the conduct of business between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday.
- B. It shall be unlawful for any person to enter any Municipal Cemetery or to drive any motor vehicle or park any motor vehicle in such cemeteries between sunset and sunrise. Any person upon such premises between sunset and sunrise shall be guilty of a class C misdemeanor; provided, however, that authorized city personnel may enter such cemeteries during otherwise prohibited hours.

(Code 1982)

Sec. 7-103 Burial prohibited on certain days; exception.

No burial shall take place on Sundays or holidays except at a time of catastrophe, disaster or epidemic. A current list of recognized holidays shall be maintained by the City Clerk. For good cause and to avoid undue hardship, the City Manager, in consultation with appropriate City staff, has the authority to make reasonable exceptions to the burial regulations.

Revised: (Ord. No. 3494-05, 1-14-05)

Changed: 7-18-05

(Code 1982)

Sec. 7-104 Vaults.

All caskets shall be placed inside vaults, or grave liners. Vaults shall be of concrete, steel, or other approved permanent construction material. The use of fiberglass and wooden vaults is prohibited.

(Code 1982)

CEMETERIES**Chapter 7****Sec. 7-105 Monuments, stones and urns.**

All monuments and stones shall be set on concrete footings. Such footings shall be flush with the ground and shall extend a minimum of four inches (4") outside the dimensions of any part of the monument or stone. All concrete footings shall be formed, finished and edged. The concrete mix for such footing shall consist of three parts washed rock, two (2) parts sand and one (1) part cement.

The general location of all stones or monuments on any gravesite shall be located and placed as directed by the Sexton. All monuments and foundations shall be entirely within the boundaries of a particular burial space. The depth of such concrete footings and bases shall be as designated by the Sexton. All stones and monuments cannot be set until a stone setting permit is acquired. Such stone setting permit shall be issued by designated city personnel in the Business Office in the City Hall. A fee for such stone setting permit shall be determined from time to time. All stones and monuments may be realigned or relocated by the Sexton and s/he is also authorized to repair and rest bases and stones as the need requires. All urns shall be installed in concrete and aligned with the head stones.

(Code 1982)

Sec. 7-106 Temporary markers; removal.

Any temporary markers placed at grave sites which do not conform to the requirements for monuments and stones as set forth in Section 7-105 of this article may be permanently removed by authorized City personnel if not replaced by a permanent stone or monument within twenty (20) days after closing of the gravesite so marked.

(Code 1982)

Sec. 7-107 Construction operation supervision.

In the erection of monuments, tombs or other structures in municipal cemeteries, a place will be designated by the Sexton for the deposit of building materials and implements, which shall not remain longer on the grounds than is actually necessary; and should such implements or materials be left on the grounds, the Sexton shall cause such materials to be removed to some suitable place at the owner's cost. All workers employed in construction upon the lots and grounds of such cemeteries shall be subject to the control and direction of the Sexton. Any workers failing to conform to this section and the other requirements of this article shall not thereafter be permitted to work on such grounds.

(Code 1982)

Sec. 7-108 Artificial decorations.

Artificial decorations shall be permitted from October 1st to May 1st. Artificial flowers may be placed upon graves for seven (7) days prior to and fifteen (15) days following Memorial Day of each year. Artificial flowers which are placed in urns which are a part of a headstone and are embedded in a concrete base may be permitted at all times.

(Code 1982)

CEMETERIES**Chapter 7****Sec. 7-109 Trees, shrubbery and live flowers.**

No person shall be authorized to plant a tree upon any gravesite. Small shrubs and live flowers may be planted on grave sites but only at the direction and upon approval of the Sexton. All spreading plants, vines or rose thorn bushes shall be prohibited. All small shrubs and live flowers that have been previously approved by the Sexton for planting shall be maintained by the lot owner, and any small shrubs shall be pruned or cut back to maintain a reasonable size on an annual basis by the owner. The Sexton shall have the authority to remove any shrub or planting which may be diseased or dead.

(Code 1982)

Sec. 7-110 Use of lots; interments restricted.

- A. The lots in said cemeteries shall not be used for any other purpose than as a place for the burial of human remains, and all interments and lots shall be restricted to the immediate family of the owner or members of his household, unless special permission has been obtained in writing from the lot owner, in which case such written permission shall be attached to the certificate of interment. A burial space is set aside for interment of the remains of one human. Upon the burial of one (whole) human remains in a given space, no other interments shall be authorized in that space. Two (2) cremated human remains may be interred in one space.
- B. For good cause and to avoid undue hardship, the City Manager, in consultation with appropriate City staff, has the authority to make reasonable exceptions to the interment regulations.

REVISED: *(Ord. No. 3100-94, 04-20-94; Ord. No. 3475-04, 07-21-04)*

Sec. 7-111 Enclosures prohibited.

Fences, hedges, curbing and enclosures of any kind around lots are strictly prohibited.

(Code 1982)

Sec. 7-112 Improper inscription removal.

If any monument, effigy or any structure whatever or any inscription be placed in or upon any lot which shall be determined by the Sexton to be improper or offensive or injurious to the appearance of the surrounding lots or grounds, the Sexton shall report the same to the City Manager and, if after due investigation, the same is found to be improper, offensive or injurious, the City Manager shall order the owner to remove such improper, offensive or injurious subjects or inscriptions and if the lot owners neglect or refuse within thirty (30) days after receiving notice or order of removal to remove the same, then the City Manager shall cause the same to be removed.

(Code 1982)

Changed: 07-22-04

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Sec. 7-113 Purchase of lots; opening or closing of graves.

The purchase price for lots and burial spaces in municipal cemeteries shall be determined and fixed by resolution of the Board of Commissioners and no interment shall be permitted or deed delivered until such purchase price has been paid in full. All graves shall be opened and closed by persons employed by the City and the charges therefore shall be determined and fixed by the Board of Commissioners.

(Code 1982)

Sec. 7-114 Transfer of lots restricted.

No lot owner shall be allowed to sell or convey his lot or any part thereof by gift or otherwise unless such conveyance is filed of record in the Office of the City Clerk before such transfer shall become effective.

(Code 1982)

Sec. 7-115 Removal of bodies.

No body, after being interred in the cemetery, shall be removed from the cemetery or from one burial place therein to another in such cemetery without permission having been first obtained from the Sexton. The charges for the opening and closing of graves in the case of removal shall be the same as for regular interments.

(Code 1982)

Sec. 7-116 Notice of interment and permit therefore.

Whenever an interment is contemplated, timely notice thereof shall be given to the Sexton and the following information shall be given: name of deceased, name of owner of the burial space on which interment is to be made and legal description of such burial space. No burial will be permitted until a proper burial permit, as set forth by Kansas Statutes Annotated, is filed with the Sexton.

(Code 1982)

Sec. 7-117 Speed limit.

It shall be unlawful for any person operating a motor vehicle in a municipal cemetery to exceed a rate of speed of ten miles per hours (10 mph), which shall be the speed limit.

(Code 1982)

Sec. 7-118 Trespassing prohibited; penalty.

- A. It shall be unlawful for any person to walk over, upon or across or drive any over, upon or across any lot or burial space in municipal cemeteries except as is required by City personnel to maintain such cemeteries.
- B. A violation of this section is a Class C misdemeanor.

(Code 1982)

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Sec. 7-119 Fees and rates for certain services.

The Board of Commissioners shall establish from time to time by resolution fixed charges to be imposed and collected for services performed by the City in City-owned cemeteries.

(Code 1982)

